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INDIVIDUAL AUTONOMY
AND THE FAMILY

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAII IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

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ABSTRACT

In this essay I criticize a number of philosophers prominent in the Western tradition of social thought for having failed to develop a robust and fully adequate conception of individual autonomy. Building on the work of Lawrence Haworth, I offer a theory of individual autonomy which is robust enough to ensure that the autonomous person could not be highly immoral, a theory that constrains autonomy within a context of culture and tradition. Self-rule, I argue, is rationally sensitive to social and cultural values and occurs within a context of both internal and external restraints; autonomy precludes deravity. Further, I argue that the condition of individual autonomy, which involves a kind of individual flourishing, is to be valued over utility or happiness, political and legal equality, and even liberty.

Beyond elaborating a robust theory of individual autonomy, I explore some of the normative implications of a deep concern for condition of individual autonomy as these relate to education, childrearing, domestic abuse, and the privacy of both families and individual family members. Among the consequences of my theory are a program of education and ongoing support I suggest for parents and the view of the battered woman syndrome as a condition of diminished autonomy which should perhaps excuse but never justify the killing of a sleeping batterer.
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Concerned for the safety of children who might suffer too great a harm at the hands of their parents, Texas legislators have forbidden the use of deadly force in disciplining children. But they have not forbidden the use of violence that falls just short of being deadly. So it appears that the lone-star state allows the treatment of children that would be considered criminal were it directed toward anyone other than one's own child. And such an injustice is not rationally supportable. Yet the failure to protect children from abusive or negligent parents is hardly an isolated phenomenon. A parent in Michigan, for instance, who does nothing to stop her live-in boyfriend from habitually beating her twelve year old son has done nothing wrong enough to be considered criminal. And at a time when large numbers of people are willing to commit civil disobedience and even homicide, all allegedly to protect the unborn, it must be asked why there is not a


similar zeal for the safety and welfare of children after they have been born.

But children are not the only ones who sometimes find that the law has failed to protect their most fundamental human rights. A very large number of women, for instance, live in jurisdictions where married women are not allowed to refuse sex with (perhaps I should say by) their husbands, where marital rape is thought to be a far less serious matter than other rapes. Indeed, married men in Oklahoma may rape with impunity so long as they victimize only their wives. And even though it is perfectly obvious that in getting married a person makes only the vaguest life-plan commitment, gives only a very general and conditional sort of consent to share their life with another person, it is not widely enough understood that this general and conditional consent does not constitute consent to any particular. In other words, even though some judges and legislators have yet to recognize it, a marriage on Saturday morning requires neither

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party to engage in sexual relations on, say, the following Monday. Lacking such an understanding, however, our courts and legislatures are still having a hard time dealing with family issues in a way consonant with the rights and needs of all involved.

A major impetus for the essay that follows was the belief that our continual failure to implement morally adequate remedies for some of the more apparent injustices of family life is due at least in part to our failure to construct a coherent and reasonably complete view of individual autonomy as it develops and exists within the context of society. I argue that a more complete, more robust conception of individual autonomy can enrich and clarify our understanding not just of the practices and dynamics of the family, but of the social and legal practices regarding the family and its members as well. The question, then, concerns whether that account is apposite, whether a reasonable and adequate story can be constructed in support of it.

In order to construct such a story I begin with an examination of certain writers prominent in Western thought, first, to see what has been said in regard to self-rule and, second, to analyze some of the shortcomings of previous positions concerning individual autonomy. In chapter one, the work of John Locke, Jean-Jacques Rousseau, Immanuel Kant, John Stuart Mill, and John Rawls will be examined to get clear about their thinking on familial relations
and the social status of women and children. It will be seen there that none of the writers considered managed to employ consistently an adequate conception of individual autonomy. Chapter two will be concerned to articulate in greater detail the shortcomings displayed in the first chapter. I argue that while Locke's view of individual autonomy is too undeveloped to yield any useful answers to ordinary but important questions regarding the differential treatment of children and adults, Rousseau's very well developed view is poisoned by unjustifiable sexism and lacked any adequate standard of moral rationality. Concerning the Kantian view of individual autonomy I argue that it is a bit too thin to be of much help in the present project. Mill, on the other hand, seems to have been somewhat ambivalent about the proper scope of individual autonomy, even within the confines of his On Liberty. There are points where he argued for an apparently unqualified libertarian position on individual liberty. Yet his views regarding who should be allowed to have children and the conditions under which they should be raised, together with his thoughts about the importance of human perfection, appear to be at odds with his libertarianism. At bottom, it seems that Mill's thinking on individual autonomy was left unfinished. Finally, I argue that Rawls's theory of individual autonomy, laudable piece
of work that it is, is adequate only when it is restricted to questions of distributive justice.

In chapter three, after reviewing the work of Harry Frankfurt, Gerald Dworkin, and Lawrence Haworth, I offer my own theory of individual autonomy. The theory I present is taken largely from Haworth, but differs from his view in three significant respects. The Haworthian theory says that it is competence, self-control, and procedural independence, a condition marked by critical reflection on reasons, beliefs, principles, values, and so on, that together constitute individual autonomy. With that general framework I am in complete agreement. However, I reject what I take to be the needlessly hierarchical structure he as well as Frankfurt and Dworkin gave to the process of critical deliberation. I also reject his account of good reasons, offering in its place an account of warranted belief. Finally, I depart from Haworth, as well as from many others in the Western tradition, by trying to weave the autonomous person into the fabric of life. I do this by discussing, first, the relations between freedom, the restraints of culture and tradition, and individual autonomy and, second, what I call primary psychological goods, conditions necessary to the unimpeded development of normal autonomy. To the extent that I am successful in this project, I show that the autonomous person
could not be highly immoral, that individual autonomy precludes depravity. Following a full elaboration of my theory of individual autonomy, I offer argument designed to persuade libertarians, utilitarians, contractarians, and Rawlsians that they too must think of individual autonomy as being of fundamental importance to their systems of value.

After my theory has been displayed, I go on in the remaining chapters to draw out some of the normative implications of a deep concern for individual autonomy. In chapter four I enlist the aid of Amy Gutmann and Joel Feinberg to argue that in addition to conscious social reproduction a primary goal of education ought to be the creation of autonomous individuals. Then I take a lead from Kenneth Kipnis to argue that childrearing is and ought to remain a communal task shared by people in a variety of roles and that the dimensions of these roles largely determine the nature and extent of their responsibilities regarding children.

In chapter five I take up the matter of domestic abuse, arguing that a deep concern for individual autonomy demands that we stop tolerating the psychological and physical abuse of children, that abuse can have a deleterious effect on a child’s budding autonomy. Further, I argue that the battered woman syndrome is a condition marked by a loss or significant diminution of normal autonomy and, therefore, that the battered woman
syndrome defense should not be characterized as a form of traditional self-defense. That a woman suffers this syndrome should be considered as a mitigating or in some cases as an excusatory factor, but it should not be thought of as a justification. Finally, I suggest in this chapter that as a treatment for domestic abuse problems we should institute a program of education and ongoing support for parents and potential parents. Such a program would go some way toward ensuring that parents are reasonably fit and properly educated for their very important role in the communal task of childrearing.

In the sixth and final chapter of this essay, I take up the connections between individual autonomy and privacy as these relate to the family, arguing that while privacy is a necessary support for individual autonomy, in that it both protects and allows autonomy to flourish, we should not use privacy as a reason for refusing to provide adequate protections for women and children within the family.
CHAPTER 1
AUTONOMY IN RECENT WESTERN THOUGHT

Introduction

"The most egregious example of the law's callous attitude toward intra-family violence is the common law rule, still in existence in many states, that a husband who forcibly rapes his wife cannot be prosecuted for the offense."¹ But how, it must be asked, can a society that claims to prize liberty and to respect individual rights and legal equality allow such an apparent inequality as this to stand? What if anything could be thought to justify a condition wherein the husband's right to autonomy is greater than that of his wife?² After all, modern America is not a feudal society, as such attitudes regarding marriage might seem to suggest. This glaring inequality will be a major focus in this essay.

But married women are not the only ones who suffer on account of the law's disregard. In our society children too are often


² "Autonomy" will be considered at length and defined in the third chapter of this essay. For now it will be enough to understand the term in its ordinary sense as self-rule.
left unprotected, not just in a condition of inequality, which in most ordinary cases is understandable and seems easy to justify, but in a condition where there is no remedy for and no relief from severe violence and even terrorism. Under a recently enacted Michigan statute, for instance, a parent is not required to protect its child from the ongoing physical abuse of others.

Under the new statute, a parent’s omission which results in serious harm to a child is criminal only if that omission involves a willful failure to provide food, clothing or shelter or if it involves the willful abandonment of the child. The failure of a care-giver to take positive action to stop another from habitually abusing a child is not a punishable omission under the current law.³

Of course, a major difficulty here is that while children do indeed need to be protected, American law does not in general recognize a duty to protect others from harm. And the problem is further complicated by the fact that such a duty would in some

cases require a person to bear witness against his or her spouse, child, parent, or other close relative. So the correct balance between the rights of children and those of other family members is not easy to strike. But where the Michigan legislature may be criticized for doing too little to protect children from violent and/or undisciplined parents, Texas lawmakers may be criticized for turning a blind eye to the problem. They have seen no conflict whatever between the rights of children and those of their parents, except where the child's right to life is concerned. Parents in Texas are not allowed to use deadly force in disciplining their children, but just how short of that limit a parent must remain is a little unclear. In a recent paper, Elizabeth Gibbons pointed out that

many parents believe it is their right to physically discipline their children in any manner they deem appropriate. What is considered assault and battery upon an adult is considered mere discipline when inflicted upon a child. Excepting fatal force, Texas law expressly sanctions the use of physical force to discipline children.\footnote{Gibbons, \textit{Surveying Massachusetts' Child Abuse Laws: The Best Protection for Children?}, 26 Suffolk U. L. Rev. 107, 111-12 (1992).}
The view, however, that children enjoy fewer uncontested human rights than do adults is anything but a harmless anachronism. It is an unjustifiable diminution of the rights of children as sentient human beings. And a part of the reason that such thinking continues not just among the uneducated where it is easier to understand, but among legislators and even the very well educated is that in considering autonomy and familial relations some of the most prominent philosophers in the Western tradition have given us views which, while they are in many respects both ingenious and progressive, are in some ways rather feudal. So we should not wonder when courts and legislatures have difficulties in dealing with the myriad of problems that arise in and in regard to families.

Therefore, I will begin the project of getting clear about the connections between autonomy and equality, especially as concerns the family, with a review of Locke, Rousseau, Kant, Mill, and Rawls to see how they view the autonomy rights of and within the family. By examining how the relationships between autonomy and equality have been characterized in the past, it will be easier to see what went wrong and what corrections might be best. Finally, while these few philosophers do not exhaust the various views of marriage and the family held within the Western tradition, they are central enough and display enough of the
tradition to allow a clear view of some fundamental problems that have plagued Western thought about autonomy, equality, and the family.

John Locke

The Lockean family is initiated by voluntary agreement between a man and a woman, primarily and essentially, although not exclusively, for the purpose of procreation and continuation of the species. This union should last at least as long as is necessary to ensure that any children produced are sufficiently nurtured to provide and care for themselves. Additionally, children are (at least male children are) born with a right to inherit their father's property, a right co-extensive among siblings. Whether the right to inherit entails a parental duty to accumulate or, at least, not to squander is unclear. But it does seem that the permissibility of divorce as well as of any change in agreement not commensurate with the provision of inheritance is contingent upon its having already been provided for or, perhaps, upon the couple's being childless. Once children have been nurtured and adequately

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6 Ibid.
7 Ibid., pp. 393-94.
provided for, however, parents may change the terms of their initial agreement as they see fit.\(^8\) Also, while Locke would have parents lose the power to command when their children emerge from their minority,\(^9\) he does not tell us when or even how we are to recognize that the time for emancipation has arrived.

At the same time, neither the law nor its representatives may abridge the rights and powers necessary to the marital ends of procreation and mutual support.\(^10\) But if parents disagree as regards these essential ends, presumably about how or to what extent they shall be fulfilled, then the law may decide the matter.\(^11\)

Should parents find themselves at odds with one another over matters not touching these essential ends yet still concerning “things of their common Interest and Property,” then the man is to be the final arbiter. Why? Because he is “the abler and stronger.”\(^12\)

Concerning marriage, then, while Locke never argued for rigid gender-based roles, neither did he argue for equality between the sexes.

\(^8\) Laslett, *Two Treatises*, p. 321.

\(^9\) Ibid., p. 316.

\(^10\) Ibid., pp. 321-22.

\(^11\) Ibid.

\(^12\) Ibid., p. 321.
Regarding the raising and education of children, his view was that education should aim at virtue, wisdom, breeding, and learning.\textsuperscript{13} The first of these, virtue, is the most necessary and should be founded on a Christian conception of God as an omniscient individual who does good to those who love and obey him.\textsuperscript{14} The development of this virtue can be facilitated by getting children to offer simple but frequent prayers or other acts of devotion.\textsuperscript{15} Reading, writing, and other learning, while necessary, are of merely secondary importance. It is Christian virtue that is primary and should be given an early start by repeating the Lord’s Prayer, the Creeds, and the Ten Commandments to the children and encouraging them to commit them to memory.\textsuperscript{16} After all, the most important area of study concerns that knowledge which can direct us to Heaven.\textsuperscript{17} Further, children must be taught to bring

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\textsuperscript{14} Ibid., p. 95.
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\textsuperscript{15} Ibid.
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\textsuperscript{16} Ibid., p. 212.
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their appetites under the rule of reason, a task most easily accomplished by instilling in them as soon as possible a love of praise and commendation. Yet, if children are obstinate or rebellious, then they should be made by the use of force to submit.

But yet there is one and but one Fault, for which, I think, Children should be Beaten; and that is, Obstinancy or Rebellion. And this too, I would have it ordered so, if it can be, that the shame of the Whipping, and not the Pain, should be the greatest part of the Punishment... But Stubbornness, and an obstinate Disobedience, must be master'd with Force and Blows: For there is no other Remedy.

Given Locke's views regarding family and education, autonomy seems rather unevenly distributed. The equality he sought for propertied males did not seep into the family. Fathers in the Lockean scheme will enjoy more freedom and control over their lives than will mothers. But children, even older children, will have no share of either. Until they are able to shift for themselves,

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18 Yolton and Yolton, Some Thoughts, p. 255.
the lot of children is quite simply either to endure obediently or to suffer force and blows. It seems odd that a physician should think of “Force and Blows” as a remedy. But, of course, he did hold that shame should be the greatest part of the punishment, which might be taken as a warning not to be too severe. His choice of words, however, may tend to obscure that interpretation. And the problem is that this issue, the question of whether and to what degree it is permissible or even advisable to use physical force on a child, is one many parents resolve unthinkingly with excessive force. Surely Locke would not have allowed full-fledged citizens to use physical force against each other. Nor would he have held that a citizen when attacked by another has no right to self-defense, that is, a right to employ equal or even greater force against an attacker. So it is difficult to understand why things should be different within the family.

Locke was mistaken, however, to think that violence is the

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It should be noted here that while I do not intend to argue that it is never permissible to spank or slap a child, it does seem clear that one who claims it is permissible to use physical force on a child bears the burden of proof. Assuming that it is prima facie wrong to use physical force against another person, any claim that it is not wrong will need justification.
only remedy for obstinace and rebellion. When parents manage to raise their children such that the children see them as proper authorities whose opinions are to be respected and whose decent regard is to be valued, a stern disapproval will almost always be more efficacious than the use of violence. That aside, however, it remains to be asked why children may not exercise the natural right to self-defense against their parents. Why do children lack a right in regard to their parents which they presumably would have in regard to most if not all others? This inequality cries out for justification. Even if it is granted that children have no autonomy rights, I should think that the denial of one of their fundamental human rights still requires justification.

Another problem in Locke’s thinking concerns the status of married women. The husband is to manage the marital property and have the last word in all matters concerning the family and its maintenance. So in marriage the woman, but not the man, is denied control over her children, any community property, and to a large extent the activities or occupations that will make up her life. Control in such matters, Locke thought, should be left to men, because they are in his view stronger and abler than women. Frankly, it is difficult to see the relevance of strength in determining who should make important decisions regarding the disposition of property or the management of families. Ability,
however, is quite another matter. But the problem here, at this point in time at least, is that there would seem to be no good reason to think that men are in general abler than women when it comes to making decisions of the sort at issue. At any rate, even allowing that Locke could have persuaded most of the men and perhaps many of the women of his time that male dominance was both right and prudent, it is now far from self-evident that husbands are in general abler than wives and, so, should as a matter of course have the final say in important family decisions.

Of course, it might be objected here that Locke allowed for the control of marital property, mutual assistance, and other things belonging to the marriage to be determined by the terms of individual contracts. So perhaps the husband’s rule could be negotiated away. But why should the man come to the bargaining table possessing more rights than the woman? Why should she have to bargain for equal standing? There appear to be no good reasons which might justify the inequality? Locke was mistaken to see a basis in nature for a husband’s right to rule. And he appealed to nothing else as a ground for the right. Such conditions of inequality were and are mere social conventions having no reasonable or natural foundation.

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21 Laslett, Two Treatises, p. 322.
At bottom, while it must be granted that the Lockean view of autonomy was a bold move in the direction of liberation from despotism and toward equality among mankind, it was merely a political right possessed only by men and did not reach into domesticity. Of course, Locke's view does seem to represent a natural extension of the concept's original employment in talk about the independence of states, which is not to say that it was the first such extension. And at a time when the state had taken its autonomy too seriously and too far, there was more than mere philosophical interest involved in making the move from talk of a state's right to rule itself to talk of the same right, or a version of it, for persons. Indeed, there was practical urgency as well. But when autonomy is considered only from a political perspective that looks mainly just at encroachments upon autonomy, the concept is insufficiently clear; it will not be robust enough to help us understand the extent to which a person, both with and without regard to gender, age, or marital status, should be left free to conduct his or her own life. And without such an understanding, it will be difficult if not impossible to think clearly about equality.

**Jean-Jacques Rousseau**

Rousseau thought that political society should be modeled on the traditional family; that "the leader is the image of the father,"
the populace is the image of the children." The only disanalogy he saw was that while fathers care for their children out of love, the leader takes his pleasure in commanding. And the pleasure would be considerable, inasmuch as the sovereign will not be subject to the law he establishes for others. The extent to which a citizen may be required to sacrifice his liberty and possessions for the good of the community will be determined by the sovereign. One may even be required to give up his life. For the right to life is nothing but "a conditional gift of the state." Yet any and all burdens deemed necessary by the sovereign must be distributed equally among the citizens. So while agreement to the social compact may entail great risk, one can be assured at least that he or she will not be singled out for special maltreatment.


Ibid., 142.
Ibid., p. 157.
Ibid., p. 159.
Ibid., p. 158.
Another necessary feature of Rousseau’s political society is a civil religion. “[I]t is of great importance to the state that each citizen have a religion that causes him to love his duties.”\textsuperscript{27} The sovereign shall establish the general articles of this religion, which should be “sentiments of sociability, without which it is impossible to be a good citizen or a faithful subject.”\textsuperscript{28} The dogmas of this civil religion “ought to be simple, few in number, precisely worded, without explanations or commentaries. The existence of a powerful, intelligent, beneficent divinity that foresees and provides; the life to come; the happiness of the just; the punishment of the wicked; the sanctity of the social contract and of the laws.”\textsuperscript{29} Should someone refuse to accept this minimal religion, then he may be banished from the state, “not for being impious but for being unsociable, for being incapable of sincerely loving the laws

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\textsuperscript{28} Ibid.
\textsuperscript{29} Ibid.
\end{flushright}
and justice, and of sacrificing his life, if necessary, for his duty.\textsuperscript{30} At the same time, should someone publicly accept this religion and then behave as though he does not believe it, "he should be put to death."\textsuperscript{31} Such severity is required because it "is impossible to live in peace with those one believes to be damned."\textsuperscript{32}

There is, in point of fact, very little regard for individual autonomy in the Rousseauvian state. Only the sovereign will enjoy any meaningful right to autonomy; everyone else will be subject to his will. And given that he saw a close analogy between the family and the state, it is reasonable to conclude that the inequality between sovereign and citizen translates to a similar inequality between fathers and their children, which seems reasonable enough at first glance. But when it is noticed that wives and

\textsuperscript{30} Rousseau, "Social Contract," p. 226. The idea that only religious persons can love their country and its law to the extent that they would risk life and limb in its defense is clearly false. For many non-believers have done precisely what Rousseau claimed they were incapable of doing.

\textsuperscript{31} Ibid.

\textsuperscript{32} Ibid. But what if the majority found it impossible to live in peace with those who think the notion of eternal damnation makes any sense?
women generally are left out of the analogy, just how they are to fit into the structure of the family is unclear. Obviously, women are not to be thought of as fathers. Yet it also seems wrong to think of them as children. So, what is or what should be the status of women within the family? Rousseau’s political writing leaves the question unanswered. His work on education, however, leaves no doubt regarding his view of women and their proper roles.

Rousseau’s thought regarding the family, its workings, and the moral status of its members comes out most clearly in his *Emile*. “A perfect woman and a perfect man ought not to resemble each other in mind any more than in looks. . . . One ought to be active and strong, the other passive and weak. One must necessarily will and be able; it suffices that the other put up little resistance. Once this principle is established, it follows that woman is made specially to please man.” All3 She should be raised, therefore, with that one purpose in mind, to be a submissive wife and devoted mother, a role which requires that she be given an education very different from the one given to men. All4 A woman should be taught to “please men, to be useful to them, to make herself loved and

34 Ibid., p. 363.
honored by them, to raise them when young, to care for them when grown, to counsel them, to console them, to make their lives agreeable and sweet.\textsuperscript{35} So, while women do not exist in political society, within the family they have the status of playthings and care givers. For these two roles suit their nature best.

In general, education should always follow nature. For while nothing natural is bad, anything that "hinders and constrains nature is in bad taste."\textsuperscript{36} Young women should be taught what is useful to them, mainly those skills required in the performance of household management and chores, but also the art of pleasing men. Further, it is important that they be constrained very early to prevent the defects of idleness and disobedience.\textsuperscript{37} A woman must always submit to authority, first to that of her parents, then to that of her husband. Her own will, if it is to have any effect, will need to operate covertly. So she must be taught to conquer herself,\textsuperscript{38} "to learn early to endure even injustice and to bear a husband's wrongs without complaining."\textsuperscript{39} And religion is no exception. Here,

\textsuperscript{35} Bloom, \textit{Emile}, p. 365.
\textsuperscript{36} Ibid., p. 367.
\textsuperscript{37} Ibid., p. 369.
\textsuperscript{38} Ibid.
\textsuperscript{39} Ibid., p. 370.
too, women ought to submit to the will of men, a wholly natural arrangement inasmuch as women are not capable of abstract reasoning, but merely of instrumental calculation.\textsuperscript{40} Yet this is an important capacity, since the “happiness of a decent girl lies in causing the happiness of a decent man.”\textsuperscript{41} For women, then, a great deal hinges on the choice of a husband. It is a choice so important that a young woman should be left free to make it herself,\textsuperscript{42} which seems an odd concession. After all, inasmuch as this is the first and only significant decision she will be allowed to make, it would be unreasonable to expect her to choose other than poorly. No woman may choose her first master and, given a Rousseauvian upbringing, may not be fit to choose her second.

The education of a young man, on the other hand, should be designed to produce a free and independent adult, a task that will require a great deal of isolation. For should he come to understand that there are adults who reason no better than children, the authority of age will be lost and his education will be a failure.\textsuperscript{43} Yet the good of the child is both the guiding principle and the limit of

\textsuperscript{40} Bloom, \textit{Emile}, p. 377.

\textsuperscript{41} Ibid., p. 399.

\textsuperscript{42} Ibid., p. 401.

\textsuperscript{43} Ibid., p. 57.
parental authority. The young man should never come to realize that he is commanded. Nor should he be allowed to command others. Rule him not by authority, but by force. "Let him know only that he is weak and you are strong, that by his condition and yours he is necessarily at your mercy. . . . Let him see this necessity in things, never in the caprice of men." He should run, play, and occupy his time doing more or less whatever he likes. And should he like now and then to do what he ought not to do, he should not be punished directly. Instead, punishment should come (or seem to come) as a natural consequence of his bad behavior. How this deception is to be accomplished Rousseau did not say.

As for schooling, the natural young man should be given no formal education. He should not even be taught to read until he is at least ten years old and should be given no books until he is

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Bloom, *Emile*, p. 85. It is worth noting here that this standard—the good of the child—is intolerably vague. Too many of the beatings inflicted on children by adults who have authority over them are dispensed for the "good" of the child. Without well-considered content, the standard in question is a dangerous one.


Philosophy, history, religion, politics, psychology, and other academic subjects should be reserved for late adolescence or early adulthood, and should be studied only if, when, and as the young man pleases.

And what of autonomy on Rousseau's view? To what extent are families and individual family members free to direct the course of their own lives? One thing is clear about his thinking. Women will enjoy some control of their lives only if they do not marry. Lacking political equality with men, however, they will have little to no say about the forming or reforming of the society in which they live. Married women, on the other hand, will enjoy autonomy at the whim and will of their husbands. For the husband is sovereign and without equal in his domain. In the home, women are subservient to their husbands; outside the home they may gain access to social, political, and business arenas only through the guileful manipulation of male children and men. Women, in short, are to have no significant control over their own lives. Men, it seems, will enjoy autonomy only at the whim of the sovereign; it may be fairly extensive or virtually nonexistent. And women will enjoy a truncated sort of autonomy only if their husbands allow it. The Rousseauvian state is marked by inequalities and a

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meaningful right to individual autonomy held only by the sovereign.

**Immanuel Kant**

A major problem for Kant was his view of sexual relations. He believed that sex is inherently animalistic and degrading, worse even than suicide.\(^49\) It is a “feeble surrender to animal impulse,”\(^50\) and counts as an instance of treating oneself as a thing, of denying one’s own humanity. Yet this treachery against oneself is permissible within the context of monogamous marriage, where the sexual degradation is reciprocal.\(^51\) Marriage is a sexual union between a male and a female wherein each gains lifelong possession and use of the other’s sexual organs.\(^52\) Through this mutual acquisition, each of the other as a thing, “each reclaims itself and restores its personality.”\(^53\) Furthermore, this marital

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\(^50\) Ibid.

\(^51\) Ibid., pp. 96-97.

\(^52\) Ibid., p. 96.

\(^53\) Ibid., p. 97.
right to both the possession and the use of another person is somewhat like a property right.

That this right against a person is also akin to a right to a thing rests on the fact that if one of the partners in a marriage has left or given itself into someone else’s possession, the other partner is justified always and without question, in bringing its partner back under its control, just as it is justified in retrieving a thing.\textsuperscript{54}

But if marriage consists in the lifelong possession of another person coupled with an unqualified right to retrieve that other, then divorce would appear not to be an option, which makes marriage into an contract involving a rather significant loss of freedom, especially for women, who are to be subordinate to their husbands. For owing to the natural superiority of the male’s capacity to promote the common good of his family, men are to be the masters of their wives.\textsuperscript{55} So, a woman gives up more freedom when she marries than does a man; she takes on a master she did not have before and thereby becomes even less free than she was,

\textsuperscript{54} Kant, \textit{Metaphysics of Morals}, p.97.

\textsuperscript{55} Ibid., p. 98.
which is not to say that an unmarried woman enjoys much freedom or any sort of equality with men; in the Kantian system she does not.

No woman can be an active citizen. No woman has a right to a voice in the political process, because none possess the civil independence required in the Kantian scheme for active citizenship. Unlike men, all of whom may at least aspire to full and equal citizenship, women must live under a state they will never be allowed to influence or participate in, an inequality based on a distinction between active and passive citizenship. The distinction is difficult to draw, but seems to depend upon both gender and property. All and only men may become active citizens. But, of course, not all men will be able to achieve the necessary independence.

[Without civil personality are] all women and, in general, anyone whose preservation in existence (his being fed and protected) depends not on his management of his

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own business but on arrangements made by another (except the state). All these people lack civil personality. . . . [T]hese are all underlings of the commonwealth because they have to be under the direction or protection of other individuals, and so do not possess civil independence.\textsuperscript{57}

Women, then, must always be under the governance and control of men. The unique and inferior nature of women requires that society be inegalitarian and patriarchal. Susan Mendus has made clear the sexual asymmetry in Kantian thinking.

[W]omen are not ends in themselves, but are fully realized as women only when they submit to becoming means to some further social end--the unity and coherence of the family. . . . The crucial point then is that

\textsuperscript{57} Kant, \textit{Metaphysics of Morals}, p. 126.

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... her nature is different from man's nature. This difference justifies her different status.⁵⁸

Concerning children, Kant asserted under the rubric of Parental Right that the act of procreation within marriage entails a duty of preservation and care in regard to the children. Yet under law this duty holds only in the case of legitimately born children. Children born out of wedlock do not exist in the eyes of the law and, so, while it is wrong to kill them, it is not illegal.⁵⁹

Just as there arose from one's duty to oneself, that is, to the humanity in one's own person, a right (ius personale) of both sexes to acquire each other as persons in the manner of things by marriage, so there follows from procreation in this community a duty to


⁵⁹ Kant, Metaphysics of Morals, pp. 144-45.
preserve and care for its *offspring*; that is, children, as persons, have by their procreation an original innate (not acquired) right to the care of their parents until they are able to look after themselves.\(^{60}\)

By the act of procreation “parents incur an obligation to make the child content with his condition so far as they can.”\(^{61}\) When this task has been accomplished, the child is then free, owing nothing more to his or her parents than a debt of gratitude.

Finally, the parental right, like the marital right, is to be thought of as being in some respect like a property right.

For when we speak of the rights of parents to children as part of their household, we are referring not merely to the children’s duty to return when they have run away but to the parents’ being justified in taking control of them and impounding them as things (like domestic animals that have gone astray).\(^{62}\)

\(^{60}\) Kant, *Metaphysics of Morals*, p. 98.

\(^{61}\) Ibid.

\(^{62}\) Ibid., p. 100.
Kant does not seem to have thought of women or children as persons. He thought that children should be emancipated when they are able to look after themselves, but gave no attention to the question of how to determine when this condition of self-reliance has been attained. Nor did he inquire into the traits or characteristics necessary for a person to be rationally self-reliant.

At bottom, Kant’s view of family relations is grim and stands in stark opposition to one of his greatest moral insights: that humanity should always be treated as an end in itself and never merely as a means. Children are left to their parents’ often incorrect notions of what will make the children content with their condition. Neither men nor women are free to extricate themselves from an intolerable marriage. Women are subordinated not just to their husbands, but within political society to men in general. And autonomy, understood as the right to self-rule, is a male privilege.

John Stuart Mill

The writings of Mill mark a decided turn in Western thinking about women, anyway, the thinking of men. He argued that the equality of married persons before the law is . . . the sole mode in which that particular relation can be made
consistent with justice to both sides, and conducive to the happiness of both.\textsuperscript{63}

From a feminist point of view,\textsuperscript{64} Mill's thinking in regard to marriage represents a considerable improvement over his predecessors' positions. At last, an influential, male writer had taken up the cause of women's equality and suffrage. He even went so far as to argue that men and women should be able to end a marriage whenever either of them deems it necessary.\textsuperscript{65} Yet Mill never quite got free of the inegalitarianism that preceded him. He took a position regarding the proper place and function of women within a more perfect society that seems to undermine his otherwise egalitarian view. While arguing that women should be


\textsuperscript{64} A feminist is a person who believes that men and women are entitled to the same moral and legal rights, the same degree of personal autonomy, and the same educational and occupational opportunities.

educated in a way that will help them gain economic independence from men, he made the following concession to patriarchal thinking.

It does not follow that a woman should actually support herself because she is capable of doing so: in the natural course of events she will not. It is not desirable to burthen the labor market with a double number of competitors. In a healthy state of things, the husband would be able by his single exertions to earn all that is necessary to both: and there would be no need that the wife should take part in the mere providing of what is required to support life: it will be for the happiness of both that her occupation should rather be to adorn and beautify it.⁶⁶

It should, of course, be granted that in a healthy society the wages of a single ordinary adult should be sufficient to support a household and at least some children. But why should it be the husband's place to earn that wage? And is there something about men that makes them incapable of adorning and beautifying life, that is, in addition to whatever else they might choose to do? At any

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rate, that Mill created a problem for himself with his view of marriage has also been noticed by feminist writers. Carole Pateman, for instance, has argued that by advocating a division of labor based on sex that leaves women tied to the domestic sphere, Mill undercut his own argument for the enfranchisement of women.

The obvious difficulty for his argument is that women as wives will be largely confined to the small circle of the family so they will find it hard to use their votes to protect their interests. Women will not be able to learn what their interests are without experience outside domestic life.\(^67\)

But Pateman seems to have drawn the wrong conclusions regarding the division of labor. It seems unlikely that many women would be stultified in the way she fears simply because of a sex-based division of labor. After all, it is not as though by working outside of one's home a person is necessarily made aware of one's real interests. Nor is it the case that being in charge of most or even

all of the domestic duties one might ordinarily encounter somehow requires a person to be an ignorant recluse. And nothing in Mill indicates that he thought women should just stay home all the time. Surely he would allow that an active and intellectually stimulating social life is as much a woman’s right as it is a man’s. Indeed, it could be argued that one who works only in the home, where time can be managed more flexibly, may be better able to keep up with current events, political discussions, important medical news, and so on than one who must spend ten to fourteen hours a day at a job outside the home.

Pateman was right, however, to be concerned about such facile pigeonholing. Mill’s gender-based division of labor works a disservice to both men and women by assuming that they differ greatly as to what makes life salutary for each. Why should men be satisfied to leave the care and nurturing of their children exclusively in the hands of women? And why should women be content with being just wives, mothers, and adornments who beautify life? Might it not be the case that women desire accomplishments and personal achievements outside the home too? Moreover, the notion that women should ever be mere adornments seems to involve a view of women not as persons, but as things to make the lives of men more pleasurable. And while there is nothing wrong in women giving pleasure to men, it seems
an unreasonable hobble on both their capacities and their possible desires to make it their purpose or goal. Of course, it should in fairness be noted that one of Mill’s concerns in setting up a gender-based division of labor was the prevention of a condition familiar to many “liberated” women today, women who, having found a rewarding niche in the workplace, are still largely responsible for managing and maintaining the household. For, as he pointed out, a woman who chooses a career outside the home is seldom relieved on that account of any domestic burdens. Nonetheless, Mill may be criticized for failing to appreciate the extent to which popular culture, literature, philosophy, and even science had all conspired with the fact of female biology to constrain the liberty of women, for failing to see that the roles of wife and mother had been mythicized and glorified to such a degree that most women were and many still are unable to consider seriously any other path in life.

In an otherwise just state of things, it is not a desirable custom that the wife should contribute by her labor to the income of the family. . . . Like a man when he chooses a profession, so, when a woman marries, it may in general

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be understood that she makes choice of the management of a household, and the bringing up of a family, as the first call upon her exertions.⁶⁹

For women, then, marriage and parenthood are career choices which exclude other alternatives, since Mill thought, and perhaps correctly in many cases, that a career would prevent the proper performance of marital and parental duties.⁷⁰ For men, however, marriage and parenthood are not careers. In any case, we should also wonder about the effect of such an arrangement on the economic independence of women who, after some years of marriage, find themselves divorced. Supposing that a woman comes to marriage fully capable of earning her own way in the world, several years of not doing so is likely to cause pertinent knowledge to fade and skills to atrophy or become obsolete. Her competitors would be younger and probably more relevantly educated. She would be worse off than she was at the start. So while Pateman was right to be troubled by Mill's gender-based division of labor, she was mistaken to think that the problem was one of women being cloistered away in the home where they would

⁶⁹ Rossi, The Subjection, p. 179.

⁷⁰ Ibid., p. 178.
be unable to discover their own interests and, so, would be unable to protect their interests with their votes. Instead, the problem is the risk of women losing or even foregoing the economic independence Mill thought they should have.

While Mill's thinking on women and marriage was in many ways egalitarian, it was nonetheless blind to some of the problems involved in relegating women to domesticity. And this flaw led to yet other problems with regard to children.

If a man, through intemperance or extravagance, becomes unable to pay his debts, or, having undertaken the moral responsibility of a family, becomes from the same cause incapable of supporting or educating them, he is deservedly reprobated and might be justly punished.  

Furthermore,

to bring a child into existence without a fair prospect of being able, not only to provide food for its body, but instruction and training for its mind is a moral crime, both against the unfortunate offspring and against society....

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Mill, On Liberty, p. 79.
[Therefore], laws which forbid marriage unless the parties can show that they have the means of supporting a family do not exceed the legitimate powers of the State.\textsuperscript{72}

Such restrictions may sound somewhat oppressive, but in fact display a genuine concern for the rights and potentialities of children. Given modern advancements in birth control methods, Mill might modify his position and probably would allow that while marriage may be permissible between people who cannot prove themselves capable of supporting a family, procreation is not. For he was not interested in diminishing the liberty of poor people, but rather in protecting the interests of those individuals they might create. On his view,

\begin{quote}
The State, while it respects the liberty of each in what specially regards himself, is bound to maintain a vigilant control over the exercise of any power which it allows [a person] to possess over others.\textsuperscript{73}
\end{quote}

In line with this thinking, Mill suggested that public


\textsuperscript{73} Ibid., p. 103.
examinations be regularly administered to ensure that children both acquire and retain a certain unspecified minimum of knowledge. Should they fail to meet this standard, then it would not be unreasonable to subject their parents to fines or compulsory labor.\footnote{74 Mill, \textit{On Liberty}, p. 105.} Also, he thought that “there is no reasonable objection to examining an atheist in the evidences of Christianity, provided he is not required to profess a belief in them.”\footnote{75 Ibid., p. 106.} He even thought that it would be permissible to teach religion to children, “if their parents chose, at the same schools where they were taught other things.”\footnote{76 Ibid.}

It might be asked, however, what point there is in subjecting an atheist to an examination on Christianity. Conversion seems most unlikely and, moreover, would not be a valid state objective on Mill’s view. Of course, it might be argued that the New Testament, even if it is purely fictional, teaches a variety of important virtues and moral lessons. Yet there are other and perhaps more effective ways to instill virtue in and teach morals to children. Finally, it should be asked why he mentioned only Christianity. After all, anyone who regards individuality and social diversity as highly as
Mill did and does not object to religious instruction should have seen a benefit in offering instruction in other religions as well.

In any case, not all education is gotten at school. The home is an earlier and perhaps more important place of learning.

The family, justly constituted, would be the real school of the virtues of freedom. It is sure to be a sufficient one of everything else. It will always be a school of obedience for the children, of command for the parents. 77

It might be asked here, however, whether it is the mother or the father who is to be most responsible for this education in the home. After all, the average father, relegated to earning a living for the family, will in all likelihood be away from the home most of his waking hours. So this duty would seem to fall on mothers, not just because they will be present, but also because they are on his view especially suited to the task.

The education which it does belong to mothers to give, and which if not imbibed from them is seldom obtained in any perfection at all, is the training of the affections: and

77 Rossi, "The Subjection," p. 175.
through the affections, of the conscience, and the whole
moral being. But this most precious, and most
indispensable part of education, does not take up time . . . .
She effects it by being with the child; by making it happy,
and therefore at peace with all things; by checking bad
habits in the commencement and by loving the child and
by making the child love her. It is not by particular effects,
but imperceptibly and unconsciously that she makes her
own character pass into the child.78

Mill's typically Victorian idealization of maternal influence on
the affections, while understandable, given the lack of feminine
input in his own childhood, cannot be left unquestioned. He made it
sound as though raising children well is some sort of innate talent
possessed by all and only women, a point on which he may have
been quite mistaken. Moreover, it must be asked why it should be
thought a good idea to imbue a young man with his mother's
character, given that his lot in life is so different from hers. Would
it not be better for the child, without regard to gender, to possess the
best character traits of both parents? Finally, it should be noted
that this method of training the affections will have a desirable

78 Rossi, "The Subjection," p. 76.
outcome only when the mother herself has been properly raised. For the problem is not in general that parents do not love their children, but rather that so few seem to understand how to make a child happy without spoiling it or how to check its “bad” habits without harming it. It is unfortunate that Mill did not give more thought to the characteristics a free person should possess as well as to the permissible methods for creating and nurturing those traits in children. For this, at minimum, is the knowledge we need to start stopping the cycle of abusive behavior that has infected families from time immemorial. There is far greater regard for individual autonomy and a plea for more extensive equality between the sexes in Mill than can be found in the works of other philosophers so far reviewed. However, his failure to spell out a theory of individual autonomy let him wobble a bit on the question of equality for women; it also allowed him to leave his thinking in regard to children rather incomplete.

John Rawls

No review of Western thought would be complete without some discussion of John Rawls’s *A Theory of Justice*. But Rawls did not think it necessary to consider either the place and function of family within society or the nature and form of permissible familial relationships. Apart from a few pages on the moral
development of children raised by intelligent, caring parents within a well-ordered society, he said very little about the family. Indeed, it is not even clear whether his two principles of justice are meant to apply to the family. His first principle, requiring equality in the assignment of basic rights and duties, seems applicable only to adults qua citizens, not to persons qua family members, and certainly not to children. After all, we cannot without more get from equal rights and duties for all to a less than equal status for children unless children (and various other incompetent persons) are excluded at the outset. But Rawls was well aware of the problem and sought to answer it with an argument from paternalism. “We must choose for others,” he said, “as we have reason to believe they would choose for themselves if they were at the age of reason and deciding rationally.” This principle, Rawls believes, follows from the original position; for people behind the veil “will want to insure themselves against the possibility that their powers are undeveloped and they cannot rationally advance their interests, as in the case of children; or that through some misfortune or accident they are unable to make


80 Ibid., p. 209.
decisions for their good, as in the case of those seriously injured or mentally disturbed. And while it must be admitted that the Rawlsian principle of paternalism will probably work quite well for the mentally incompetent and the very young, it seems likely to break down when applied to older children, especially those older children who, like so many, were raised by parents who were neither very intelligent nor terribly caring and who decided or just did bring children into a society that is anything but well-ordered. In cases such as this, there are likely to be sharp disagreements about what counts as the child's good and how the child's interests might best be advanced. And we should remember what Rousseau correctly pointed out; that there are adults who reason no better than children.

The Rawlsian justification of his principle of paternalism, then, is unconvincing. Understanding the general fact that parents are often incompetent and sometimes downright uncaring, no one in the original position would choose the principle of paternalism as Rawls has stated it. In other words, no reasonable person would willingly put herself under the control and at the mercy of some unknown parent. Moreover, the notion that requiring those in the original position to think of themselves

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as heads of households will do the necessary motivational work to ensure that children will at least inherit what is fair seems false on its face. After all, it was Rawls's idea that such a device would take care of otherwise knotty cross-generational problems. Yet, while he included the family as an appropriate subject for a theory of social justice at the very beginning of his theory, he thereafter pretty much ignored both the family and its members. And when it is considered that it is within the family that children are to gain the sense of justice necessary to the sort of deliberation that is to take place in the original position, the oversight is difficult to understand.

Rawls's theory of autonomy is of no help here either, at least, not as it stands. Whether his larger theory of justice contains the resources to construct a more robust, more useful theory of autonomy is a matter I shall address in the next chapter. But for now it will suffice to consider the following. Bob smokes cigarettes. He is well aware that this habit is quite harmful to his health and diminishes the quality of his life. He has tried to quit many times, but has never been successful. He hates the taste of tobacco, is embarrassed by his habit, and fervently wishes that he could quit. Is Bob autonomous as regards cigarette smoking? Does he rule

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*Rawls, A Theory of Justice, p. 7.*
himself or not? The obvious answer, the answer that any adequate theory of individual autonomy would yield is that Bob is not autonomous as regards smoking. But the Rawlsian theory of autonomy, as it is presently constructed, cannot yield this answer.

Conclusion

Having shown that a number of prominent Western thinkers, while attempting to establish equality among men, did rather poorly by women and children, it remains to be asked what sort of flaw or oversight may have contributed to this apparent problem. That will be the business of the next chapter.
CHAPTER 2
AUTONOMY: INCOMPLETE CONSIDERATIONS

Introduction
The preceding chapter displayed clearly enough the sorts of illiberalism to which certain prominent writers resorted when they considered women, marriage, family, or children. And while Mill's thinking stands in many respects starkly opposed to that of previous thinkers, his view was also found to involve problems regarding the independence of women and the autonomy interests of children. One cause of those shortcomings was the repeated failure to employ consistently an adequate conception of autonomy. The present chapter will try to show how those views went wrong.

I will begin with an examination of the thinking of John Locke, whose view of individual autonomy was a bit too undeveloped to answer ordinary but important questions regarding various sorts of differential treatment. Locke could not tell us, for instance, why we may correctly treat the ordinary adult as an autonomous person with a right to be self-governing at the same time as we treat the ordinary adolescent as less than fully autonomous. After Locke I shall take up an analysis of the work of Jean-Jacques Rousseau, who saw that individual autonomy was a complex character trait the development of which depends largely upon
proper parenting. Yet Rousseauvian thought suffered on at least two accounts. First, his romantic and sexist view of the proper relationship between men and women as well as of their proper roles in life poisoned his thinking about how children should be raised to such an extent that his, at points, brilliant treatise on education is now the target of derision more often than it is a subject of serious analysis. Second, Rousseau failed to develop any adequate standard of moral rationality. After Rousseau, I shall move to a critique of Kantian autonomy which, while it contains valuable insights regarding the importance of rationality and the primacy of humanity, does not go far enough to allow us a clear picture of the self-ruling person.

I shall next examine the position of John Stuart Mill, which as regards individual autonomy is somewhat less than clear. At points he seemed to advocate for an apparently unqualified libertarian position on individual liberty. But his views regarding who should be allowed to have children and the conditions under which they should be raised together with his thoughts about the importance of human perfection appear to be at odds with his libertarianism. At bottom, it seems to me, Mill's thinking on individual autonomy is incomplete.

Rawlsian autonomy will be next in line for examination. After a brief review of some complaints lodged against Rawls by Michael
Sandel, I shall argue that Rawls's theory of autonomy is adequate only when it is restricted to questions of distributive justice. At the same time, however, I shall suggest a way in which Rawlsian autonomy might be reworked into a more comprehensive theory using resources already present in his broader theory of justice.

Finally, I shall address a problem common to all the philosophers reviewed here. It is the problem of thinking about autonomy in what might be called all-or-none terms, a view which fails to appreciate that individual autonomy is something that develops slowly over the course of several years and may be possessed to varying degrees. When all of that has been done, we will be in a better position to ask what a model of individual autonomy ought to look like.

John Locke

For Locke, autonomy was not a problem that required conceptual analysis. Nor was it a predicament needing a treatise on education for its resolution. Rather, autonomy was a problem only insofar as it was an exclusive right of kings. Locke's main concern was to deny that the sovereignty of kings was an absolute, inherited, and divinely mandated right which obligated others to obey royal dictates. He believed that the law of nature had put each man in charge of his own life, had endowed all humans with a
right to life, and adult humans with additional rights to liberty and property. When this is seen in conjunction with his views on family and education, Locke’s thinking on autonomy is clear enough to permit a critique to begin.

In Locke’s view autonomy was a right naturally possessed by men to have an equal voice in choosing and forming government, a right to have one’s life and property protected not only from other individuals, but from the caprice of government as well. As such, Lockean autonomy contained within it a notion of self-rule coupled with limits respecting property rights, personal safety, and political equality. In a Lockean state men would be free to acquire and in a non-wasteful way dispose of property more or less as they choose, without interference from the government and with the knowledge that if they suffer an unjust loss at the hands of another individual, some consistent form of legal recourse will be available. Beyond the strictures set by this system, however, men would be free to run their lives and their families very much as they please. Of course, they would be limited in regard to their children by the parental duty to do what is for the child’s own good, and limited in regard to their wives by both the marital purpose of procreation and the terms of their marital contracts.

But those are rather undemanding limits, especially as they regard children. For to have one’s autonomy in regard to one’s
children restricted only by what is for their own good, without some fairly extensive elaboration of what does and what does not count as being for the good of a child, is to have a nearly unlimited right of sovereignty over them. Indeed, Locke seems to have advocated a fairly extensive right to autonomy, at least for men.

[The] *Freedom of Men under Government*, is, to have a standing Rule to live by, common to every one of that Society, and made by the Legislative Power erected in it; A Liberty to follow my own Will in all things, where the Rule prescribes not; and not to be subject to the inconstant, unknown, Arbitrary Will of another Man.¹

Yet it should be remembered that he excluded both “women and the poor from the rights of citizenship,”² which seems a rather glaring instance of inequality. However, the inequality is most likely a consequence of Locke’s naturalism and, in the case of the poor at least, indicates a belief that the right to autonomy, especially within the political realm, should not be extended to

¹ Laslett, *Two Treatises*, p. 284.
those whose decisions may depend on the whim and will of others, those who might be forced by their economic dependence on another to voice not their own opinion, but the opinion of that other who butters their bread. Also, a person who neither owns nor manages property may be altogether unfit to opine intelligently about just laws regarding the disposition of property. And, again, the poor may be too easily swayed by employers or landlords in the selection of representatives.

Yet those problems might have been ameliorated or even eliminated by the institution of secret ballots. In this way, the inequality of power, which Locke thought entailed an inequality of rights, could be nicely leveled. But if Locke thought that the power of men over women and of the rich over the poor was so

C. B. MacPherson argued in his *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962) that this view was widely held in Locke’s day and was indeed a part of Locke’s philosophy. While those who did not own property and worked for wages were a necessary constituent of society, they were not considered full members of the body politic. They were (or were thought to be) obligated to obey the lawful dictates of government, but had no right to take part in it as citizens. See especially, pp. 194-262.
thoroughly rooted in nature as to represent an impassable limit even to reason, persuasion, and law, then he was guilty of mistaking the consequences of tradition and convention for the will of God. He may have had substantial reasons, however, for thinking that the political empowerment of women and the poor would not have been accepted by his society in his time, that to argue for it or promote it would have been to reach too far. And no one should be criticized simply for recognizing the social realities of his or her time and place. But had Locke considered that the right to autonomy must be based on the capacity for it, and that this capacity is one which, if given the right sort of upbringing, all ordinary persons can develop, he might have placed more faith in the power of reason and impassioned speech to change men's minds and thereby expand the realm of what is possible.

Nonetheless, Locke clearly was correct to think of autonomy as being in some sense about self-government. But the right to self-rule covers only a part of what “autonomy” means and cannot by

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For an erudite and illuminating discussion not just of Locke's political thought and its relation to his naturalism and Calvinism, but also of his thinking in regard to his own purpose and place in the world, see, John Dunn, The Political Thought of John Locke (Cambridge: Cambridge University Press, 1969).
itself lead us to a rich and coherent understanding of what society can and should be. Also, while the notion of self-rule surely is a part of the concept of autonomy, it cannot, without the addition of some highly suspect naturalistic assumptions, account for the differential political treatment of adults in Locke or, for that matter, what we take to be the reasonable and just differential treatment of adults in our own society. Locke's view of autonomy, while not incorrect exactly, is rather too thin to be of much help. To get clear about the moral status of conditions of inequality we will need a more robust theory of autonomy than anything Locke offered.

Jean-Jacques Rousseau

When Rousseau considered the problem of autonomy, he recognized that not everyone is free, that not everyone can claim authorship of their actions, of their characters, indeed, even of the course their lives have taken. And this recognition, he thought, gave rise to a problem in regard to moral responsibility. After all, if people are not authoring their own actions, then the notion of responsibility is rather meaningless. Now Rousseau's response to the problem was to create free men from the ground up, to begin while the child is still an infant the long and intensive process of creating a man who will be self-reliant as well as respectful of
himself, his neighbors, and their property. If this much could be accomplished, he thought, we would at last have men who are fit to live as free and equal members of society, men who can enjoy freedom even and perhaps only when their having it does not mean that others (excluding women) have been deprived of it. Such men would be capable of forming by social compact a more perfect union and deserving of the safety and security only a society can afford.

To his credit, Rousseau seems to have understood that the capacity for self-rule, on which the right to autonomy must stand, depends upon the development of certain character traits. Rousseauvian autonomy, therefore, is rather more robust than its Lockean and, as we shall see below, Kantian counterparts. In addition to the political right to self-rule, it includes the view that autonomy is an ideal of human character which if attained would then ground the political right to its operation in a society of equally enfranchised others. He even gave some extensive thought to the virtues that might be exemplified by such a character as well as to the possible methods for inculcating and nurturing those virtues. And while it would be easy to take issue with the methods he thought efficacious, one cannot or, I think, should not argue with his general aims. For, surely, an autonomous person would be self-reliant in some sense; her actions would in some sense be authored...
by her; she would be capable of and, therefore, deserving of some sort of self-rule.

Yet it would be nice to have been given some standard by which we could see through the uncertainty left by all those indeterminate formulations. This work Rousseau did not do for us. He gave insufficient consideration to the requirements of rationality, his only standard being that whenever one's sentiments stand in contradiction to the opinions of others, then one should follow his or her conscience, counting the relevant opinions as mere prejudice. Why a person should be so confident about the soundness and veracity of his or her sentiments Rousseau did not explain. Yet, if the only standard is sentiment, then what is to be the determining factor when sentiments come into conflict? How is one to decide what is right when one's relevant feelings are marked by ambivalence? A simple appeal to sentiment, even the sentiments of an intelligent and psychologically healthy person, cannot provide an adequate account of moral rationality. And Rousseau's oversight here counts as a significant flaw in his otherwise rather extensive thinking on autonomy. It leaves us with a society of men who will have little and often very poor guidance in the ongoing project of

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5 See, for instance, Bloom, Emile, pp. 382-383.
self-creation, no rationally respectable standard to help them in the difficult process of social reformation, and no way to recognize or avoid repeating any but the most painful mistakes of the past.

**Immanuel Kant**

A major concern for Kant was the condition of autonomy. For him autonomy was the freedom of the will to choose to act from duty alone, the freedom to construct universal principles as maxims of action, the freedom to act "only according to that maxim whereby you can at the same time will that it should become a universal law." In this way each of us is a legislator in the realm of ends, each creating our own law. When we act in accordance with this law, then our actions are autonomous.

What troubled Kant, of course, was the threat of heteronomous influences and the demise of moral responsibility he thought their admission into moral discourse entailed. For autonomy is "the property that the will has of being a law to itself." But how can the will give rise to its own law if it is determined even

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†Ibid., p. 49.
in part by mere inclination or desire? Without this autonomy of the will, he thought, morality is a chimera.

If the will seeks the law that is to determine it anywhere but in the fitness of its maxims for its own legislation of universal laws, and if it thus goes outside of itself and seeks the law in the character of any of its objects, then heteronomy always results. The will in that case does not give itself the law, but the object does so because of its relation to the will. . . . The moral imperative must therefore abstract from every object to such an extent that no object has any influence at all on the will, so that practical reason (the will) may not merely minister to an interest not belonging to it but may merely show its commanding authority as the supreme legislation.  

But Kant took the threat of heteronomy too seriously and put more weight on his version of the condition of autonomy than it can bear. His focus on the importance of rationality and on the respect to be afforded the humanity in each of us provided valuable insights. But without also considering the kind of beings we are, the

sorts of capacities we have, the ways in which we experience our lives and relationships, practical reason (the will) is morally hobbled.

Being influenced by "outside" factors, however, in choosing moral principles is not necessarily a failure to exercise autonomy, although it would be a failure if the choice were made capriciously or unthinkingly. Yet, if it is true that heteronomous influences are irrelevant, it would seem that one's choice to act only on coherent, universal principles could be made only vagariously. After all, it is not as though an analysis of either the concept of autonomy or that of rationality yields the conclusion that morality proceeds from and only from universal principles that are in no way empirically conditioned. All things considered, there would seem to be no adequate reason to choose to act only in accord with self-generated, universal principles. One would be one's own legislator, of course. But that seems a rather poor reason to make what is presumably an extremely important choice. What must be recognized here is that a comprehensive theory of autonomy will be one that takes into account some of the realities of the human condition, that we are both more and less than purely rational animals, that in addition to willing we also feel, that while we are capable of grasping and using moral abstractions, we are also participating members of families, associations, and communities, that in some
partial sense we are both produced by and producing the traditions in which we find ourselves.

**John Stuart Mill**

Mill’s thinking on autonomy is not easy to pin down. He seems, on the one hand, to have held a libertarian view that one should have the right to conduct one’s own life as one sees fit, provided only that no harm is thereby caused to others, which seems to make liberty an absolute, any restriction of which requires a proof of harm to someone other than the actor. Yet, on the other hand, he thought that “the only unfailing and permanent source of improvement is liberty,” which seems to make freedom not an absolute but a merely instrumental value, a condition we need to respect because it can facilitate moral and intellectual growth.

At any rate, Mill clearly thought that individual liberty would serve both individuals and society at large, the former by allowing people to shape their lives according to their own views of what counts as improvement or pleasure and the latter by standing as a guard against the despotism of custom.

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The despotism of custom is everywhere the standing hindrance to human advancement, being in unceasing antagonism to that disposition to aim at something better than customary, which is called, according to circumstances, the spirit of liberty, or that of progress or improvement.¹⁰

But that his view is purely utilitarian, as we might expect, is not entirely clear. That is, while at times Mill appeared to argue that the good of society entails that individual autonomy is instrumentally valuable, he argued at other times as though individual liberty has intrinsic value or is a good in itself. In the final chapter of On Liberty Mill asserted that

all restraint, \textit{qua} restraint, is an evil. . . . [L]eaving people to themselves is always better, \textit{caeteris paribus}, than controlling them.¹¹

On the basis of this passage James Rachels and William Ruddick argued that “even if the consequences of freedom and


¹¹ Ibid., p. 94.
compulsion are the same, freedom is still to be preferred.”

Unfortunately, they did not address the other side of the question. That is, they did not ask how freedom would fare in cases where the consequences of compulsion would be more beneficial than those of freedom. Nonetheless, it does seem that, for Mill, liberty is more than a mere concession which might conceivably be eliminated for the sake of a greater good, that it is instead a condition of at least some intrinsic value. Of course, liberty also has instrumental value, as is made clear by Mill’s consequentialist arguments for free speech. Yet in addition to this there can also be found in Mill a view of autonomy as an ideal of human character.

He who lets the world, or his own portion of it, choose his plan of life for him has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself employs all his faculties. . . . It is possible that he might be guided in some good path, and kept out of harm’s

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13 Mill, On Liberty. See especially, Chapter II.
way, without [his capacities for observation, reason, judgment, decision, and courage of conviction]. But what will be his comparative worth as a human being? It really is of importance, not only what men do, but also what manner of men they are that do it. Among the works of man which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself.14

But if the perfection of humankind is of primary importance, then what is the relationship between human perfection and the principle of utility? Is human perfection subordinate to utility? And if it is, then how are we to understand it as being of primary importance. Or, if human perfection is not subordinate to the principle of utility, if it is instead some sort of pretheoretical consideration, then how are conflicts between it and the principle of utility to be resolved? Autonomy as an ideal of character or as condition of at least some intrinsic value seems to generate knotty

problems for utilitarianism. But quite apart from whatever theoretical problems may arise for utilitarians who wish to find a place in their views for autonomy, the task here is to discover Mill's thinking in regard to individual autonomy. And even though he wrote extensively on the topic of liberty, it remains difficult to say with any confidence precisely what his view of autonomy was.

Gertrude Himmelfarb has argued that the extreme and problematic freedom of On Liberty can and should be tempered by other of Mill's writings, that elsewhere Mill displayed much concern for individual virtue as well as for a reciprocally

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15 John Elster has argued that while utilitarianism is incomplete without consideration for autonomy, there may be no room for in the utilitarian structure. See his "Sour Grapes--Utilitarianism and the Genesis of Wants," in Utilitarianism and Beyond, eds. A. Sen and B. Williams (Cambridge: Cambridge University Press, 1982). And Russell Hardin has argued that autonomy should not be counted as among the values of utilitarianism. See his "Autonomy, Identity, and Welfare," in The Inner Citadel, ed. John Christman (Oxford: Oxford University Press, 1989).
nurturing relationship between individuals and the state.¹⁶ This other Mill, as she calls him, should be applied as a corrective to the adversarial, individualist Mill of On Liberty, the Mill whose “very simple principle” has been taken to extremes by modern liberals who believe that only absolute liberty can stand against the threat of absolute despotism. She worries, as do I, that by “limiting the alternatives to the two extremes, liberals may be inviting precisely the disaster they seek to avoid.”¹⁷

Whether the other values expressed elsewhere by Mill were meant by him to temper the absolutism of On Liberty such that the principles of a more complete and very different social philosophy “would not be hard to deduce”¹⁸ is an interesting question, which I do not address. But if Himmelfarb is correct in this assertion, then we should wonder why Mill never made that deduction himself. My view of it is that Mill so feared the power of the state and its seemingly infinite capacity for corruption that he would not have wanted it to have the authority to force people to live according to some official view of virtue. Whether Mill can be

¹⁷ Ibid., p. 334.
¹⁸ Ibid., p. 337.
used as a curative against himself, as Himmelfarb claims, is quite another matter. In deference to the integrity of the text of On Liberty, however, it would seem that if the standard view of Mill’s thinking in regard to liberty is to be softened by his own thoughts, then they should be thoughts that come within that work. And as I indicated above, that work leaves his view of autonomy a little murky.

However, if we recall here what Mill said about the right to marry and produce children, we can gain a somewhat clearer understanding of just how free he thought parents should be and why. Remember that Mill thought it would be permissible for the state to prohibit marriage for those who cannot prove themselves capable of supporting a family, capable, that is, of providing for both the physical and the mental needs of children.19 In allowing the state such a power, Mill placed a rather stringent though not unreasonable limitation on the autonomy of parents. He went even further, however, when he argued that the state “is bound to maintain a vigilant control over the exercise of any power which it allows [a person or persons] to possess over others.”20 So even those who can prove themselves capable of providing the necessary sort

20 Ibid., p. 103.
of support and nurture are not simply free to do as they please in regard to their children. The autonomy of parents may be restricted, and the justification seems to be that the restriction will be for the good of children as well as for the good of the society into which they are born.

The problem, however, is that beyond providing some reasonable but meager educational requirements and showing a concern for the physical well-being of children, that is, that they should be fed, clothed, and sheltered, Mill was far from clear about what exactly would count as being for the good of a child. So while there are limits to parental autonomy, it is hard to see what they are exactly. A simple pleasure principle seems too permissive and a harm-to-others principle too vague. Further, Mill's talk of human perfection would appear to militate against any interpretation that does not take into account a child's right to be raised in such a way that the project of self-perfection remains a viable option. But this is conjecture. It cannot be said with any certainty that Mill would or would not allow Pentecostal parents to introduce their children to the bizarre religious practices of some
congregations of that sect. Or what about parents who believe that they should be the ones to introduce their children to sex? Would Mill find such a lifestyle acceptable or intolerable? The answer is not obvious. Mill did not, in fact, elaborate any principle in view of which we might determine more precisely the content of that time-worn standard--For the good of the child. But any adequate theory of autonomy should give content to this standard that will not go away, should tell us with some precision, that is, what is and/or is not for the good of a child.

Also, Mill did not give us any principle or method for choosing rationally and wisely between the infinitely many possible views of human perfection, an apparent oversight in view of the value he recognized in such a project. After all, not every possible life plan is choice-worthy, and one would like some method for distinguishing between lives that are worthy of being chosen and those that are not. At bottom, Mill's thinking on autonomy, while it is insightful, is also incomplete.

\[21\] I am speaking here of dangerous practices such as the handling of poisonous snakes and the drinking of poisons as proofs of one's faith in God.
Rawlsian autonomy is the freedom and right to live in accordance with the principles of justice one would choose in the original position, where he or she is ignorant of mere contingencies such as race, gender, age, natural assets, social standing, and particular conceptions of the good. A choice or, rather, a construction of the principles of justice under these conditions is an act of autonomy, an act of self-legislation. And, therefore, a life conducted under the guidance of such legislation is the life of an autonomous person, a person free in the sense that his or her principles of justice are or would have been chosen independent of any preexisting values or attachments. 22

Michael Sandel has given a concise criticism of Rawls's theory and has argued that it is lacking in two respects.

Within its own terms, the deontological self, stripped of all possible constituitive attachments, is less liberated than disempowered. . . . As agents of construction we do not really construct, and as agents of choice we do not really choose. What goes on behind the veil of ignorance is not a

22 John Christman gives a similar interpretation of Rawlsian autonomy in his The Inner Citadel, p. 15.
contract or an agreement but if anything a kind of
discovery; and what goes on in ‘purely preferential choice’
is less a choosing of ends than a matching of preexisting
desires, undifferentiated as to worth, with the best
available means of satisfying them. For the parties to the
original position, as for the parties to ordinary deliberative
rationality, the liberating moment fades before it arrives;
the sovereign subject is left at sea in the circumstances it
was thought to command.23

The problem on Sandel’s view is that the deontological self is
too thin to be deserving in any ordinary sense. However, the
Rawlsian method of dealing with the impoverished self, one of
founding entitlements on legitimate expectations, only exacerbates
the problem. For, while the difference principle starts with the
thought that a person’s assets are only accidentally their own, it
ends by assuming that these assets are common property and that
“society has a prior claim on the fruits of their exercise.”24

23 Michael Sandel, Liberalism and the Limits of Justice
24 Ibid., p. 178.
Therefore, the Rawlsian self either is disempowered or is denied its independence.

Either my prospects are left at the mercy of institutions established for “prior and independent social ends” [quoting Rawls], ends which may or may not coincide with my own, or I must count myself a member of a community defined in part by those ends, in which case I cease to be unencumbered by constituitive attachments. Either way, the difference principle contradicts the liberating aspiration of the deontological project.25

It is Sandel’s other criticism, however, that might appear most damaging not just to the Rawlsian view, but to the deontological perspective in general; for these fail to account for “certain indispensable aspects of our moral experience.”26 He thought that deontology’s requirement that we think of ourselves as independent, in the sense that our identity is separate from whatever aims or attachments we might have, could not be met. He argued that

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25 Sandel, Limits of Justice, p. 178.
26 Ibid., p. 179.
we cannot regard ourselves as independent in this way without great cost to those loyalties and convictions whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the persons we are—as members of this family or community or nation or people, as bearers of this history, as sons and daughters of that revolution, as citizens of this republic. Allegiances such as these are more than values I happen to have or aims I espouse at any given time. . . . [These attachments and commitments] taken together partly define the person I am. To imagine a person incapable of constituitive attachments such as these is not to conceive an ideally free and rational agent, but to imagine a person wholly without character, without moral depth.27

Furthermore, Sandel has argued persuasively that a more thickly constituted self is necessary for a certain kind of friendship, “a friendship marked by mutual insight as well as sentiment.”28 And while he does not say so, I should think that the sort of friendship he has in mind would include certain aspects of a

27 Sandel, Limits of Justice, p. 179.
healthy parent-child relationship. After all, we like our friends and would like to see them do well in life. We will even make non-trivial commitments of ourselves and our resources to our friends’ pursuits, to their welfare, to the advancement of their ends. And I take it as a given that this describes a part of what the parent-child relationship should be about. Also, when a friend asks for help with some important question involving fundamental values or even his or her direction in life, we give what aid or advice we can. But we can do this only for those who are embedded in life, those who have a history and are thick with aims and attachments. For the richly-constituted person, friendship

becomes a way of knowing as well as liking. Uncertain which path to take, I consult a friend who knows me well, and together we deliberate, offering and assessing by turns competing descriptions of the person I am, and of the alternatives I face as they bear on my identity.29

If this is, as it seems to be, an accurate description of an actual feature of our moral experience, if it makes sense to say, as Sandel suggests, that I may come away from such a deliberation believing

29 Sandel, Limits of Justice, p. 181.
that my friend knows me in some respect better than I know myself, then it can only be so on a view of the person as richly constituted, a view whereon self-knowledge is both more difficult and less private than deontology would have it. "To deliberate with friends is to admit [that they are capable of insights regarding our identity or path in life to which we may have been blind], which presupposes in turn a more richly-constituted self than deontology allows." \(^{30}\)

Impressive as Sandel's arguments are, it must be asked whether he has been fair with Rawls. After all, it seems that a main thrust in his criticisms was to point out that the Rawlsian self and the theory of autonomy that goes with it are inadequate for use in a comprehensive moral theory, a view with which I agree. The problem with such a criticism, however, is that Rawls's theory of justice is not a comprehensive moral theory. Justice as fairness is merely a political theory, a theory of narrower scope and application than a comprehensive moral theory. It is rather unfair, therefore, to insist that Rawlsian concepts be broad enough to allow us to account for all or even just the more important features of our moral experience.

Furthermore, the Rawlsian theory already contains most if

not all of what is needed to construct a more broadly applicable theory of individual autonomy and the more thickly constituted self such a theory would entail. If Rawls were to pull together some of the work he has done in his account of goodness as rationality with his thinking on moral psychology, add to that some consideration of the effects of growing up and living in a gender-structured society, as well as some thinking on the emotional and psychological needs of children, he would come up with a complete theory of individual autonomy, that is, a theory robust enough to be used in a comprehensive theory of morality. But as an account of political self-rule his theory of autonomy seems adequate.

In concluding my discussion of Rawls, then, it appears that what I have to say is simply but not trivially that the Rawlsian theory of autonomy is, as it stands, suited only for answering questions of distributive justice. Insofar as he aimed at nothing

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Susan Moller Okin has argued that Rawls can be rehabilitated if we remember that one of the bits of general knowledge we can and should take with us behind the veil of ignorance is that society and especially families are unjust because they are gender-structured. See her Justice, Gender, and the Family (New York: Basic Books, Inc., 1989).
more than that, what has been said here hardly amounts to a criticism of John Rawls. However, inasmuch as other, rather astute thinkers have taken him to task for failing to do what he never intended to do, the foregoing consideration of Rawls and Sandel has not failed to yield a profit. For we have learned at least that we should not expect Rawls’s theory, brilliant as it is, to have done it all. While it is true, as I mentioned in the previous chapter, that the Rawlsian theory cannot tell us that a person addicted to nicotine lacks autonomy as regards cigarettes, this is perhaps more than a merely political theory of autonomy should be able to tell us.

**Absolutistic Autonomy**

I need yet to address the issue of thinking of autonomy as an all-or-none characteristic, condition, or right which people enjoy either fully or not at all. For Locke, autonomy was absolute in the sense that, as a right, one either does or does not possess it. Children, for instance, have no right to govern their own lives until they reach that unspecified day when they are able to fend for themselves. For Rousseau autonomy was again a political right which either is or is not possessed. But for him it was also an ideal of human character, a condition of self-reliance and respect for others based not on pity but on self-love. Yet, here too, this capacity
either will or will not be developed in any individual and, so, either will or will not entitle one to the right of self-government. With Kant, of course, autonomy found residence in the capacity of the will to determine itself independent of particular values and other mere contingencies. In this sense autonomy is again absolute, a bare capacity which carries with it absolute and universal moral responsibility. For Mill, even though he seemed to place value in the project of self-creation and moral growth, he seemed also to make the right to self-rule, a right limited for the most part only by a harm-to-others principle, absolute in the sense that while all adults would have it no children would. Finally, Rawlsian autonomy finds its genesis upon entry into the original position, then comes to fruition in the person who lives in accordance with principles generated independent of knowledge about his or her social position, personal talents or assets, and particular vision of the good. It is absolute, therefore, insofar as one’s conduct always either will or will not display such an accord.

Absolutistic autonomy is not peculiar to the theorists reviewed in this essay, however. This sort of thinking can also be found in
recent works dealing directly with the issue of autonomy. But R. W. K. Paterson disagrees with those who think of autonomy in all-or-none terms. He has recently noted that

to most non-philosophers autonomy does not seem to be an absolute, and on this matter I think most non-philosophers are correct. Most people believe that respect for autonomy is a matter of fluctuating measure and balance. Nor do they accept that any human being is perfectly autonomous, believing that there are human beings whose moral autonomy is very low indeed, sometimes so low as to be morally negligible.

Paterson’s primary concern was to argue against Robert


Wolff's view that the conflict between personal autonomy and state authority is irreconcilable and leads (on the view that autonomy is a person's most fundamental duty) to a justification of individualist anarchism. In the process he argued that people who suffer from an impaired capacity to reason should not be considered fully autonomous. Indeed, if the impairment is severe enough, such persons should not be considered autonomous at all. As instances of those lacking autonomy to one degree or another, he pointed to the senile, the mentally retarded, the deeply neurotic, the obtusely dogmatic, infants, and those others who, while not retarded, are "simply pretty stupid."

Paterson's conclusions seem modest enough. However, he

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36 There is, however, a problem with labeling people as neurotic. The term may refer to nothing more than a tendentious political, philosophical, or even religious category with which the mental health community disagrees. For an argument to this effect see, Seth Farber, *Madness, Heresy, and the Rumor of Angels: The Revolt Against the Mental Health System* (Chicago: Open Court Publishing, 1993).
may have put too much emphasis on rationality. While it surely must be a part of the story, and an important part at that, rationality cannot be a sufficient condition for moral and/or political autonomy, which is what he seems to have made it. For, as I shall argue in the next chapter, autonomy involves not just intellectual virtues, but other character traits as well. Moreover, Paterson’s conclusion that the opinions of the less rational and, therefore, less autonomous are less worthy of respect seems to involve a fairly straightforward ad hominem. In addition, it begs the question against the value or worthiness of opinions expressed by certain individuals. Nonetheless, if rationality of a reasonably well developed sort is at least a necessary condition for autonomy, which I think it is, then it does follow that some and perhaps many legally and politically enfranchised adults should not be thought of as fully autonomous.

Yet there is another sense in which autonomy might be thought to be absolute. One might admit that while some people are not fully autonomous, whatever degree of autonomy they do possess is deserving of absolute respect. Even a minimally autonomous person, on this view, deserves to be treated as a full and equal moral agent, a fellow citizen. This or something like it may have been what Mill had in mind. But this position seems to make equality a more fundamental value than autonomy and in
the process denies to equality the only standard that can make it morally sensible. That is, the reason it makes sense to treat two ordinary adults as moral and political equals while it does not make sense so to treat the average seven year old is that whereas the adults are or may reasonably be assumed to be autonomous, the child is not. Children of such tender years typically do not appreciate nearly as well as do adults the range of possible consequences that may follow from their actions. Nor do they typically have an adequate grasp of the sorts of things they should consider before making important decisions, a circumstance correctly recognized in law. Indeed, children are often unable even to make an accurate assessment of their situation. Children usually simply are lacking in too many ways to be thought of as autonomous. But if we place equality before autonomy, then it becomes difficult to justify such differential treatment. Moreover, if equality is the primary or more fundamental value, it will be difficult to make sense of our paternalistic treatment of the severely retarded, say, or persons with conditions such as Alzheimer’s disease.

In sum, I have argued in this chapter that while Locke, Rousseau, Kant, Mill, and Rawls each made important contributions to the discussion of self-rule, none provided us with a sufficiently robust, comprehensive theory of individual autonomy.
Further, I have suggested that their thinking was flawed by the view that autonomy, as a condition, as an ideal of character, or as a right, does not admit of degrees, but is instead an all-or-none sort of entity. It would, however, be an act of hubris to assume that the scant argument offered so far against viewing autonomy in absolutistic terms will have persuaded anyone who holds a contrary view. More will need to be said. Therefore, what needs to be done now is to spell out a theory of individual autonomy. It is that task to which I now turn.
CHAPTER 3
A THEORY OF AUTONOMY

Introduction

In this chapter I will develop a theory of individual autonomy which, while it is not tied to any particular theory of social justice, is consistent with and would be of much use to a variety of such theories. Indeed, as I shall argue in the final section of this chapter, individual autonomy is a condition to be valued by those subscribing to views as seemingly diverse as Rawlsian deontology on the one hand and utilitarianism on the other.

I will begin with an examination of a seminal piece by Harry G. Frankfurt, who argued that to have a free will one must have the will one wants to have. While Frankfurt’s thinking was informative, inasmuch as it pointed out the direction a discussion of individual autonomy must take, I will reject it in the end largely on account of a logical problem it generates and because of what I take to be a needlessly hierarchical structure of deliberation. When I have finished with Frankfurt, I will go on to examine two pieces, a paper and a book-length treatment, by Gerald Dworkin. Dworkin argued that it is the mere capacity to question and independently evaluate one’s desires, motives, goals, values, and so on that makes a person autonomous. Following Frankfurt, this theory too is hierarchical in its deliberational structure and will be
rejected partly for that reason. Also, inasmuch as Dworkin's theory is thoroughly subjectivist, involving no more than a particular mental state and the capacity to raise a certain sort of question, it would appear to be of little to no use in determining whether and to what degree a given person is autonomous. And as we shall see in the section on spouse abuse and the battered woman syndrome, the question of whether and to what degree a person is autonomous can be an important matter.

After examining the work of Frankfurt and Dworkin, I will take a very close look at a theory of individual autonomy offered by Lawrence Haworth. On his view, it is competence, self-control, and procedural independence, a condition marked by critical reflection on reasons, beliefs, values, and so on, that together constitute individual autonomy. I will lay out Haworth's theory in greater detail than those of the other philosophers reviewed here, because it is a theory with which I largely agree. I shall reject the hierarchical structure he gave to the process of critical deliberation, a structure not otherwise required by his theory. And I shall differ with him to some small extent as to what counts as procedural independence. Specifically, I shall reject his account of good reasons and offer in its stead an account of warranted belief. Finally, a significant difference between the theory I present and those offered by Haworth, Dworkin, and Frankfurt is that my
theory makes an effort to weave the autonomous person into the fabric of life by discussing, first, the relations between freedom, the restraints of culture and tradition, and autonomy and, second, what I call primary psychological goods, conditions I take to be necessary to the unimpeded development of full autonomy. By connecting autonomy with culture and tradition I depart from Frankfurt, Dworkin, and Haworth, as well as from all others who think that the autonomous person could be highly immoral. Apart from these differences, however, my theory of individual autonomy is very much a Haworthian theory.

Now before getting started with an examination of Harry Frankfurt’s work, it will be helpful for the reader to know in advance that the terms “autonomy” and “autonomous” will be used in ways that might lead one to wonder whether it is persons, actions, desires, preferences, values, or principles that are autonomous. In other words, it might be wondered whether autonomy is a human condition or capacity, or a property of actions, preferences, values, and so on. Let me say at the outset, then, that autonomy is a condition of persons, a complex human excellence or capacity that may be attained or realized to a greater or lesser degree. Yet, autonomy may also be ascribed of actions, preferences, or values. So, for instance, a claim that a value is autonomous should be taken as an abbreviated expression
meaning that the value was approved through or arrived at by a process of critical reflection which satisfies the requirement of procedural independence. It is a way of speaking I inherited from my predecessors and should cause no special difficulties.

**Hierarchical Models of Autonomy**

The line of thought I shall pursue here focuses on desires, preferences, principles, values, etc., how a person comes to have them, what is required in order that these and the actions issuing from them be considered autonomous, whether autonomous people must be in some sense rational, whether autonomous persons must identify with or approve of their desires, and whether autonomy requires a hierarchical structure of desires with some desires having other desires as their objects. And while there is nothing like a consensus on how any of these issues are to be analyzed or resolved, one school of thought seems particularly fruitful. The view in question finds its roots in the work of Harry Frankfurt. Frankfurt argued that it is the structure of the will that sets humans apart from other animals. In addition to having desires and motives and making choices, humans are able to form what he called second-order desires. “No animal other than man appears to have the capacity for reflective self-evaluation
manifested in the formation of second-order desires."¹ Second-order desires differ from first-order desires in that second-order desires have first-order desires as their objects. So, for example, a desire to eat ice cream would be a desire of the first order, while a desire not to want to eat ice cream would be a desire of the second order. And a person's will, on this view, is just whatever first-order desire moves him or her to action.² Therefore, to identify a first-order desire that is effective in this way is to identify the agent's will. To be a person in the moral sense, however, one will need more than just a will. For even a dog has a will on this view of it. To be a person, one must have second-order desires of a particular kind. The second-order desires of a person will be that certain first-order desires be their will, that certain first-order desires be effective in moving them to action. Second-order desires of this


² Ibid., p. 65.
kind are what Frankfurt called second-order volitions. Those agents who lack second-order volitions are not persons, but are instead mere wantons who are unconcerned with the determination of their own will. They lack free will and do not even care about it. Persons, on the other hand, do care about whether their will is free and so strive to gain a conformity between their will and their second-order volitions. For, according to Frankfurt, a person’s will is free only when they have the will they want to have. If an agent fails in bringing about the necessary conformity between his or her will and the relevant second-order volition, then the agent lacks free will but is a person nonetheless.

Now there are at least two problems with this view, both of

3 One might object here that a desire is not a volition. Indeed, on Frankfurt’s account one might reasonably conclude that a second-order desire could not qualify as a volition unless it was effective, unless it was a person’s will. But if it is a person’s will, it seems wrong to think of it as a mere desire. After all, the actions that would be consistent with a desire to have a thing may undercut a claim that it is a person’s will to have that thing; for inaction is consistent with having a desire for a thing, but clearly inconsistent with a claim that it is one’s will to have the thing. This objection, however, neither adds to nor detracts from the critique I offer.
which Frankfurt discussed, but neither of which did he adequately resolve. The first of these is the infinite regress inherent in his hierarchical analysis of the will. For just as there may be conflict among first-order desires which can be settled only by resort to desires of the second order, there may also be conflict among second-order desires which can only be resolved by looking to desires of yet a higher order. Consider, for instance, that a person may want both to have a drink and not to have a drink. But there may be relevant second-order desires regarding the consumption of alcohol that conflict with each other. If so, then it will be a conflict which can be resolved, if at all, only by looking to third-order desires. And, so, the regress is launched. Yet Frankfurt thought that the regress was no real problem.

There is no theoretical limit to the length of series of desires of higher and higher orders; nothing except common sense and, perhaps, a saving fatigue prevents an individual from obsessively refusing to identify himself with any of his desires until he forms a desire of the next higher order. . . It is possible, however, to terminate such a series of acts without cutting it off arbitrarily. When a person identifies himself decisively with one of his
first-order desires, this commitment ‘resounds’
throughout the potentially endless array of higher orders.\(^4\)

But this response to the regress problem seems rather unpersuasive. Decisive identification may come to nothing more than laziness, a simple refusal to engage in a process of complex and perhaps tedious deliberation. Long-time smokers, for instance, sometimes say that they enjoy smoking, that they like the taste of cigarettes, that they just are smokers and have no desire to quit. In short, they identify themselves decisively with the desire to smoke. But surely these people are refusing to think the matter through, or perhaps they are being less than candid with themselves. They may even have a sense of where such thought would lead and are afraid to go there. But, in any case, a long-time smoker's desire for a cigarette is the result of an addiction and is anything but free.

Furthermore, we should wonder what it is that makes one's decisive identification a free identification. After all, if one needs a second-order desire to justify calling a first-order desire free, then surely there must be a third-order desire that makes the second-order desire free. For the second-order desire may be, just as desires of the first order may be, the product of outside


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manipulation, mistake, or even self-deception. And if these higher order desires are not themselves free, then it is impossible to understand how any conforming lower-order desires could be free. Despite Frankfurt's claim to the contrary, termination of the series at the second-order level is indeed purely arbitrary. It always makes sense to ask in regard to one's higher-order desires whether they are one's own, that is, whether they are free.

The other problem in Frankfurt's view concerns the matter of moral responsibility. It seems that on his theory the only people who could reasonably be held responsible for their actions are those who have the will they want to have, which would seem to exclude a great many ordinary people who never bother to ask themselves whether they want to want what they want. Anyway, his view is that only those who have the will they want to have have a free will. And while it might be thought that one's having a free will is a necessary condition for the ascription of moral responsibility, Frankfurt asserted that such thinking is quite mistaken.

It is not true that a person is morally responsible for what he has done only if his will was free when he did it. He may be morally responsible for having done it even though his will was not free at all. . . . [Further], it is a mistake to believe that someone acts freely only when he is free to do
whatever he wants or that he acts of his own free will only if his will is free.\footnote{Frankfurt, “Freedom of the Will,” p. 73.}

Unfortunately, Frankfurt did not argue for his position on the relationship between freedom of the will and moral responsibility. Nor did he explain the view. However, the claim that one may be free in the relevant sense, even though one is not free to do whatever he or she wants to do, is apparently true. Indeed persons may have irrational desires, or desires which, while they do not run counter to any physical laws, still cannot be satisfied and, this, without any necessary loss of free will. Consider, for instance, that everyone who enters a race wants to win. Yet all the runners save one will have that desire to win frustrated. None of this, however, would seem to constitute a bar to freedom of the will. Further, the claim that one may be responsible for having done something even though his or her will was not free might be taken as true if we assume some previous action which was free. For example, a man who kills an innocent during a drug-induced psychosis may reasonably be held responsible if he was free not to take the drug in the first place and knew or ought to have known that the drug produces such effects. But I do not see how are we to understand
the claim that we are mistaken to believe that one acts of his or her own free will only if his or her will is free.

Nonetheless, the insight that talk of free will must focus on desires is a valuable one and has recently garnered much philosophical attention from those trying to understand the concept and condition of autonomy.6 Gerald Dworkin was the first such writer to employ Frankfurt’s model in working out a theory of autonomy and, over the course of the last decade or so, has introduced some interesting and illuminating refinements.

On Dworkin’s view, autonomy is a psychological condition involving first-order desires and second-order evaluations or identifications. Initially, he thought that autonomy could be fully analyzed in terms of procedural independence and what he called authenticity.7 The procedural independence requirement is met when a person’s second-order desires, motives, goals, values, identifications, etc. have not been influenced in such a way that we

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6 Neither I nor any of the writers discussed in this chapter claim that autonomy and free will are the same.

view them as somehow not his or her own. The authenticity requirement is met when a person identifies with his or her desires, goals, values, and so on. So, for example, a drug addict who upon reflection wants to be the sort of person who craves drugs would be considered authentic. If, in addition, the reflective process which yielded the identification with the desire for drugs was not influenced by others, that is, was procedurally independent, then the addict would on this view be considered autonomous.

In a more recent treatment, however, Dworkin reconsidered and eliminated the authenticity requirement. Whether one's second-order identifications are congruent with his or her first-order motivations is no longer a crucial matter. Nor is it important whether one even has any second-order identifications. Rather, what is necessary to autonomy on Dworkin's present view is the mere capacity to raise the question of identification.\* If a person is able to ask whether to accept (identify with) or reject his or her present motivations and reflect on the problem in a way that meets the procedural independence requirement, then the person is nearly autonomous. But something more than mental activity is

required if a person is to be thought of as self-governing. And Dworkin is aware of this necessity.

The idea of autonomy is not merely an evaluative or reflective notion, but includes as well some ability both to alter one’s preferences and to make them effective in one’s actions and, indeed, to make them effective because one has reflected upon them and adopted them as one’s own.⁹

Now there are two major objections to Dworkin’s view as it stands. The first concerns the introduction of the level of second-order reflection. Can we not, this objection asks, accomplish all that is necessary by restricting our discussions to people’s first-order motivations? After all, procedural independence requires only that we “find a way to make principled distinctions among different ways of influencing our critical reflections, so why not do this directly at the first level? We can distinguish coerced from free acts, manipulated from authentic desires, and so forth.”¹⁰ Dworkin’s response, however, is that

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¹⁰ Ibid., p. 19.
we fail to capture something important about human agents if we make our distinctions solely at the first level. We need to distinguish not only between the person who is coerced and the person who acts, say, to obtain pleasure, but also between two agents who are coerced. One resents being motivated in this fashion, would not choose to enter situations in which threats are present. The other welcomes being motivated in this fashion, chooses (even pays) to be threatened. A similar contrast holds between two patients, one of whom is deceived by his doctor against his will and the other who has requested that his doctor lie to him if cancer is ever diagnosed. Our normative and conceptual theories would be deficient if the distinction between levels were not drawn. 11

But why should we need to distinguish at the second-order level between two agents who are coerced, one resenting it and the other welcoming it? If we do need to make such a distinction, then surely it can be made, if it can be made at all, without any reference to second-order reflections or evaluations. Consider, for instance, two men, both of whom have been forcibly kidnapped, put

on board an airplane, and flown to an altitude of 5,000 feet above a football stadium where the Super Bowl is being played. The men are then given parachutes and told to jump or they will be shot to death. In the case of each man there is coercion. And one of them is most resentful that he has been coerced into such a dangerous predicament. As it turns out, however, the other man is an experienced skydiver and finds the prospect of making such an illegal jump quite thrilling. Not only is he not resentful of having been coerced, he is in a sense thankful and, so, gleefully exits the airplane on command, thinking as he does so that he would have gladly paid to have been put in such a position. Of course, he is not happy to have been threatened or to have had a gun pointed at him. But on the whole he is not resentful that he was coerced to make the jump. He has gotten to do what he wanted to do and in a way that allows him to escape responsibility for doing it.

Upon closer consideration, however, at least two problems appear. For one thing, it is far from clear that the skydiver is indeed motivated by the coercion, which is present nonetheless. He may instead be primarily motivated simply by the desire to make the jump. The coercion, then, would merely be coincidental to that desire. But the more serious problem comes out when asking whether it is possible to be motivated by coercion when one already wants to perform the action in question? Is the notion of wanting to
be coerced even coherent? I suggest that it is neither possible nor coherent. But let us suppose for the moment that a person can want without confusion to be coerced. What precisely would be the value of separating this person from someone who resents coercion? After all, in the case of the skydiver, the woman with the gun who issued the ultimatum is as guilty of coercing one man is she is guilty of coercing the other. What her victims did or did not want is quite irrelevant. She alone bears responsibility for perpetrating the criminal acts against the two parachutists as well as for disturbing the football game and endangering other people on the ground. Neither of the parachutists did anything wrong, which is exactly why the experienced skydiver is pleased to have been coerced; for it is the coercion that will protect him from prosecution. So what is the cash value of distinguishing between the person who resents being coerced and the person who wants to be coerced? The distinction would, I suppose, allow us to separate those who have had their freedom diminished by coercion from those who have had their freedom enhanced by the mere appearance of it. But, as I have just shown, we can already do that without resorting to any second-order level of thought.

Of course, it might be objected here that the skydiver did not actually want to be coerced; the coercion was merely coincidental to his desire to make the jump. What is needed then is a case
wherein the actor is indeed motivated by the coercion and, moreover, wants to be so motivated. My response to this objection is that it asks for what cannot be given. A necessary element of coercion is that one be compelled to do or to refrain from doing something against his or her will. Therefore, it is not possible to want to be coerced. It can be said easily enough, but it cannot be done. Whatever force or compulsion a person wants to come under, that force or compulsion could not be counted as coercion. Consider the skydiver once more. Only this time let us suppose that instead of being kidnapped the skydiver has hired the woman to do all the same things she did in the previous scenario, that is, to make a show of taking him at gunpoint, to put him on the plane, and to “threaten” his life at the appropriate moment, all of which is merely a charade. He orchestrates this deception because while he wants to jump into the Super Bowl, he does not want to be held legally responsible for violating the law. He wants to be able to say that he was coerced by threat of death, even though the “threat” was empty and arranged. He may have created the appearance of coercion, especially to a pilot who was indeed coerced to fly the plane. But here again the real motivation was to make the jump, and the “coercion” was merely a clever ruse.

The careful reader, however, will not be satisfied with the response given so far. The “coerced” skydiver analogy does not
quite capture the dynamics of the situation where two patients are deceived. To make the problem fit Dworkin’s concerns as closely as possible let us imagine that one patient does not want to be deceived, and this without regard to the seriousness of any diagnosed illness. The other patient, however, “has requested that his doctor lie to him if cancer is diagnosed.” Now it may a little difficult to imagine a physician who would be willing to agree to such a deception. But it is impossible to imagine one who could carry it off with any but the most incompetent patient. Nonetheless, we should try to get a picture of this situation, for we are told that we need to resort to the level of second-order thought to distinguish between these two patients, the one who resents being deceived and the one who welcomes deception. There is, however, a problem of interpretation. Dworkin might be making the point that a patient deceived at his own request has had his autonomy respected, whereas the patient who does not want to be deceived has clearly been disrespected. Alternatively, the point might be that while one patient is concerned about his autonomy the other is not. Or, the point might be that one patient is wronged by the deception while the other is not. But, in any case, the point is that there is no apparent need to resort to second-order thought to get clear about the differences between the two patients. Perhaps Dworkin thinks of a cancer diagnosis as being significantly like an
Emergency Broadcast System warning that nuclear missiles are inbound. After all, if one is going to die in fifteen minutes no matter what they do, then knowledge of their impending fate could do nothing more than to cause severe emotional distress. But, again, if this is the case, then all that needs explaining in regard to autonomy can be explained without resort to second-order thinking.

Dworkin's response to the objection to resorting to second-order reflections, then, is unpersuasive. Nothing important about human agents is missed by staying at the first-order level. Nor do we need to distinguish in any but the usual ways between those who resent being coerced and those who welcome it. Further, should we encounter someone who wants and even pays to be coerced, we should understand that we are dealing not with a victim or potential victim of coercion, but instead with a conspirator. And, finally, very much the same thing can be said about the patient who does not want to know if he has cancer. Such a patient has not really been deceived. He has simply refused to hear a certain sort of bad news.

The second objection to Dworkin's higher-order preference theory of autonomy comes in two parts. First, what is so special about desires of the second order? Is it not possible to have desires of the third or even fourth order? Dworkin allows that in theory this
is possible, and "that for some agents, and some motivations, there is higher-order reflection."\textsuperscript{12} When this is the case, he believes that autonomy should be thought of as the "highest-order approval and integration."\textsuperscript{13} The mere capacity to raise the question of approval seems to have gotten lost at this point. For the obvious Dworkinian answer to this objection is that while the agent who is capable of reflecting at these higher levels may be more thoughtful, he or she is not therefore more autonomous, since it is the mere capacity to reflect at the second-order level that makes one autonomous.

What is so special about the second-order level, he should have said, is that reflection at this level, especially if it is effective reflection, is enough to ensure that the agent is not simply an instrument, but is instead actively involved in the determination of his or her will. He seems to have given away too much and too easily. At any rate, he did not make this argument. But even if he had made it, he would still need to explain how we can know that the second or higher level approval is itself autonomous. For one who is not simply an instrument guided by the will of another may yet be so manipulated as to preclude the ascription of autonomy. An unruly child with an oppositional personality, for instance, can

\textsuperscript{12} Dworkin, The Theory and Practice of Autonomy, p. 19.

\textsuperscript{13} Ibid.
hardly be thought to be an instrument guided by the will of another. But neither can such a child be considered autonomous.

The second part of this objection, however, is more telling not just against Dworkin, but against anyone who employs a similarly structured hierarchical analysis of autonomy. The problem, which is a variation of the regress problem discussed above, can be drawn out in the following way. The acts of reflection that take place at the second level either are or are not autonomous. If they are autonomous, then we discover this only by moving to a higher level of reflection, where the same question arises anew, thereby launching an infinite regress. If, on the other hand, the acts of reflection are not autonomous, then how can it be that a first-order motivation evaluated by a nonautonomous process is nonetheless considered autonomous. This would seem to be a very serious problem for any higher-order preference theory. Dworkin’s rather disappointing answer is that he is “not trying to analyze the notion of autonomous acts, but of what it means to be an autonomous person, to have a certain capacity and exercise it.”

But I should think that the “exercise it” part of that formulation has very much to do with acts. In fact, Dworkin clearly is concerned with the autonomy of acts. Recall that he

thinks that the “idea of autonomy . . . includes some ability both to alter one's preferences and to make them effective in one's actions.”\textsuperscript{15} Therefore, since Dworkin's answer is nonresponsive, the objection stands unanswered and the viability of hierarchical models of autonomy remains in question.\textsuperscript{16}

The present line of thought, however, does not end with Frankfurt and Dworkin. Lawrence Haworth has also developed a hierarchical model of autonomy, one which, although it bears a certain resemblance to the models just discussed, is in important ways different from them and, so, merits close examination. Furthermore, the reader should be reminded that, excepting those features of his theory that I have already mentioned (i.e., its hierarchical structure and its account of good reasons), the Haworthian view of individual autonomy is one I accept. Haworth put forth what he called a psychogenetic theory of autonomy

\textsuperscript{15} Dworkin, The Theory and Practice of Autonomy, p. 17.

which sees that autonomy is something that develops over time from minimal to normal autonomy and in some even beyond, has to do with critical reflection and problem solving, but also involves action and self-control. On his view of it, competence, procedural independence, and self-control are each necessary for autonomy, and together they are sufficient.\textsuperscript{17} He would have us understand self-control in two senses: first, as that control one has in respect of the means by which ends are pursued and, second, as that control effected by critical reflection on ends, values, desires, etc. Self-control in the first sense only is required for minimal autonomy, while self-control in both senses is required for normal autonomy.\textsuperscript{18} So, for example, given that the other necessary conditions are satisfied, one would be said to display minimal autonomy in choosing one of many possible routes across town. In reflecting critically about whether one should go across town at all, however, one would be said to display normal autonomy, provided that the outcome of that critical reflection is a choice consonant with the


\textsuperscript{18} Ibid., p. 18.
decision reached in the process of deliberation, that is, an action selected from alternatives. 19

Procedural independence, also required for normal autonomy, is a condition marked by critical reflection on reasons, beliefs, values, goals, and so on. Critical reflection is a process of finding reasons for one's reasons. Typically, the process begins when one is confronted by some sort of choice-problem.

The steps taken to solve the problem must individually be sensitive to feedback gotten from the preceding steps. And collectively those steps must be understandable as the expression of a coherent strategy for solving the problem. If either of these features, sensitivity or coherence, is absent, we will not think of the activity as reflective. Sensitivity to feedback saves the activity from being the rote following of a routine. And if the sequence of steps lacks coherence, if we can discern no overall strategy, then although we may accept that reflection has occurred we should not say that the activity is reflective. 20

19 Haworth, Autonomy, p. 23. A decision is an unobservable mental act, whereas a choice involves observable physical action.

20 Ibid.
We must be careful, however, not to confuse procedure with substance. Substantive dependence connotes following and conformity.21 A violinist in an orchestra, for instance, is substantively dependent during a performance, insofar as any such performance would be guided not by the musician, but instead by the composer and conductor. Yet this sort of dependence does not diminish the violinist's autonomy.

Behavior is procedurally independent, regardless of how much it may conform to that of others or deliberately follow a pattern laid out by others, to the extent that the decision to initiate it and to continue with it is one's own.22

The final necessary condition for autonomy on Haworth's view is competence. Not as fundamental as the ability to act, competence presupposes it and refers to the adequacy of one's physical, intellectual, and social skills. Competence is a matter of

21 Haworth, Autonomy, p. 20.

22 Ibid., p. 38. The decision would be one's own if the reasons leading to it are one's own. "In the exercise of finding reasons for one's reasons, the lower level reasons that are endorsed by the higher level reasons become one's own."
degrees and, so, an individual's competence can be thought of as lying somewhere on a continuum.

At one extreme is the infant just learning to smile, and at the other, an exceptionally developed adult who has a wide repertoire of skills that enables him not only to meet successfully most of the challenges of modern living, but also to explore and innovate, to break new ground, and thereby extend his competence.  

While self-control, procedural independence, and competence spell out the necessary and sufficient conditions in Haworth's theory of autonomy, it is important to understand his view of the structure and nature of deliberation and critical reflection as well. Full rationality, which is necessary for normal autonomy, is a mature variety of deliberation. A much less developed variety of deliberation involves what Haworth calls technical rationality, and is concerned merely with the choice of means for achieving a given end or outcome.  

Being rational in this sense "consists in choosing the available act (A) that maximizes the chances of

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24 Ibid., pp. 30-37.
realizing that outcome."\textsuperscript{25} Even very small children are capable of
reflecting to this extent. But this sort of rationality is enough only
for minimal autonomy. A somewhat greater degree of rationality
is reached when, in addition to reflecting on the best or most
appropriate means for achieving particular outcomes, one is also
able to choose among different outcomes on the basis of some
ordering principle; for instance, maximize the chances of
achieving the most preferred outcome. Haworth calls this
economic rationality.\textsuperscript{26} And while it is a bit more involved than
technical rationality, it is probably not beyond the reach of, say, the
average ten year old child. At the same time, however, one who is
no more than economically rational is not fully rational and,
therefore, has not achieved normal autonomy. For economic
rationality does not seek to evaluate the ordering principle one has
hit upon. Nor does it ask how one came to have the preferences in
question or whether they are in any sense one’s own. Such
considerations are irrelevant to economic rationality. But they are
quite essential to full rationality, which is necessary for normal
autonomy.

Full rationality involves thinking about one’s preferences,

\textsuperscript{25} Haworth, \textit{Autonomy}, p. 30.

\textsuperscript{26} Ibid., pp. 31-35.
about one’s values and principles, to ensure that the preferences upon which one acts are neither the unexamined influences of others nor mere emotional outbursts. For as Haworth has pointed out,

a life guided by preferences uncritically borrowed from others is obviously not finally guided by reasons and so in the full sense lacks rationality and autonomy. Similarly, when the guiding preferences are but emotional outbursts, then rational procedure is short-circuited and there is evident lack of self-control.27

The critical reflection that counts as full rationality is a process not only of finding reasons for one’s reasons, but also of finding reasons for ordering or prioritizing one’s preferences in a particular way. It is a process that focuses on “the consequences of acting on [a particular] ordering, on the rationality of the beliefs on which the ordering is based, and on the consistency of the ordering with one’s principles and values.”28

While discussing ostensibly conflicting preferences, principles, values, etc., Haworth further qualified his rationality

27 Haworth, Autonomy, p. 37.
28 Ibid., 37-38.
requirements. To count as critical reflection deliberation should take into account such matters as efficacy, consequence, consistency, and warrant. The concern for efficacy is a desire to know whether satisfaction of the preference will satisfy the one who holds it. For sometimes we are quite unsatisfied after having gotten what we wanted. The matter of consequences is considered by asking whether the satisfaction of a particular preference might frustrate other important or possibly future preferences. Also, one should ask whether the satisfaction of a preference might cause changes in future preferences or preference ordering of which one currently disapproves. Further, one’s deliberations should be marked by consistency. What is wanted here is that the preference under consideration be consistent with the principles one holds as well as with the values to which one subscribes. Finally, one should be sure that the preference is founded on opinions that he or she has good reasons for holding. And, of course, these deliberations may take place on a number of levels.

29 Haworth, Autonomy, pp. 36-37.

30 Ibid., p. 37. He defines “values” as the things one thinks good and “principles” as the rules one thinks should be adopted to separate the permissible from the impermissible ways of pursuing one’s values.
Thus, one may ask whether a preference one holds is consistent with a principle one holds, but may also deliberate on the acceptability of the principle. The beliefs, values, and principles one invokes to settle that (second-order) matter may themselves be deliberated on. The possibility that by acting in a certain way one will subsequently acquire values of which one disapproves will appear as a prima facie reason against so acting. Further reflection may uncover reason for welcoming the prospect of acquiring the new values. By moving to the second and higher levels, one finds reasons for one's reasons for acting or, alternatively, reasons for rejecting the reasons appealed to at lower levels.\textsuperscript{31}

In the passage just quoted, Haworth made it clear that his theory, like those of Frankfurt and Dworkin, is a hierarchical preference theory. Therefore, he must respond to the same regress objection that was leveled against the other two, which he does and with some ingenuity. His view of it is that at bottom the objection is about the nature of good reasons.\textsuperscript{32} It assumes, incorrectly, that

\textsuperscript{31} Haworth, \textit{Autonomy}, p. 38.

\textsuperscript{32} Ibid., p. 39.
one’s autonomy is contingent upon finding some final, self-evident reason (value, principle, etc.). The assumption invokes the model of a formal, deductive system in which theorems are derived from self-evident axioms. If the theorems are not so derived, then they have no epistemic value. But this may be to ask for more than can be given. For the notion of what counts as a good reason is sometimes, even often, tied more closely to an inductive than to a deductive model. Haworth argued, plausibly enough, that a chain of reasoning that extends to the second level and which could be strengthened if continued, “though incomplete, nevertheless goes some distance toward substantiating the view (preference) it was designed to support.”

[Normal autonomy is] reached by going far enough in finding reasons for one’s preferences, and without needing to go to heroic lengths of deliberating endlessly, calling all of one’s values and principles into question on every occasion when a choice needs to be made.

But what, it might be asked, is it that makes a reason a good

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33 Haworth, Autonomy, p. 39.
34 Ibid.
reason? Haworth's answer is that relevance, sufficiency, and acceptability make a reason a good reason. His view is that a reason is relevant if its "being correct enhances the acceptability of the conclusion." And a reason is sufficient if its "being correct would give one sufficient reason for assenting to the conclusion." What it is exactly that makes a reason acceptable, however, is unclear. For the notion of acceptability was left unexplained. Also, the term "correct" is a little hard to decipher. Nonetheless, Haworth asserted that the idea of a good reason is one that is

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35 Haworth, Autonomy, p. 39.
36 Ibid.
37 Ibid.
38 It may be that acceptability is tied in with the notion of criticism internal to a tradition, an idea he noted in his introduction was borrowed from S. I. Benn, "Freedom, Autonomy and the Concept of a Person," Proceedings of the Aristotelian Society, new ser. 76 (1976):109-30. Briefly, it is the view that in reflecting on our beliefs, principles and values, we should take a perspective that takes for granted the other values and beliefs we acquired in the process of growing up in a determinate culture. Haworth does not explicitly make this connection, but it might reasonably be inferred from the offset quote on the previous page.
"embedded in that of a sound argument. To argue is to offer a reason for a conclusion." So, if a reason is relevant, sufficient, and acceptable, then the argument is sound.

Now to think of reasons as the premises of an inductive argument seems a fruitful way to view the problem. Yet it seems strange to refer to the premises of an argument as correct or incorrect without some clarification of what counts as correctness. Ordinarily, even in inductive reasoning, we would expect one to refer to premises as being true, false, more or less probable, or undetermined. And, so, it seems that "correct" could mean something other than that a premise is true. But if "correct" does not mean that a reason is true, then precisely what it does mean is

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40 Ibid.
41 In using "correct" instead of "true" Haworth may have had in mind some notion of adequacy, that is, various and perhaps disparate ways in which different sorts of reasons or parts of reasons can make the grade. After all, the notion of truth works well enough with simple declarative sentences, but seems inadequate when considering values and principles. Haworth, however, left all this quite unclear.
unclear. Haworth’s account of good reasons, then, seems to be in need of further clarification.

The problem I wish to focus on here, however, is not his position on good reasons, which may yet be salvageable and which in any case I intend to supplant with my own account of warranted belief, but instead his unnecessary reliance on second and higher levels of preferences, principles, and values. While his response to the regress problem seemed adequate, if not in theory then in practice, an infinite regress is not the only objection that can be raised against theories of this sort. The objection goes like this. What exactly is it that makes a reason, preference, principle, or value one of the second or higher order? It must be either something about the reason, preference, principle, or value itself or something that the reason (etc.) does or can be used to do. Now if it is the latter, if it is something a reason does or can be used to do, then what follows? A reason of a higher order serves only to evaluate, to affirm or reject reasons or preferences of a lower order. So it is this evaluative function that makes a reason a reason of the second or higher order. But if this is the case, then we have a problem. For it would seem that a given reason could come into play at different levels in different deliberations. A person caught in the midst of a war, for instance, might routinely bring to bear a desire to stay alive or a value in self-preservation. Such a person
might evaluate every other desire and every intended action in light of his or her interest in self-preservation. Yet the same person in a very different context might find thoughts of survival relevant only at a much higher level of deliberation. If this is possible, that is, if a particular reason can enter the deliberative process at various levels, then it is hard to see what is gained by resorting to higher levels in the first place. Enough can be accomplished if we admit that critical reflection about one's values, principles, and so on can be more or less extensive, and that the more extensive it is the more autonomous one will be. More, it seems to me, would be gained if we required that one's deliberations be informed by one's cultural context, a point I shall make at greater length below.

On the other hand, if it is something about a particular reason that makes it a reason of a certain level, then it would seem that coherent deliberation will require a person to map out and designate by level all of his or her reasons, desires, preferences, principles, and values. For evaluation of or deliberation regarding an item on one level can be accomplished only by employing items from higher levels. So a map will be needed to ensure the adequacy of deliberations. And perhaps this mapping will need to be accomplished for a variety of different contexts. But, of course, before even one such map can be constructed, we will need an account of reasons that tells us not only which ones go where in
what contexts, but also why they go there. And I am less than optimistic that such an account can be produced.

Despite the problems just discussed with Haworth's view, there is much to recommend his theory. Indeed, as mentioned above, I accept and appropriate the bulk of it, rejecting only its hierarchical structure and its account of good reasons. My view, therefore, is more a renovation of his thinking than it is an alternative to it.

Among Haworth's most important contributions to the discussion of individual autonomy is his construal of critical reflection as a process that culminates in a choice, that is, an observable action.

When thought is represented as a characteristic of problem-solving action itself, it is brought out of the closet and into the light of day. The enhanced accessibility makes judgments about people's autonomy more objective and hence more reliable.42

And this, I think, marks a considerable advancement in our thinking about individual autonomy. If it is indeed sensible to think

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of critical deliberation as a process that ends in action, and I see no reason to think that it is not, then access to that process in individuals is in fact enhanced. Also, his view that autonomy is a psychogenetic condition, that is, an emergent condition that develops over time and is ascribable to individuals in various degrees fits well with the intuition that while children are born without autonomy, they can under reasonable circumstances but do not always develop into fully autonomous beings. Finally, the fact that Haworth's theory, as well as my renovation of it, is in some sense neutral as to values recommends it to anyone living in
a pluralistic society such as America.\footnote{A word of caution regarding this neutrality is in order. Among those who have written on autonomy it is widely accepted that autonomy is neutral as to values. And I think there is some but only some truth in that view. Autonomy itself, after all, provides no guidance in the matter of ordering and would not recommend the life of, say, Albert Schweitzer over that of, say, Robert DeNiro. But from the neutrality that autonomy does enjoy it does not follow as some have thought that a highly autonomous person could be highly immoral. Gerald Dworkin, for instance, asserted that an “autonomous person may be a saint or a sinner.” [“The Concept of Autonomy,” Science and Ethics, ed. R. Haller (Amsterdam: Rodopi Press, 1981); reprinted in John Christman, ed., The Inner Citadel (Oxford: Oxford University Press, 1989), p. 62.] And Lawrence Haworth thought that he was “bound to admit the possibility of an extremely autonomous person being highly immoral.” [Autonomy, p. 157.]. Nothing in Haworth’s theory commits him to this position. He takes it because he thinks the alternative is impossible to defend. I shall argue, however, that a commitment to autonomy entails a commitment to certain other values and, so, eliminates the possibility that a Charles Manson or a Ted Bundy could be considered autonomous.}
follows, these are not the only considerations that recommend a Haworthian theory of autonomy.

Freedom and Restraint: The Cradle of Autonomy

Freedom, it is sometimes said, is the absence of restraints. To be free a person needs to be unrestricted by external and, some would say, even internal restraints. But I think it is a mistake to construe freedom as the absence of effective restraints. Consider, after all, that an astronaut whose umbilical has been severed, leaving him or her adrift in space, would be about as unrestrained as a person could be. But we would not characterize the condition of such a person as involving greater freedom than that of those who remain tethered to the space craft.

Yet, there are restraints and there are restraints. Some restraints, such as those spelled out by the laws of physics, subject us all. So it is clear that human freedom must exist within a context of restraining physical forces and not in the absence of them. Concerning the restraints of law and custom, it would appear that since to engage in critical deliberation on beliefs, principles, and values one must accept and employ the other beliefs, principles, and values acquired in the process of growing up in a determinate culture, the freedom necessary for normal autonomy requires those restraints as well. A wholesale rejection
of (or failure to employ) these restraints would be rather like the cutting of one's umbilical. So human freedom must exist not just within a context of restraining physical forces, but within a context of culture or tradition as well.

The restraints of law and custom are, of course, weaker than physical forces and may be defied, although usually at the risk of some peril, indeed, sometimes very great peril. Yet, unlike the laws of physics, these conventional restraints can be changed or even eliminated as people see the need. And whenever custom or law runs counter to a decent regard for human dignity, is arbitrary and unfair, or is just plain foolish, then it ought to be changed. But, here again, human freedom does not require an absence of all the restraints of law and custom. It will be enough if one has the capacity to recognize and the ability to strive toward the elimination of unjust or unreasonable laws and customs. After all, no one is born into a moral vacuum or, for that matter, into a perfectly just society. Everyone is restrained in ways that are unjust and unreasonable. Therefore, if human freedom is to be more than a chimerical dream, we must allow that the capacity to recognize injustice along with the ability to strive toward righting what is wrong in a society is enough.

There is yet another kind of restraint, however, from which no person should want to be free. Restraints of this kind are purely
internal and partly define the nature of one's character. Some of these internal restraints come to what we think of as conscience, one's sense of right and wrong and of propriety. A human who lacks restraints of this kind is called a sociopath and is to be envied by no one. Inasmuch as he or she feels no guilt, has internalized no moral values, has no felt moral connection to the rest of humanity, and is concerned mainly with self-preservation and self-gratification, he or she cannot engage in critical reflection on his or her values and, so, can never achieve full rationality or normal autonomy. Only a person with a fairly robust set of moral values can rise above mere economic rationality.

It is here with these internal restraints, some of which are nonmoral in character, that we find the nexus between freedom, restraint, and autonomy. Autonomy requires at least some and perhaps many of the most stable restraints given by a context of culture and tradition. Just as the freedom to run requires the restraint of gravity to keep the activity from degenerating into uncontrolled flight, self-rule requires moral and social restraints, externally imposed then internalized, to keep it from degenerating into mere willfulness. The interpersonal, familial, and social implications of a given prospective choice, therefore, are relevant to whether that course of action is worthy of being chosen. Thus, the autonomous person will recognize and strive to understand
these internal restraints. Some of these will be approved of and affirmed, while others may be found incoherent or otherwise unacceptable and, so, will be rejected. By the time one is capable of doing the mental work required by autonomy, a time when one's basic personality is already well formed, he or she (excluding the sociopath) will have long since internalized a set of values and a body of moral principles. These values and principles, however, will not be the person's own in any meaningful sense. Recognition of this fact is sufficient motivation for most people to start doing their own thinking about what is good and what is right as well as about the sort of person one wants to be. Those who do not feel the impetus to become autonomous, who do not honor their own innate drive to competence, may have perfectly happy lives, but

"It should be noted here that not all restraints are rationally rejectable. The prohibition against theft, for instance, is not a restraint any member of a society is free to reject. Rejection of the proposition that all people enjoy certain fundamental rights, in this case a property right, is a wholesale rejection of society itself. The same, of course, would be true of the prohibition against unjust killing. And I take it for granted that no rational argument can be given in favor not merely of forsaking the company and society of one's own kind, but of incurring the wrath of all humanity as well.
they will be heteronomous lives, lives structured and arranged for them by others. And while there is nothing wrong with heteronomy in a child, it is sad to see it in an adult.

On the way to normal autonomy, one will want to grasp at some point the direction his or her life has been given as well as the details of the context into which it has been placed, and will want to become, through critical reflection on values, principles, and preferences, responsible for the direction it continues to take. The autonomous person will have internal restraints, but they will be ones he or she has recognized, understood, and reasonably approved, a process that can be undertaken only within the context of a culture or tradition. For it seems clear that neither persons nor the cultures within which they live can be adequately evaluated in isolation from each other. After all, only within a context of culture or tradition can a person come to recognize that while some values are worthy of pursuit, in that they can be fitted into a healthy and productive life within a reasonably healthy society, some value-candidates are in this sense not worthy of pursuit. This is why I refer to freedom and restraint together as the cradle of autonomy, because autonomy requires not so much

\[\text{What precisely is involved in reasonable approval is a difficult matter which I shall try to make clear in the following sections.}\]
freedom from restraint as that the restraints in a person’s life be mainly just those of which a reasonable approval can be given. And reasonableness is tied necessarily to context. Culture, tradition, and law spell out more or less clearly the context within which a person can be and should be allowed to be self-governing. Further, when criticism of the context itself seems necessary, culture, tradition, and law will, so long as there exists a decent regard for truth, provide both intellectual and moral guidance. Together with freedom, the restraints of tradition or culture both nurture and provide an indispensable foundation for individual autonomy. Therefore, it is clear that autonomy is not entirely neutral as to values. Some value-candidates are clearly ruled out. However, among those values that are not ruled out, such as the desire for a close-knit community or companionship, autonomy would indeed appear to be neutral. But from this it very clearly does not follow that an extremely autonomous person could be highly immoral. Autonomy precludes depravity.

Consider, for the sake of clarification, a particularly vivid portrait of depravity, the one offered by Anthony Hopkins in the character of Dr. Hannibal Lecter--Hannibal the cannibal--in the film The Silence of the Lambs. It might appear at first glance that Dr. Lecter is an exemplar of the autonomous individual, albeit a decidedly evil one. After all, his behavior is quite deliberate, rarely
impulsive, and apparently effective. That is, he makes quick and usually accurate assessments of his situation, devises goal-oriented strategies, and achieves his objectives. He defers to the laws of physics, but rejects out of hand the laws of humankind. In short, he rejects what most of us take to be fundamental moral and legal obligations, obligations not to murder and eat people. But none of this, it might be argued, suggests that he does not rule himself. Indeed, quite the opposite is suggested.

But the foregoing argument is too quick a gloss. Consider that Dr. Lecter has important desires that can never be satisfied. He would like, for instance, a more personal, less professional relationship with Clarise. After she has revealed her worst memory from childhood, her father’s death, Lecter says, “You’re very frank, Clarise. I think it would be quite something to know you--in private life.” But Lecter can never have such a relationship, certainly not with Clarise or with anyone even remotely like her. And, of course, he would not find such a relationship desirable with any lesser persons, that is, persons who are less candid and courageous than Clarise. Indeed, it would seem

that Dr. Lecter has chosen a life that precludes the sort of human intimacy that most of us take for granted and could hardly lead a healthy or even satisfactory life without. He can never have friends or family. Nor can he gain the respect of those in his chosen profession. No amount of brilliant theorizing can undo the fact that he is now Hannibal the cannibal, a man whose choices have made him an outcast and who will never know the simple pleasure of not having to look over his shoulder unless, of course, he is caught and returned to prison; for he has not chosen merely to be a hermit, but to be a feared and hunted man. Dr. Lecter's choices were made at a high price indeed.

Yet it might yet be argued that all of us have to pay for the choices we make. A man who chooses philosophy instead of medicine consigns himself to what will probably be a lower standard of living than he might otherwise have enjoyed. A man who chooses to be a professional soldier gives up the stable home life and peaceful security he might have enjoyed as a salesman or a factory worker. All such choices come at a price. But we do not say that the philosopher or the professional soldier lack autonomy simply because the choices they made may have carried a price higher than most of us would be willing to pay. And neither should we conclude that Dr. Lecter lacks autonomy simply because his choices carried a high price.
I would argue, however, that sometimes a choice carries so high a price in relation to what one can get from that particular course of action that it would be irrational to make the choice in question. Such is Dr. Lecter's choice to murder and eat people. Whatever perverse pleasure he finds in terrorizing people is purely transitory and is an inadequate gain given the costs incurred. Or, if Dr. Lecter inflicts pain as a treatment for the pain that must have been inflicted upon him, then he should know, indeed, does know that to give a patient a pain reliever is not to treat the source of the pain. And this, I suggest is a major obstacle standing between Dr. Lecter and autonomy. Consider the following exchange between Lecter and the fledgling agent Starling which takes place just after he has offered some speculations regarding her appearance and personal history with "sticky fumblings" in the backseats of cars.

Clarise: You see a lot Dr. But are you strong enough to point that high powered perception at yourself? What about it? Why don't you look at yourself and write down what you see. Maybe you're afraid to.

Lecter: A census taker once tried to test me. I ate his liver with some fava beans and a nice chianti.
You fly back to school now agent Starling. Fly, fly, fly.\textsuperscript{47} 

Now that was a significant outburst for the usually well-composed Dr. Lecter. He got angry with Clarise because she hit a sore spot; she pulled an ugly bit of truth out of the dark for Lecter to see, and he was unsettled by it. So he retaliated with an obscene and thinly veiled little threat.\textsuperscript{48} That his refusal to engage in self-analysis stands in defiance of the demands of his knowledge is quite apparent even to him. He knows more surely than anyone else what he must do to wrest control of himself from his sickness,

\textsuperscript{47} The Silence of the Lambs.

\textsuperscript{48} An alternative interpretation would hold that Lecter merely wishes to protect his privacy, that he wishes not to disclose such information. But then how are we to understand his anger and the threat?

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but he cannot or will not bring himself to do it. And until he does that work, normal autonomy shall remain beyond his grasp. He will feel compelled always to numb the pain that controls his life. His choice to be a murderous cannibal is at the price of his capacity to reflect critically upon the life he has chosen. For, as will become more clear in the section below on rationality, by rejecting some of the most fundamental values not just of his own tradition, but of all civilized traditions, Dr. Lecter has not merely paid too high a price, but has deprived himself of the robust set of richly understood values and moral principles that are required to engage in the critical reflection necessary to normal autonomy as well.

To reiterate, then, the extremely autonomous person cannot be highly immoral. Nor for that matter can the person who has barely achieved normal autonomy be highly immoral. Such a

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It could be that Lecter cannot engage in critical reflection because he denies certain relevant features of his experience and, so, fails to appreciate his problem, which seems unlikely inasmuch as he is a psychiatrist. It could also be that he refuses to engage in critical reflection because he thinks he has undermined the foundations that make such reflection sensible or meaningful. But in either case his failure stands between him and normal autonomy.
person may occasionally lapse into a brutish selfishness or give in to anger or other passions and do something they should not do. But a high degree of immorality is quite beyond the ken of anyone who has achieved normal autonomy. The sort of self-assessment necessary to autonomy must be accomplished within a context of social criticism. To disregard or reject that context, whether it be the ethos of Alabama in the 1950's, or of Russia after the breakup of the Soviet Union, or of Hudson, Iowa, is to reject the very ground and possibility of normal autonomy. The cost of great immorality simply is unreasonably high. For it counts not just as a rejection of all societies, but also as an invitation to their hostility. A rational person would no more be willing to pay such a price than he or she would be willing to have a hand severed to avoid the continual annoyance of having to cut one's fingernails.

I hope at this point that I have made a persuasive case for the view that autonomy precludes depravity. But if some are not yet convinced, then I would ask only that they reserve judgment until they have had a chance to cull into their considerations the full account of individual autonomy as it is spelled out in the following sections. For the discussion of what is required by way of rationality as well as that of the primary psychological goods should alleviate doubts and add greater clarity.
A Nonhierarchica! Model of Autonomy

Now before getting to a consideration of the standards of rationality an autonomous person will have to meet, I should remind the reader that the view I offer here is largely in agreement with the one put forth by Lawrence Haworth. My only significant disagreement with him concerns what counts as procedural independence and, more narrowly, his position on good reasons. Therefore, I shall proceed in the next section by setting out my own view of what counts as a warranted belief. Then I will show how that account fits in with the larger view of procedural independence and, finally, with a more complete, mostly Haworthian model of individual autonomy.

The Rational Side of Autonomy

The question at issue here is whether to be autonomous a person must also be rational. If this question is to be answered in the affirmative, as I think it should be, then the problem is to spell out the standards that must be met for a person to be considered rational. A minimal, subjective standard might require nothing more than that one’s beliefs and desires be consistent or, anyway,
that they not be manifestly inconsistent. But this seems too weak a standard. For it would seem to allow that someone whose most fundamental beliefs are both false and unwarranted could nonetheless be autonomous. So, for instance, a man who believes himself to be Napoleon, not a reincarnation of Napoleon, but the little corporal himself, even though his belief is both false and unwarranted, might still be autonomous. It would depend on whether his other beliefs were consistent with his delusion about being Napoleon. But if his other beliefs are consistent with his delusion, then will his life not be driven and directed by that delusion? And if his life is so driven and directed, then in what sense does he rule himself? I would suggest that such a man should not be considered autonomous. The majority of his thoughts, desires, and actions are ruled by demonstrably false beliefs and not by the self who is deluded by them. A purely internal standard clearly is inadequate.

A more objective standard with external conditions is needed. Susan Wolf has argued that to be autonomous one must be able to

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know what he or she is doing, to know whether it is right or wrong, to make accurate self-evaluations based on accurate factual and moral beliefs, and “to cognitively and normatively recognize and appreciate the world for what it is.” But what, we should wonder, would count as an accurate moral belief? And what does recognizing and appreciating the world for what it is come to exactly? After all, it is not as though there is anything like a consensus on these matters. Surely this standard is too strong. Consider that when Columbus set out across the Atlantic it was with the belief that by sailing west he could reach Asia and the East Indies more quickly and with less risk than by sailing around the Cape of Good Hope. His beliefs, while not entirely unwarranted, were utterly false. Yet it seems wrong to say that he therefore lacked autonomy. While it is clear that autonomy must require more than that one’s beliefs be consistent with each other, it is also

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clear that we should not set our standards of rationality impossibly high.  

External conditions for rationality, however, need not be so severe as those enumerated by Wolf. I suggest that we adopt a weaker external standard which demands merely that a person’s beliefs be warranted. A belief is warranted on my view when a reasonable and adequate story can be told in support of its being

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52 It was thinking similar to Wolf’s that concerned Isaiah Berlin in his “Two Concepts of Liberty,” in his Four Essays on Liberty (Oxford: Oxford University Press, 1969). There he argued that “once I take this view [that autonomy requires externalist rationality], I am in a position to ignore the actual wishes of men or societies, to bully, oppress, torture them in the name . . . of their ‘real’ selves, in the secure knowledge that whatever is the true goal of man must be identical with his freedom--the free choice of his ‘true,’ albeit often submerged and inarticulate, self.” (p. 133). While Berlin might have been a bit hasty in concluding that externalist standards necessarily entail or even allow such extreme behaviors, he was right to be worried about positions which seem to imply or, at least, intimate that their authors have a lock on the one and only true understanding of the world and how one ought to deal with it.
held. This formulation is rather vague. But what I have in mind can be seen more clearly by considering the following. Suppose that a woman who wants to enjoy a monogamous relationship with her spouse and believes that she has such a relationship regularly turns down offers of sexual intimacy that she might otherwise accept. That is, while she finds these other people attractive, her desire to live in accord with principles she has considered and chosen to adopt or continue with is more important to her than any possible gratification she could receive by accepting the offers. She feels good about herself, knowing that she is able to rule herself even when she is tempted to be unruly. She has some conception of what counts as a good life, has adopted principles in accord with that conception, and has been able to live by those principles. She thinks of herself as autonomous.

But her belief that she has a monogamous relationship is false. Does that destroy or diminish her autonomy? Not necessarily. For it seems to me that being mistaken about relevant facts diminishes one's autonomy only when the mistaken belief is unwarranted. If the woman can tell a reasonable and adequate story in support of her belief, as similarly situated people often can, then her autonomy is not affected by the fact that the belief is false. For no one can be expected to get everything right all the time. If, on the other hand, the woman has reasons (reasons strong enough to
suggest that some investigation is in order) to suspect that she does not enjoy a monogamous relationship but for whatever reason refuses to factor that information into her deliberations, then to the extent that she ignores relevant information she is insensitive to feedback and her autonomy is diminished.\textsuperscript{53} It is important to see, however, that the woman's autonomy is diminished not because she has a false belief, but because she has reasons to doubt the veracity of the belief and yet continues to act as though she does not. Instead, she continues to act on the basis of a belief that is more probably unwarranted than warranted.

\textsuperscript{53} It is important to note here what I shall argue for in chapter 5. It may appear that a woman whose autonomy has been diminished in the way just described is guilty of harming herself, that instead of having been deprived of her autonomy, she has merely made some compromise in her values and, so, has not given up any self-rule at all. We may think it rather sad that she tolerates such treatment from her spouse. But the decision was hers and, so, her autonomy was not diminished. I think this view of it is overly broad. For it could be argued that the woman's autonomy has been taken from her or, better, has been kept from her. So we need not come so quickly to the view that she rules herself, but does so rather badly.
If one's beliefs are unwarranted, must we conclude that his or her autonomy is therefore diminished? I should think that in most cases this question must be answered in the affirmative. However, some sorts of beliefs might provide their own warrant. Consider, for instance, the complex belief that there is a God whose design or intentions or wishes for humanity can be accessed if at all only
naturalistically. Notice first that this belief is inaccessible to determinations of correctness, accuracy, or truth. Yet an argument can be made that such a belief is nonetheless warranted. For this belief might provide impetus in the one who holds it to ensure that the rest of his or her beliefs meet the highest reasonable standards of rationality. It might also incline one

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54 It might be objected here that these are rather sophisticated notions, that perhaps not many people would be autonomous on my view. Indeed, it might be said that I have excluded most religious people and others who hold metaphysical beliefs from the class of autonomous persons. But the fear is unwarranted. Unsupportable beliefs would constitute an impediment to autonomy only when and to the extent that such beliefs are necessary elements of a story given to support a decision made in regard to a particular choice. But, frankly, such a situation rarely comes to pass. The vast majority of choice situations we face in the course of life simply do not require reference to religious or other metaphysical beliefs. To the extent, however, that a given person is unable to construct a reasonable and adequate story in support of a decision without reference to unsupportable beliefs, the choice that follows from that decision lacks autonomy. For such a story may be reasonable, but not adequate.
toward humility and a tolerant respect for the well-considered
opinions of others. If so, then such a belief would have considerable
instrumental value to any person born into a pluralistic society,
since holding it would appear to encourage and perhaps even
enhance one’s autonomy. This, I should think, is an adequate
warrant for holding a belief that is not accessible to determinations
of correctness, accuracy, or truth. 55 On this view of autonomy,
therefore, a person need not be an agnostic, although some sorts of

55 Stephen F. Barker has made a similar but somewhat stronger
argument in his, The Elements of Logic, 5th ed. (New York:
McGraw-Hill, Inc., 1989), pp. 251-52. He asked that we imagine a
mountain climber who has gotten into a position from which there
is no retreat, a position where the only chance of escape lies in a
leap across a chasm. But the climber has only seldom (about one in
a hundred times) been able to leap such a distance. Yet the climber
also knows that confidence enhances athletic performance and
that the odds of success will be enhanced therefore by a belief that
he or she will succeed. So, it is ethically permissible for the climber
to try to induce himself or herself to believe that he or she will
succeed. And if the climber has a family who depends on him or
her, then the inducement to believe what runs contrary to the
empirical evidence will be obligatory.
religious belief clearly are ruled out, insofar as they are inaccessible to determinations of correctness, accuracy, or truth and, further, do not seem to provide the sort of internal warrant as the belief considered here.

Still needing elaboration here is what would count as a reasonable and adequate story. That is, how can we know when the reasons offered in defense of holding a particular belief are sufficient to justify one's holding it? Here I suggest that we follow Haworth's lead and construe the story, which is just an aggregate of factual and/or normative claims, principles, and values, as the premises of an inductive argument with the belief in question as the conclusion. A story offered in support of a belief is reasonable, then, if its constituent parts are consistent and the story as a whole is not manifestly inconsistent with other stories the person has told or would tell in support of other beliefs. Any apparent inconsistency here would require resolution through further deliberation and perhaps the rejection of some belief or other. Also, the parts of the story being offered would have to be relevant to the conclusion (belief) in question. So a story is reasonable if it is both consistent and relevant. A story is also adequate if in addition to being reasonable it is extensive enough that moderately intelligent, thoughtful, and experienced people could agree that enough has been said in support of the belief to justify its being held.
The adequacy requirement is needed to ensure that the induction is neither untethered nor hasty. After all, the young and the impetuous of all ages tend to rush to conclusions before they have gathered enough evidence, or before they have considered all the relevant aspects of a problem, or before they have taken account of their context, that is, their culture or tradition. Context may not always be an essential element in a reasonable and adequate story. But I do not see how it can be dispensed with when constructing stories to support choices of moral import. When a choice will have consequences that are clearly of moral concern, to achieve adequacy one's story will have to be informed by some culture or tradition, some more or less widely accepted view of how or in what manner a person should be and do.

So how much deliberation is enough? How extensive must a story be before moderately intelligent, thoughtful, and experienced people can agree that enough has been said? The answer, it seems

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By “hasty induction” I mean merely the drawing of a conclusion, which may be either general or particular, when most reasonable people would agree that more evidence and/or further consideration are needed, for instance, that clouds are soft and fluffy because they appear to be so.
to me, is that the notion of hasty induction as it is used here is tied to the context within which the choice-problem is faced. If the choice-problem is, say, whether or not to loan five dollars to a friend and the belief is that it would be permissible to make the loan, then the argument (story) need not be very extensive. In a case such as this, it should be enough that it is a reliable friend who asks for the money and that the one being asked can afford to make the loan. It may also be enough that the friend needs the money and the one being asked can afford to lose it. On the other hand, if the choice-problem is, say, whether or not to get an abortion and the belief is that one should get the abortion, then the argument (story) may need to be quite extensive. A young, Catholic woman might need to explain, for instance, how she can reconcile her decision to abort with her religious beliefs. She may or may not be able to accomplish this. If not, then she will have reason either to work on her story some more or to change her mind. But it is important to notice here that such a young woman could not tell an adequate story without reference to the tradition of Catholicism to which she belongs. And, of course, there will be times when no amount of argumentation will suffice to establish a conclusion (belief) as warranted. For instance, a belief that Napoleon was an agent of
Satan seems altogether unsupportable. Yet, in the vast majority of cases, those with experience and moderate intelligence will know well enough when an argument (story) has met or failed to meet this adequacy requirement. So, the full formula for a warranted belief is that it is supported by a reasonable and adequate story.

How, then, does the notion of warranted belief as spelled out above fit in with the larger issue of procedural independence and, finally, with the theory of autonomy of which it is a necessary element? My account of warranted belief replaces Haworth’s account of good reasons and, in so doing, plays a somewhat larger role. For in constructing a reasonable and adequate story in support of a belief, one is already constrained by considerations of consistency, consequence, and efficacy. When the construction of such a story results in a choice consonant with the deliberation, reasonable approval of the belief or preference in question is then apparent and rationally permissible. In other words, if a story is

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It should be admitted here that some ostensibly intelligent people would argue that beliefs of this sort can be supported by argument. Whether a reasonable and adequate story can be offered in support of such a belief is something I doubt but do not confront.
reasonable and adequate, one may and perhaps should approve of the story's conclusion (a warranted belief regarding a preference). In this way one makes the preference his or her own and satisfies the requirement of procedural independence. More than this, I think, we should not ask. If one gives careful, contextually informed consideration to the more significant choice-problems he or she faces in life and acts in accord with his or her reasonable deliberations, then he or she has attained normal autonomy, has crossed an important threshold.

Of course, few choice-problems could be more significant than those concerning one's life plan. And this is so for at least two reasons. For one thing, a person whose life has no discernible direction could not be thought of as having achieved normal autonomy. This is implicit in what has already been said, but needs to be spelled out more clearly, a project no one has done better than Diana T. Meyers in a discussion of what she calls autonomous programmatic self-direction. Her suggestion was that in addition to being generally thoughtful in confronting choices, one must also inquire into the sort of life one wants to live.

To answer this . . . question, people must consider what qualities they want to have, what sorts of interpersonal relations they want to be involved in, what talents they
want to develop, what interests they want to pursue, what goals they want to achieve, and so forth. Their decisions about these matters together with their ideas about how to effect these results add up to a life plan. Of course, the plan one settles on must be such that it at least can be stable, but there is no need to think of it as writ in stone. Life plans evolve over time and sometimes may even be rejected or subjected to significant renovation. Again, Meyers has put it very nicely.

People rightly regard their life plans as unfolding programs that are always subject to revision. Under closer scrutiny, an aim may be jettisoned; or, as the time to carry out a sub-plan approaches, it may be filled in with a more precise sequence of steps; and so forth. Life plans are dynamic. Yet by introducing some degree of order into people's lives, life plans enable people to want more and to

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satisfy a greater number of their desires than random satisfaction-seeking possibly could.\textsuperscript{59}

And, finally, the life plan one chooses must satisfy the condition of procedural independence. When a life plan satisfies this requirement it ensures that one's more spontaneous actions or, anyway, those that fit with the plan, are validated as autonomous. For autonomy cannot require that one is self-ruling only when one's every action follows close on the heels of a critical deliberation. Surely it is enough that we be able to say of a person “That's her style.” when it is a style she has autonomously chosen.

In addition to procedural independence, however, my Haworthian theory also requires both competence and self-control. Yet the two notions are so closely related that they seem joined at the hip. As Haworth has pointed out, “becoming competent is a process of gaining self-control.”\textsuperscript{60} So, in a sense, the one notion collapses into the other. Yet competence seems to convey rather better the positive aspects of both thought and action, whereas self-control seems to focus more on the negative aspects, on thoughts rejected and actions not performed. Also, if we take the two to be in

\textsuperscript{59} Meyers, \textit{Personal Choice}, p. 49.

\textsuperscript{60} Haworth, \textit{Autonomy}, p. 18.
no way distinct, then we risk missing some of what we ordinarily mean by self-control. Haworth makes the point in the following way.

In an adult, self-control involves critical reflection. One is moved by anger to strike a person, say, but on reflection decides it would be unwise and so brings the anger under control. The self-control that is associated with minimal competence might be expressed by striking the other in a disciplined manner. It consists in how the act is done, not in whether or why. By contrast, the self-control that is associated with critical reflection refers more to the uses to which a competence is put than to the manner of exercising it. . . . [M]inimal autonomy involves self-control in respect of the means by which ends are pursued, whereas the autonomy associated with a normal adult involves self-control in the further sense of control effected by critical reflection on the ends which these means serve.^[61]

So while there is a sense in which competence and self-control

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come to very much the same thing, we would do well to keep the two notions distinct. In this way, we are less likely to miss the subtle differences in their connotations and will be better able to distinguish between minimal and normal autonomy. Ultimately, however, at the level of normal autonomy, all that we mean by self-control is captured by the notion of competence or, as Haworth would put it, critical competence.

The one notion that best catches up the positive dimensions of all three traits by which autonomy is defined, and at the same time expresses the important feature of their interrelationship, is 'critical competence.' Having critical competence, a person is first of all active and his activity succeeds in giving effect to his intentions. Having critical competence, the active person is sensitive to the results of his own deliberation; his activity is guided by purposes he has thought through and found reasons of his own for pursuing. Normal autonomy is critical competence. As a complex character trait or habit, the signs of its possession are found in the way a person meets
the challenges of day-to-day living and, beyond this, creatively seizes the opportunities that come his way.62

Socrates was correct to point out that the unexamined life is not worth living.63 And the reason such a life is lacking in value is that it is not in any very meaningful sense one’s own. To be sure, it is not someone else’s life, but except in a merely biological sense neither is it one’s own.

This brings to an end the elaboration of my theory of autonomy as seen from a point of view that takes into account mostly just its rational requirements. But the theory will not be complete until I have also considered the psychological elements of autonomy.64 I turn now to that task.

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62 Haworth, Autonomy, p. 46.
64 I do not mean to make any hard and fast distinction here between rationality and psychology. I use the terms merely to designate what seem to be two rather different points of view.
Now on the account of autonomy as it has so far been developed, the autonomous person may be said to have gained at least some degree of critical competence. It is important to note, however, that as the term is used here critical competence includes not just a modicum of physical skills and an adequately developed capacity for deliberation, but interpersonal and social

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65 I do not mean to imply that a person who is confined to a wheelchair, say, could not achieve normal autonomy. However, it would seem that certain physical handicaps could severely circumscribe one's capacity to live autonomously. Would a person who is mentally alert yet completely unable to control their body be capable of normal autonomy? My intuition is that we would not consider such a person autonomous. But, then, at what point does physical competence become important? This looks like an interesting subject for discussion. However, the matter also seems beyond the scope of this essay.
skills as well. Critical competence, then, depends upon certain psychological traits or characteristics (virtues), traits or characteristics such as self-confidence, a sense of self-worth, both discipline and courage, curiosity, open-mindedness, trustworthiness, and the like. I shall refer to these traits

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It is not clear whether Haworth would agree with such a broad construal of critical competence. His assertion that an autonomous person might yet be highly immoral seems to be at odds with this view. However, he might have had in mind that a person could be socially competent and possessed of all the interpersonal skills one could hope to attain, but use these skills only to maintain a facade of civility while manipulating and defrauding others. And, of course, such people do exist. But are they really autonomous? I doubt that such a person could contrive a reasonable and adequate story in defense of his or her deceitfulness, that is, in support of the belief that it is morally permissible to defraud and manipulate.
collectively as primary psychological goods. That these are indeed goods I take to be self-evident. That they are primary goods can be seen in view of the fact that they are valuable regardless of one's life plan, context, or conception of the good life. Further, these

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67 In his discussion, Rawls argued that self-respect is the most important of the primary goods. He asserted that "without it nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism." A Theory of Justice, p. 440. And so longs as it is clear that his claim applies only in discussions of distributive justice, that is, to questions concerning the institutions of a fair society, I would not argue with his view of it. However, since we are concerned with broader issues here, it must also be noted that self-respect should be based for the most part on one's competence or, anyway, the degree to which one has actualized one's capacities for critical competence, this good would appear in the broader perspective to be derivative. Moreover, some people deserve only minimal respect. Charles Manson, for instance, deserves no respect beyond that due him simply by virtue of his status as a human being. And respect, beyond that minimum, whether it is from the self or from others, ought to be earned.
are goods without which a person would be severely handicapped in meeting the challenges of day-to-day living.

The notion of self-rule, it seems to me, implies order, and not just any sort of order, but an order that is good for the agent, an order that allows and even promotes flourishing. For humans, flourishing involves the development and maintenance of various sorts of relationships as well as continual moral and intellectual growth. So the question is, What is necessary by way of primary psychological goods to allow a better than even chance that a person will be able to flourish autonomously?

Ideally, we should want people to be mentally and emotionally well balanced, intelligent and free of neuroses. Any condition that adversely affects one's perceptions of reality is an obstacle standing between them and autonomy. More than this, however, one should be curious and eager to learn, open-minded, disciplined, trustworthy, reasonably confident, courageous, and show a decent regard for the humanity both in others and in oneself. To the extent that a person lacks any of these traits (virtues), his or her capacity to flourish in a pluralistic society is stunted and his or her options in life will be narrowed. If the stunting is sufficient, the narrowing may be great enough that one is permanently frustrated in his or her most significant desires. A person who lacks discipline, for instance, can never achieve anything difficult.
One who is unworthy of trust is likely to be found out and systematically excluded from all sorts of endeavors and relationships. Much the same, of course, is true of those who fail regularly to display a decent regard for the humanity in others. Little is left open to such persons except to be loners. Those who fail to display a decent regard for their own humanity, on the other hand, are unlikely to achieve a significant level of any competence, much less the critical competence of normal autonomy. Also, one who lacks confidence will find it difficult to see as viable all the options open to him or her. Athletes are aware of this, understanding as most of them do that one of the most telling things you can do to an opponent is to destroy even for a moment their confidence, to make them think that they are less capable than in fact they are. And, finally, to be a fully fledged, self-governing person, one must have some degree of courage, enough at least that one will be able to speak one’s mind in the face of opposition and will be able to do the right thing even when the cost is not inconsiderable.

What I have in mind here is nothing very profound. The point is just that if we want people to flourish autonomously, if we value individual autonomy, as I shall argue in the next section that we should, then we must be concerned with the conditions necessary for its development as well as the conditions which inhibit or tend
to prevent its development. For the most part, this means that we shall have to pay close attention to the inner workings of families, to methods for raising children, and to the dynamics of spousal relationships. For it is in the family that individual autonomy is first nurtured or not, first respected or not, first inhibited or not, first prevented and even destroyed or not. The idea is simply that if we value individual autonomy, then we ought to take steps to ensure that the normal autonomy of married persons is not diminished or destroyed within the family and, further, to ensure that children are raised such that they will possess at least those traits that count as primary psychological goods.

The Value of Autonomy

In this section I shall provide those subscribing to a variety of social and political views with reasons to accept individual autonomy as a fundamental value. I shall speak first to libertarians, arguing that liberty depends on individual autonomy for its value. Next I shall speak to two varieties of utilitarians, arguing that individual autonomy is prior to both preference satisfaction and pleasure. And, finally, I shall offer a word or two to both contractarians and those who find Rawlsian deontology attractive. To those who hold these views I shall offer reasons designed to move them to the position that individual autonomy is
a fundamental value. If I succeed in each case, then I will have
made a strong argument for the view that individual autonomy is
a fundamental value.

What is needed here, then, is a discussion of the sorts of things
people say when arguing that liberty is valuable.\textsuperscript{68} For if the
reasons advanced in support of a view commit one to some further
view, then that further view must also be accepted. So, for instance,
if the considerations that lead one to value liberty commit one to
value individual autonomy as well, then this further value must
also be accepted. Joel Feinberg, then, has argued that there are
four distinct reasons for holding that liberty is valuable in and of
itself, that is, that liberty is valuable without regard to the ends one
might attain by exercising it.\textsuperscript{69} His argument focuses on four

\textsuperscript{68} The strategy of looking to the considerations that motivate
people to accept a particular view was suggested by Lawrence
Haworth. And I am indebted to him for many valuable insights.
The arguments in this section, however, are my own, leaving
Haworth without culpability.

\textsuperscript{69} Joel Feinberg, “The Interest in Liberty on the Scales,” in
Values and Morals, eds. A. I. Goldman and J. Kim (Dordrecht: D.
benefits that attach to liberty. First, there is a welfare interest in having a tolerable minimum of liberty. Involved here are such benefits as being an agent who is subject to blame and praise, being responsible for one's actions, having self-esteem, and the exercise of one's self-monitoring and self-critical capacities. Absent liberty, none of these is possible. Beyond the interest in a tolerable minimum of liberty, however, there is also a security interest in surplus liberty. The benefit here is that surplus liberty provides a kind of insurance policy against an uncertain future. Having surplus liberty is rather like having well provisioned lifeboats on an ocean liner. One may never need to use a lifeboat, but having it available provides extra security. Also, surplus liberty has a symbolic value consisting of the pleasure one takes in knowing that he or she has more liberty than can be used. Finally, liberty allows room for experimentation with various ways of living and, so, provides such benefits as self-discovery and an eventual fit

**It should be noted here that there is no contradiction in claiming that liberty is valuable as such and then arguing for that position by listing certain benefits which liberty brings, provided that the benefits in question do indeed attach to liberty regardless of the uses to which the liberty is put. And the benefits enumerated by Feinberg satisfy this condition.**
between one’s basic character and his or her situation in life. By engaging in such experimentation people can learn what sort of life will best suit them. And, again, without liberty none of these benefits can obtain. So it is not hard to see why Feinberg thinks of these benefits as establishing that liberty has value in and of itself.

What Feinberg did not notice, however, is that the benefits he pointed out attach to liberty only when liberty is exercised autonomously. Consider self-esteem, for instance. A person without liberty, that is, one who faces no choices in life, could not be thought of as responsible and, therefore, would never be deserving of either praise or blame. Consequently, a person who lacks liberty lacks also the conditions necessary for self-esteem. Yet liberty surely is not a sufficient condition for self-esteem. After all, a person who has liberty but uses it only to be a spectator of life or, worse, to live uncritically the life someone else has put together for him or her clearly has no basis for self-esteem. Self-esteem can attach to liberty only when that liberty is exercised autonomously.

The other welfare benefits, the exercising of one’s capacities for self-monitoring and self-criticism are the very meat of individual autonomy and yet are not benefits that flow from the possession of liberty simpliciter. Nothing in having liberty guarantees that one will exercise these capacities. But liberty exercised autonomously necessarily involves both self-monitoring
and self-criticism. Feinberg was able to extol the welfare benefits of liberty only by employing the unstated assumption that liberty will be exercised autonomously. For liberty that is not exercised autonomously carries with it no certainty or even a likelihood that the stated welfare benefits will obtain.

Now the security interest in surplus liberty looks on the surface at least as though it would attach to liberty *simpliciter*. After all, if one does indeed have a hedge against an uncertain future, the fact that one now does or does not use his or her liberty autonomously would seem to leave the benefit of a more open future untouched; the insurance policy would remain in place even for the wholly heteronomous person. But surely there is something wrong with this view of things. To see what precisely, imagine a person who has a large surplus of options and no ability to take up those options autonomously. He or she is in a position very similar to that of a pilot who is able to fly only when, where, and how someone else decides. Confronted by unexpected and dangerous weather such a pilot would be incapable of making the appropriate decisions. Unable to bring critical competence to bear on any of his or her decisions, such a person would find no security in a surplus of options. If there is security in having a surplus of liberty, then it is a security enjoyable only by those who exercise
their liberty autonomously. A surplus of liberty in and of itself provides no such security.

Concerning the symbolic value of surplus liberty, that is, the pleasure one takes in the knowledge that he or she has more options than will ever be exercised, we must ask whether this pleasure depends on an assumption that the options which will not be exercised would, should the unlikely occasion present itself, be exercised autonomously. Consider, for the sake of clarity, that an American agnostic is at liberty to become a Catholic, a Jew, or a Mormon and, so, possess options that he or she will not (or does not intend to) use. Yet, this agnostic could say with pleasure to a citizen of any nation which denies these religious freedoms, “While I do not intend to become a practicing member of any religion, I could if I so desired.” The claim, then, that surplus liberty brings pleasure and, so, has symbolic value seems plausible enough. But surely the pleasure the agnostic takes from knowing that he or she has religious options that will not be exercised depends on the thought that in the event a religious choice does become desirable the choice will be made autonomously, reflectively, critically. Anyway, it is difficult to see what pleasure could derive from knowing that one has options which, if exercised, would be exercised other than autonomously. It would be like knowing that you are a slave to your passions, knowing that you cannot control yourself and
taking pleasure from that knowledge. At any rate, if it is correct to think that the pleasure in question is dependent upon the thought that whatever surplus options one has, any that might be exercised would be exercised autonomously, then the symbolic value of surplus liberty is also dependent upon the thought of autonomy.

Finally, liberty is to be valued because it allows room to experiment with different ways of living, different ways of being. Thus, one can learn what sort of life fits best with one’s character and situation. One can achieve the sort of individuality that the later Mill valued so highly. But here, again, it is not liberty simpliciter that brings this considerable benefit. Rather, it is liberty exercised autonomously that allows for and even promotes growth of the kind lauded by Feinberg and Mill. Experimentation that does not involve critical reflection and deliberation, that does not display a sensitivity to feedback, that is not marked by a rational decision process, promises no growth whatever, no individuality, and no fit between one’s character and situation. We would not say of a person who engaged only in aimless experimentation that he or she was in the process of achieving individuality or of creating harmony between his or her character and situation. We would say instead that such a person is frittering life away.

In conclusion, then, the benefits that undergird and give value
to liberty do so only when liberty is used autonomously. So, anyone who follows in the vein of the later Mill or of Feinberg has, if I have argued correctly, very strong reasons to value individual autonomy, and not as just one among other values, but as a value that is at least as fundamental as liberty itself, from which it follows that individual autonomy should be nurtured and promoted.

But what about those who find a utilitarian calculus more to their liking? Does the good that utilitarians seek to maximize depend in any way upon individual autonomy? I think it does. And to show this, I will employ a strategy similar to the one used above with the value of liberty. I will look to the considerations that could move one without strain to endorse either of two varieties of utilitarianism. I will argue internal to utilitarianism that both want utilitarians and mental-state utilitarians are committed to individual autonomy as a necessary feature of their systems, as a value that is in a sense prior to either preference satisfaction or pleasure.

One factor that could motivate an endorsement of utilitarianism in general is the way it seems to simplify moral reasoning and make more objective our determinations of right and wrong. Yet the same could be said of a scheme that sought to maximize pain. So while simplicity and objectivity clearly come
into the consideration, they seem unable to do the necessary motivational work.

What, then, could motivate one to endorse want utilitarianism? First, I think, we harbor a certain skepticism about values. The thinking is that one set of values is no more and no less correct than any other set. No proof to the contrary is available or, perhaps, even possible. Different values simply express different attitudes about the good life, and none of these can make any plausible claim to being objectively better than any other. Given such a view of the moral realm, a further consideration naturally arises. Inasmuch as no one view of the good life can be shown to be more correct than or preferable to another, then no one such conception merits realization more than any other. No one may impose their view on anyone else. If any view deserves respect, then all views deserve it equally. In particular, all preferences are deserving of satisfaction. And in the event that preferences need to be prioritized, the setting of priorities should be left to the individual, since to do otherwise would be to value some one conception of the good life over others.

So one could arrive in a perfectly natural way at want utilitarianism with the motivation provided by the idea of equal respect for preferences. But what is it about a preference that makes it deserving of satisfaction? It could not be the content of the
preference. For in that case it would make a difference what the preference was for, which is inconsistent with the view that all preferences are to be respected. Yet if it is not the content of a preference that makes it deserving of respect, then there would appear to be nothing left but the fact that it is a preference, that is, that some person prefers whatever. Therefore, what is to be respected is the individuals who have preferences. The want utilitarian, then, seeks to maximize the satisfaction of individual’s preferences. Consider, for the sake of clarity, that to respect a preference is to satisfy it or, at least, not to interfere with its satisfaction. And to respect those who have preferences is likewise to satisfy them or, at least, not to interfere with their attempts at satisfying their preferences. Therefore, since the want utilitarian is unconcerned with the content of preferences, respecting a preference comes to the same thing as respecting the person who has the preference. But, of course, if the preference in question is not the person’s own in the sense that he or she has reflected upon it and endorsed it, then respecting it would not count as respecting the person who has it. To respect a preference that was created by peer pressure, or was uncritically accepted like an inheritance, or was in any other way heteronomously arrived at is to respect, if anyone, someone other than the person in question. So a want utilitarian who is motivated by the sorts of reasons I have
considered here should seek to maximize not just any and all preferences, but all and only autonomous preferences.\textsuperscript{71} And this forces the commitment to individual autonomy as a condition that is to be nurtured and promoted.

Moving now to mental-state utilitarianism, we need to look into the sorts of considerations that could motivate an endorsement of the view that pleasure or happiness is to be maximized. The thinking that leads, not necessarily but naturally enough, to mental-state utilitarianism is that pleasure and the avoidance of pain is a state of affairs that is desirable as such. This desirable condition can be referred to more elegantly as happiness. Believing that happiness alone is desired for its own sake, one comes naturally to the view that happiness alone is intrinsically

\textsuperscript{71} Of course, there are also nonautonomous preferences that might merit satisfaction. For instance, a person in suffering might prefer not to suffer and yet be entirely nonautonomous in having this preference. But it would make little sense to say that such preferences should be maximized, since such a claim would seem to entail that it would be right to inflict pain and suffering. In any event, the case for satisfying nonautonomous preferences of the sort considered here can rest on the principle that pain and suffering should be minimized.
good. Given this much, it is natural to think that the ideal society
would be one in which the institutions and social practices had
been arranged with an eye to maximizing happiness. And one who
held such a view would be a mental-state utilitarian.

Would a person motivated by the considerations just discussed
be thereby committed to autonomy as well? Does it matter
whether the happiness in question involves autonomous
preferences? Does not the same sort of skepticism already
discussed in connection with want utilitarianism move the
mental-state utilitarian to think of any particular view of what
counts as happiness as just one among many other positions on the
good life? Inasmuch as one person’s Heaven is another person’s
Hell, I should think that we are forced to allow that the individual
is in all ordinary cases the only proper judge of what counts in his
or her own case as happiness. And one can make such a judgment
sensibly only through a process of critical reflection on preferences,
principles, and values, that is, by achieving normal autonomy. So it
would appear that autonomy does matter to the mental-state
utilitarian. The pleasures to be maximized, then, are
autonomously preferred pleasures. And, again, this belief would
seem to commit its holder to the further belief that individual
autonomy should be nurtured and promoted.

What I have to say to contractarians need not take up much
space. For it is obvious that the validity of a contract depends, *inter alia*, upon the autonomy of the parties. Thus, we do not as a rule allow minors to make major purchases. And the thinking behind such a rule is that minors are too easily seduced by slick sales tactics, lacking in the capacity for calm and critical deliberation, in short, lacking normal autonomy. It is not that children usually make bad decisions and, so, must be protected from themselves, but rather that children often enough make decisions impetuously, thoughtlessly, nonautonomously. And while the line between minors and adults has been drawn arbitrarily and in many instances does not fit with reality, the reasoning behind the distinction is sound enough. Contractarians, therefore, are committed at the outset to the value of autonomy and, hence, committed to the view that individual autonomy is a condition that should be nurtured and promoted.

Finally, I must speak to those who are attracted to Rawlsian deontology. Much has been said about the overly thin conception of

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72 Rousseau was well aware of the need for autonomous citizens. Thus, he wrote *Emile*, which he thought could serve as a guide to parents in raising autonomous men, in his view the only sort of persons fit to take part in the social contract.
a person in Rawls's work. But consider what Rawls had to say on
the matter in his most recent book.

It should be emphasized that a conception of the person, as
I understand it here, is a normative conception, whether
legal, political, or moral, or indeed also philosophical or
religious, depending on the overall view to which it
belongs. In the present case the conception of the person is
a moral conception, one that begins from our everyday
conception of persons as the basic units of thought,
deliberation, and responsibility, and adapted to a political
conception of justice and not to a comprehensive doctrine.
It is in effect a political conception of the person, and given
the aims of justice as fairness, a conception suitable for the
basis of democratic citizenship.73

Apparently, then, the Rawlsian political conception
presupposes some unelaborated theory of individual autonomy.
Indeed, the two moral powers, the capacity for a sense of justice
and the capacity for a conception of the good, which he believes are

73 John Rawls, Political Liberalism (New York: Columbia
necessary for full participation in the political realm,\textsuperscript{74} can be
ascribed sensibly only to those who have attained normal
autonomy. Therefore, it seems that Rawlsians should be as
committed to individual autonomy as the others spoken to in this
chapter.

In summary, I have argued that both liberty and happiness
should be valued only if individual autonomy is valued, that the
value of each depends upon autonomy, and that because of this
dependence those who value either liberty or happiness must hold
that our society should have institutions, laws, and social practices
which encourage the development of individual autonomy and
promote its exercise. Additionally, I have argued that
contractarians and Rawlsians are likewise committed to
individual autonomy and, so, to its development and exercise. If I
have argued correctly, then I have provided those holding views of
the sorts considered here with strong reasons to think of individual
autonomy as a fundamental social and political value.

What remains to be done, then, is to draw out some of the
normative implications of this view of individual autonomy as it
pertains to the family and family members. That will be the
business of the remaining chapters.

\textsuperscript{74} Rawls, \textit{Political Liberalism}, p. 19.
CHAPTER 4
INDIVIDUAL AUTONOMY, EDUCATION, AND CHILDMREARING

Introduction

To draw out some of the normative implications of a deep concern for individual autonomy and to further clarify and flesh out the theory developed above, I shall be concerned in this chapter to show what my theory demands in regard to the education and rearing of children.

The problems to be dealt with here involve, first, the appropriate goal or goals of education and, second, the assignment of responsibility for ensuring that those goals are achieved. On the subject of purpose there is no dearth of opinion. One view, offered by Laurence Houlgate, is that children need only enough education to enable them to fit into the culture or lifestyle of their parents, provided that the culture or lifestyle in question is a stable one. I reject this view largely because it treats children merely as means to an end chosen by parents in complete disregard of the needs and rights of the children. Amy Gutmann, on the other hand, argued that the goal of education in a democratic society should be conscious social reproduction, that is, the production of loyal and capable citizens. For the most part, I agree with Gutmann's position. I add to it only that her scheme of education,
in addition to its stated goals, seeks also to create autonomous individuals. Finally, Joel Feinberg, argued that education should be one of the ways in which we protect children’s right to an open future, that in raising children we should try to keep not all but certain key options open for them. Inasmuch as Feinberg’s view is consistent with and nicely complements Gutmann’s I agree with it too and add only that parents and educators must remember that a primary goal of childrearing is the production of autonomous adults.

Additionally, there are a variety of both secular and sectarian positions regarding the purpose of education and of childrearing which I have neglected to mention or deal with. But, then, such diversity of opinion is precisely what we should expect to find in a pluralistic nation that values freedom of thought and expression. Yet the question of purpose is of no small import; it is not a matter we should leave unresolved simply because there are many passionately held views regarding the correct position. For our position on the appropriate goals or purpose of education and childrearing will in part determine our view of how the relevant responsibilities should be apportioned. Therefore, I will deal first with the matter of purpose and confine the first part of the discussion to education, an aspect of childrearing in general.

When it is a bit clearer what a system of education should
achieve, we will then be in a better position to see who should be held to account for what. To treat this problem of responsibility I use an approach suggested by Kenneth Kipnis. I begin by recognizing that childrearing is a communal task shared by many people, and go on to argue that this is precisely as it should be. The position, very roughly, is that a variety of people are and should be involved in the raising and educating of children and that the particular roles these people play in society largely determine the nature and extent of their responsibilities regarding children.

**Educational Goals**

To what educational goals, then, does the value of individual autonomy commit us? Laurence Houlgate has offered a view of children's educational needs which says that there is no obligation to provide children with all or even many of the educational benefits we could provide. It will be enough, he thinks, if the education a child receives is sufficient to meet his or her needs. And the child's needs are defined in terms of probable life prospects. That is, educational needs are determined by "the sort of life [a child] will predictably choose as an adult." What this means

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precisely can be seen if we examine Houlgate’s thinking on the famous case of Wisconsin v. Yoder, a case in which the United States Supreme Court decided that Amish children could be exempted from a law requiring that children be educated until age sixteen.

Houlgate believes that the proper question concerns “whether compulsory education to this age meets a need that children have.” Further, he thinks this question should be answered in the context in which it arises. In Yoder, then, the context is that of a self-sufficient farming community, organized along religious principles, and free of interference from unsympathetic outsiders. The daily life of the Amish people is one of farm work for the men, household duties for the women, and prayer for both. In this context, the only educational need of Amish children is to acquire “the basic skills in ‘the three R’s’ in order to read the Bible, to be good farmers and citizens, and to be able to deal with non-Amish people when necessary in the course of daily affairs.” (quoting Feinberg, “Open Future,” Whose Child,

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2 Houlgate, Family and State, p. 155.
It follows that elementary education through the first eight grades is sufficient preparation for the agrarian life of the Amish community.⁴

So Amish children need only be prepared for life in an agrarian community. Further education, on Houlgate’s view, might benefit the children, but the eighth grade will be enough to meet their needs. And this is so because these children “will predictably choose” the simple agrarian lifestyle of their parents. Of course, this very predictable choice will not be made autonomously. After all, a person who is trained and educated only for a particular and, in this case, an impoverished sort of life can hardly be taken seriously when after settling into that life they proclaim that they have chosen it.

And Houlgate is aware of the argument from autonomy. He even notes that “if parents make it impossible for their children later to make autonomous choices, they are at least failing to

⁴ Houlgate, Family and State, p. 155. Actually, I should think that education through the third or fourth grade would be more than adequate if the only purpose is preparation for life in the Amish community. So why draw the line after the eighth grade?
benefit their children in an important way.”5 He thinks that by stunting a child’s innate drive to competence, parents are not harming the child, but are merely failing to provide a benefit. And we should not force parents to provide their children with all possible benefits, since such intrusion into the family would “violate the principle of optimum communal benefit by making it difficult or impossible for the family to function as a community.”6

If conservative parents are compelled by law to expose their children to ways of life that they deem repugnant, then they will see themselves as having less to do with how their children are raised. They will take less pride in their children, and as a result, parenting will be seen as more of a burden and less rewarding than it might otherwise be. This can have an alienating effect on parents that may ultimately and deleteriously affect their relationship to their children. . . . Surely the goodness of a child’s life depends as much on the continuous love and attention she

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5 Houlgate, Family and State p. 158.
6 Ibid.
receives from her parents as it depends on her later ability to make an autonomous choice of life-style and work.⁷

Now the first thing we should notice about Houlgate’s thinking is that in construing the family as a community he has taken a view which tends to obscure the fact that within families there are individuals with rights of their own, rights that are in no way dependent on the individual’s status as a family member. And, moreover, given his analysis of the Yoder case, it is clear that he thinks parents should be allowed to use their children as a means to securing the future stability of their life-style. But it is hard to imagine how being so used could be thought of as being for a child’s good.

Even more troubling, however, is Houlgate’s view that the

⁷ Houlgate, Family and State, p. 158. The principle of optimum communal benefit says that “when two or more laws are proposed as a response to a problem concerning families, then we are to choose or prefer the law that has the most beneficial effect on the ability of families to function as communities. Moreover, we are to reject any proposed family law that would have a detrimental effect, that is, that would inhibit the ability of families to function as communities.” p.49.
goodness of a child’s life is as dependent on parental love and attention as it is on the child’s later ability to make important choices autonomously. This view seems to depend on the false dichotomy that one must either submit to parental will or be unloved. Houlgate believes that if the Amish children were not exempted from the compulsory education law, their parents would see themselves as having less to do with how their children are raised and, so, would take less pride in their children. Alienation would occur. Parenting would be seen as more burdensome. He makes it sound as though family law almost inevitably will have ruinous effects on the family. But surely it is not the case that either we leave families alone or parents will be less proud of their children. Moreover, I should think that were conservative parents forced by law to expose their children to possibilities the parents find offensive, such parents would work even harder to get their children to accept their own view of those repugnant possibilities. And if they were successful in their efforts to provide a counter-education, they would, given this line of reasoning, see themselves as having more to do with how their children are raised and, so, would take even greater pride in their children. Finally, to think that the goodness of a person’s entire life is as dependent on parental love and attention as it is on the development of individual autonomy is to miss the meaning and import of the Socratic claim
that the unexamined life is not worth living. Houlgate’s dismissal of the argument from autonomy was too fast and rather too easy.

The Court in *Wisconsin v. Yoder* was wrong to exempt the Amish children from the law. It was wrong not because it failed to issue a value-neutral opinion, which would have been quite impossible, but because it gave priority to the wrong value. Instead of respecting the wishes of the parents, the Court should have respected and protected the children’s interest in developing critical competence. For the development of normal autonomy is or, anyway, should be a primary purpose of education, and no one who is educable should be exempted.

But Laurence Houlgate is not the only thinker to whom we can look for guidance on this very important subject. Among the most cogent and forceful treatises on the matters at issue here is a work by Amy Gutmann, who held that the core value of democracy is “conscious social reproduction in its most inclusive
form.” But in making this claim Gutmann was not suggesting that we allow the imposition of a noncritical consciousness on children. In fact, she placed great weight on the importance of the value of critical deliberation. She believed that a democratic state must aid children in developing the capacity to understand and to evaluate competing conceptions of the good life and the good society. The value of critical deliberation would be neglected by a society that inculcated in children uncritical acceptance of any particular way or ways of (personal and political) life.9

I agree with Gutmann here and would argue further that much the same could be said in regard to both democratic

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9 Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987), p. 42. By “conscious social reproduction” Gutmann means that since “we are committed to collectively recreating the society that we share,” we “must educate all educable children to be capable of participating in collectively shaping their society,” to be capable of deliberating among alternative ways of personal and political life.” (pp. 39-40).

9 Ibid., p. 44.
republics and true aristocracies. Yet Gutmann was concerned only to defend a democratic theory of education and, so, wished to show the intimate connection between the value of critical deliberation and that theory.

To integrate the value of critical deliberation among good lives, we must defend some principled limits on political and parental authority over education, limits that in practice require parents and states to cede some educational authority to professional educators.\(^\text{10}\)

The limits to which Gutmann referred are, first, the principle of nonrepression and, second, the principle of nondiscrimination. The principle of nonrepression “forbids using education to restrict rational deliberation or consideration of different ways of life.”\(^\text{11}\) And the principle of nondiscrimination says that “[n]o educable child may be excluded from an education adequate to participating in the political processes that structure choice among good lives.”\(^\text{12}\) These limits on parental and political authority allow parents to

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\(^{10}\) Gutmann, Democratic Education, p. 44.

\(^{11}\) Ibid.

\(^{12}\) Ibid., p. 45.
influence their children's future choices while ensuring that no educable child's future will be determined by either political or parental authority. Educational authority on Gutmann's view is properly shared by parents, the state, and professional educators. And the purpose is to realize the value of conscious social reproduction.

Like the family state, a democratic state of education tries to teach virtue—not the virtue of the family state (power based upon knowledge), but what might best be called democratic virtue: the ability to deliberate, and hence to participate in conscious social reproduction. Like the state of families, a democratic state upholds a degree of parental authority over education, resisting the strong communitarian view that children are creatures of the state. But in recognizing that children are future citizens, the democratic state resists the view, implicit in the state of families, that children are creatures of their parents. Like the state of individuals, a democratic state defends a degree of professional authority over education—not on grounds of liberal neutrality, but to the extent necessary to
provide children with the capacity to evaluate those ways of life most favored by parental and political authorities.¹³

Now while the above sketch of Gutmann’s theory is quite brief, it should be enough to display her view not only of the proper goals of education, but also of the appropriate placement of responsibility, a matter to be taken up below. For right now, however, let us consider the notion that conscious social reproduction should be thought of as the primary ideal of education. If social reproduction is to be conscious, then as Gutmann is well aware the capacity for critical deliberation must be nurtured and promoted. But Gutmann’s critical deliberation, that is, her view of the capacity to reach rational conclusions regarding competing conceptions of the good life, when realized in individuals, differs very little from what I call procedural independence. And if such individuals are to enjoy meaningful participation in the process of conscious social reproduction, they will also need to have attained competence in a variety of areas as well as the sort of self-control that is acquired through the process of critical deliberation on principles, values, and so on. In other words, Gutmannian education would seek to create autonomous individuals. For conscious social reproduction,

¹³ Gutmann, Democratic Education, p. 46.
a central societal task and what she calls the core value of democracy, depends necessarily on the more fundamental value of individual autonomy. It is not entirely clear, however, whether she would agree.

The principles of nonrepression and nondiscrimination limit democratic authority in the name of democracy itself. A society is undemocratic--it cannot engage in conscious social reproduction--if it restricts rational deliberation or excludes some educable citizens from an adequate education. Nonrepression and nondiscrimination are therefore intrinsic to the ideal of a democratic society, as parental choice, liberal autonomy, and conservative virtue are not.14

In fairness, however, it should be pointed out that Gutmann did not mean by “autonomy” what I mean in using the term. She seems to have adopted a vaguely Kantian or Rawlsian view of autonomy, neither of which, as I have already argued, is sufficiently robust to capture much of what is ordinarily meant when we say that someone is self-ruling. She never defined the

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14 Gutmann, Democratic Education, p. 95.
term and never gave it any serious consideration.\textsuperscript{15} Had she done that work, she surely would have seen that the concept of democracy is coherent only on the assumption that the members of the demos will be autonomous, as I have defined the term in this essay.

Because a deep concern for individual autonomy requires that children be brought up in an environment that nurtures the primary psychological goods, promotes social and interpersonal competence, and facilitates the formation of critical thinking skills, thereby promoting critical deliberation on competing conceptions of the good life, education which seeks to nurture and promote individual autonomy will accomplish all that is necessary not just

\textsuperscript{15} The closest Gutmann came to clarifying what she meant by “liberal autonomy” was in her section on liberal moralism, \textit{Democratic Education}, (pp. 59-64). At the start of that section she asserted that liberal moralism identifies “moral autonomy” as the goal of moral education: education should produce in children the desire and capacity to make moral choices based on principles that are generalizable among all persons.” This view of it is consistent with the Rawlsian political conception of autonomy and with the Kantian moral conception, but is not robust enough to capture my view.
for conscious social reproduction, but for conscious social refinement as well. After all, our society and especially our government is a very long way from what it was intended to be and even farther from what it ought to be. What is needed, then, is conscious social refinement, a goal that will be best served by doing what we can to ensure that children are raised to be autonomous individuals. In this way we both respect and nurture children's innate drive to competence and, at the same time, protect what Joel Feinberg has called their right to an open future.

Another view of the proper treatment of children, one that nicely complements Gutmann's, has been offered by Joel Feinberg. He argued persuasively for recognition of a right of self-determination, a right which, while it is not held in its fullest sense by children, is to be thought of as a right-in-trust, that is, as a right

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16 I do not mean to imply that conscious social reproduction is an unworthy goal for education in America. Indeed, the Gutmannian goal does not preclude and might easily be interpreted to include the somewhat more ambitious goal of conscious social refinement.

children will come to have and which can be violated in advance by closing off certain key options. These “rights-in-trust can be summed up as the single ‘right to an open future.’”18 But, of course, by asking that we recognize a child’s right to an open future, Feinberg was not suggesting either that childrearing should be mindlessly permissive or that children should be raised such that when they become autonomous adults, every conceivable option will be open to them. Indeed, “[r]espect for a child’s future autonomy, as an adult, often requires preventing his free choice now.”19 In preventing their children from making certain choices parents are affecting the direction of their children’s lives, which is both inevitable and desirable, in my view, so long as parents understand that a primary goal of childrearing is the production of autonomous adults.

To get a somewhat clearer view of Feinberg’s position in regard to a child’s right to an open future, a position with which I am largely in agreement, consider that in the earliest stages of childrearing parents know almost nothing about what sort of person their child can or will become and, so, can have only the vaguest notion about how the child should be educated. A newborn


19 Ibid., p. 127.
is in this respect a little like an unidentified plant found sprouting in one’s backyard. At first, the question of proper care can be given only the scantest and most tentative answer. Probably it will need to be watered on a regular basis. Yet as it grows more can be discerned about the plant’s needs. It seems to flourish more in a shaded area than in direct sunlight. It appears to prefer loamy, slightly acidic soil and likes to keep its roots wet. The better acquainted we are with the plant the more we will be able to understand and meet its needs. And much the same is true of childrearing, although in this case the child itself becomes increasingly influential in determining its needs, that is, in helping to clarify the sorts of options that ought to be left open for it.

What it means, then, to respect a child's right to an open future is that in raising a child those who are responsible should try to ensure that the child’s future options are limited mostly just by the child’s natural talents, proclivities, and endowments, one of which is the innate drive to competence. Those responsible for childrearing, therefore, need to nurture and promote children’s
budding autonomy. They need to provide children with an education sufficient for the development of critical deliberation on values, life-styles, vocations, and so on, impart values to them (which the children may or may not eventually reject), continually encourage them to take on more and more responsibility for their own lives, and perhaps most important of all, provide the sort of loving, thoughtful, and tolerant environment that can best ensure that children will be provided with at least the primary psychological goods.

Responsibility for Education

Moving now from the question of purpose, we take up the issue of how properly to apportion responsibility. Given that a primary purpose of education is to nurture and promote individual autonomy, the problem is to determine who should be given responsibility for ensuring that the task is achieved. Should the responsibility for educating children rest mainly with parents or other legal guardians? Many people, especially those who count

\footnote{Feinberg's notion of autonomy is rather different from mine. However, his view of a child's right to an open future is consistent with and, I think, well supported by my theory of individual autonomy.}
themselves as among the members of the religious right, think that parents should be granted the exclusive right to educate their children. Others might argue that the responsibility for educating children should be left entirely in the hands of professional educators. The education of children, after all, is no trivial matter. It is a lengthy and difficult process which requires some degree of expertise, expertise that we can reasonably expect to find mostly just among professional educators. And yet others would argue that while professional educators should be given a voice in the matter, the locus of responsibility will be better placed by democratic processes which respect the authority of parents while taking account of the needs of communities. The diversity of opinion on this subject makes resolution of the problem all the more difficult.

There is a way of looking at the problem, however, that would appear to allow us to incorporate the best intuitions of all the positions just mentioned while avoiding the obvious excesses of each. Kenneth Kipnis has recently pointed out that

in schools, pediatric offices, social service agencies, and in our family courts, we appear to have collectively set ourselves to a communal task of childrearing. Our understanding of our responsibilities as parents, teachers,
judges, doctors, and social workers depends on how we understand this larger communal task and our places within it.²¹

Now I think it an indisputable fact of modern life that we have indeed “set ourselves to a communal task of childrearing.” And the philosophical import of this insight is that in light of it we can see that “[r]esponsibilities and obligations crystallize and precipitate out of these communal tasks.”²² Once it is understood that childrearing, largely but not entirely a process of providing children with an education, is a communal task, questions of control and responsibility become more manageable.²³

Of course, the first question to arise here, quite apart from what is in fact the case, is whether childrearing should indeed be

²² Ibid., p. 6.
²³ The connection between communal tasks and obligations was developed by Haskell Fain, Normative Politics and the Community of Nations (Philadelphia: Temple University Press, 1987). See especially, chapter 5.
thought of and, so, handled as a communal task. Childrearing and
the education of children are perhaps the most difficult and
complex of human enterprises, even in light of a fairly clear goal
such as the production of autonomous individuals. And it is clear
that such a complex task cannot be adequately accomplished by
parents alone.\textsuperscript{24} We must remember that childrearing became the
communal task it is today mostly in response to the needs of
children, to protect their rights and to secure for them decent
standards of health and welfare. Furthermore, even though
present arrangements are far from perfect, there is probably no
better way to ensure that children's rights are protected and their
psychological and educational needs provided for than to treat the
chores connected with childrearing as essentially communal. In
this way not only do we provide for the accomplishment of a very
complex and morally necessary task, but we also create a
structure that is or, at least, can be self-policing. In an
environment of shared responsibility each participant will be in a

\textsuperscript{24} The fact that childrearing cannot be adequately accomplished
by parents alone makes childrearing what Fain calls an essentially
communal task. "A moral task is essentially communal if and only
if its nature is such that it cannot be performed by one person
better position to keep a watch on the competence of the others. If parents are errant in performing their duties, teachers, physicians, neighbors, or relatives will be able to bring this to the attention of social workers or family courts and without feeling guilty for having invaded some sacred domain. Each person who participates in a communal task will have the right to complain whenever another of the participants is in any way negligent or incompetent. Moreover, childrearing and education are enterprises in which our entire society have a rather considerable stake. As a society we need the childrearing process, quite apart from the rights of children, to produce as consistently as possible educated, well-adjusted, productive, law-abiding adults, critically competent adults, the kind of people who can be trusted to shoulder the burdens of responsible citizenship, people capable of engaging in the difficult communal task of conscious social refinement. Indeed, it might be argued that any society which does not concern itself with these very important matters, in addition to being illiberal, is also unconcerned about its own future existence. A liberal society, on the other hand, one that sees individual autonomy as among its core values, must take childrearing and education very seriously. Therefore, not only is it the case that childrearing and education are communal tasks, but it is also clear that they should remain so.
Paradoxically, it should be admitted here that while the goal of producing autonomous adults is often achieved in America, too many children are neglected and abused by the very people responsible for their welfare. In general, parents, teachers, judges, doctors, social workers, as well as those who work in television and the movies to entertain us have all come up short in their responsibilities regarding children.\(^{(25)}\) But this, I suggest, is mainly because so many people fail either to understand and come to terms with the proper goals of childrearing or to realize that they are responsible for some part of the communal task. As we have come to understand better the needs of children as well as the ways in which those needs are neglected and denied, we have rightly placed regulation on the task of childrearing. It is becoming more

\(^{(25)}\) Some might be surprised that I have included those who work in television and the movies as among the people responsible for raising children. But in targeting children as consumers of television, movies, music, and the products advertised therein these people, whether anyone likes it or not, have joined in the communal task of childrearing. Some of them, such as the makers of Sesame Street and Mr. Rogers’ Neighborhood have shouldered their responsibilities brilliantly. Few, however, approach the standards set by those two programs.
and more difficult for parents to beat their children with impunity. More and more there is talk of holding teachers to standards of competence that they must continually prove they meet. Peer pressure and malpractice law go some way toward ensuring the competence of physicians. Democratic and other social forces help to keep family court judges from becoming either tyrants or abuse-enablers. And the media have been helpful both in bringing important information to parents and in apprising children of their rights as individuals. We have, however, a very long way to go. We are concerned with the welfare of children. Yet that laudable concern lacks direction and clear purpose. We talk about the best interests of children, but have only the scantest idea what that means. In practice it often means nothing more than that prejudices of social workers, judges, or parents are to prevail.

When it is quite clear that we should rely on experts, we generally do just that. But we do not always recognize the need for experts. And even when we do there is much dispute over who is expert at what. No rational person would argue, for instance, that in health concerns it would be wise to ignore the advice of a competent physician, that it would be smart to do what a physician says should not be done or to fail to do what a physician says should be done. Yet it is apparently not so clear in the case of education that experts should be in control. Indeed, many parents have been
able with the permission of the state to withdraw their children from accredited schools, to play at being teachers, and to experiment with the intellectual development of their children. But, in my view, when we allow parents to remove their children from accredited schools without taking measures to ensure that such opting out will not constitute a harm to the budding autonomy of their children, we fail to show an adequate regard for the value of individual autonomy; we fail to treat children as persons with needs and rights of their own.

In apportioning responsibility for childrearing and education we must be concerned not only with the health and welfare interests of children, but with their interest in developing into autonomous adults as well. Further, we must take into account the fact that some people have and can demonstrate expertise, whereas others do not and cannot. Moreover, we must understand not only that childrearing is and ought to be a communal task, but also that schooling provides children with only a part of their education. In schools we can and should teach history, math, the proper and effective use of language, science, reading, writing, literature, and the various other subjects that go into a well rounded education. Such instruction is essential to the promotion of individual autonomy and should not be left to parents who are, for the most part, both improperly motivated and unable to
perform the task adequately. Moreover, teachers ought to strive to embody and exemplify at least the social and interpersonal virtues intimately connected with a respect for individual autonomy. But it is clear that the nature and content of formal education is a matter best left to professional educators who understand the central importance of critical competence. If they shoulder this responsibility poorly, if they fail to meet high standards of competence, then we should call them to account for this failure and take the appropriate remedial, corrective, or punitive actions.

Parents, on the other hand, should not be cut from the loop unless conditions become extreme. Because the notion of competent parenting is so far from being widely understood and forced separation from one's parents carries with it the potential of great harm, we should interfere with parents only when it is clear that they are causing significant harm to their children. Parents are perhaps the most significant contributors to the difficult communal task of childrearing, which is why the state should take steps to ensure that prospective parents are provided with education designed to prepare them for parenthood and, moreover, with ongoing assistance to ensure and maintain parental competence. Under ordinary circumstances, parents will be responsible for the provision and supervision of nearly all the education a child receives in the first three to five years of life. In
addition to looking after the health and welfare interests of children, parents will be the first ones responsible for teaching children to speak, count, and reason, will be the first and most influential ones to impart values to children, will be the first ones to provide children with the limits and freedom necessary to the development of normal autonomy, and will be in the best position to ensure that children are provided with the primary psychological goods. Should parents fail in any of these tasks, then we may call them to account for themselves. And depending on the nature and extent of the failure, we should take the appropriate educative, corrective, or punitive actions.

In conclusion, it should be noted that this view of childrearing as a communal task yields some important insights. One of these is that the old adage about a man's home being his castle is pretty clearly false, at least, so far as children are concerned. A father is not the master of his family, but is instead a member, albeit a very important member, of a group of people who share responsibility for childrearing. What needs more clarification, however, is what the role of parent should or, rather, should not involve. So in the next chapter I will take up the issue of domestic abuse and violence as they affect both children and women.
CHAPTER 5
AUTONOMY AND DOMESTIC ABUSE

Introduction

In the previous chapter we examined some of the implications of a deep concern for individual autonomy and saw that a primary goal of both childrearing and education should be the creation of autonomous individuals. Anathema to autonomy both extant and developing, however, is physical and psychological abuse within the family. Yet an abusive home life is all too common a condition. So it will be helpful to consider the phenomenon in the light of what is now a somewhat clearer conception of individual autonomy. For a sounder conception of individual autonomy can enrich our understanding of the practices and dynamics of family life as well as of the social and legal practices pertaining to the family.

The present chapter, therefore, will focus on two issues: domestic abuse as it affects both children and adults, and as a treatment for this familial malady program of education and ongoing support for parents. Beginning with a discussion of violence against a spouse, I will focus on the connections between the battered woman syndrome and normal autonomy. While I intend to focus here on violence against women, it should be noted that neither physical nor psychological abuse is specific to men alone.

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argue that the battered woman syndrome defense should not be characterized as a plea of self-defense. Self-defense, after all, is justified behavior; we applaud it and think it right. Yet this defense is often used in cases where the battered woman was being neither threatened nor endangered at the time when she shot or otherwise made an attempt on her husband’s life. And we should not think of an ambush as being right or justified. Properly understood the battered woman syndrome is a condition marked by a lack of normal autonomy, a condition wherein the woman either has lost or has never gained the ability to act autonomously in regard to her marital situation.

Following the discussion of spouse abuse I will turn to child abuse, arguing that what is euphemistically referred to as corporal punishment should be recognized as a form of abuse, that it teaches children anti-social lessons while harming their sense of self-esteem, and that parents should be strongly encouraged not to use corporal punishment. At the same time, however, I should not be taken to mean that it is always impermissible or even ill-advised, say, to slap a child on the bottom. When this is permissible, however, it is because it is necessary to get the child’s undivided attention, usually in a matter concerning the child’s safety, and not to punish. I shall also discuss two other forms of child abuse which, although they do not involve physical violence, constitute abuse
nonetheless and, so, should be treated as problems. One of these is a kind of mean-spiritedness on the part of parents which can have an adverse effect on a child's developing senses of self-worth and self-confidence, essential primary psychological goods. The other form of abuse is what I call hovering. While this sort of behavior is usually well-intentioned, it too can have an adverse effect on a child's normal development into an autonomous person and, so, should be discouraged as well. Finally, I shall propose not as a cure, but as a viable treatment for abuse problems in the family, a program of education and ongoing support for parents.

**Battered Women and Autonomy**

In this section it is important to gain some understanding regarding the effects of spousal violence on individual autonomy. In the process I will also comment on the battered woman syndrome defense, which the law has been slow to accept and even slower to understand. So it will be helpful, first, to lay out briefly the facts of a case which involved a great deal of abuse and culminated in the killing of a man by his spouse, who then defended herself on grounds that she suffered from battered woman syndrome, that she killed in self-defense.

Judy and John Norman had been married for twenty-five
years when she killed him in his sleep. About five years after getting married John began to drink heavily and took up beating Judy on a fairly regular basis. Nonetheless, the couple managed over the years to have five children, the last of whom did not survive after being born prematurely as a result of Judy having been kicked down a flight of stairs by John. In addition to this abuse, however, John forced Judy to prostitute herself every day and beat her whenever she failed to make at least a hundred dollars. But, then, he beat her nearly every day in any case. He especially liked to beat and humiliate her in front of others, commonly referring to her as a dog, or a bitch, or a whore. He frequently hit her with anything that was handy. He put cigarettes out on her skin, threw everything from food and drink to ashtrays and beer bottles at her, kept her from eating for days at a time, forced her to bark like a dog, sleep on a concrete floor, and eat from a cat or dog bowl. He made a practice of telling Judy and others that he would kill her, that he would cut her heart out. Such was the day-to-day existence of Judy Norman throughout at least twenty years of marriage to John Norman.

2 All the facts regarding the Norman relationship have been taken from the decision in State v. Norman, 366 S.E.2d 586 (N.C. App. 1988).
Now sometime in the morning, a couple days before he was killed, John took Judy to a rest stop situated next to a nearby interstate highway and forced her to offer herself up for sale. Later in the day he returned, apparently drunk, and began to beat her, throwing hot coffee on her and slamming her into a car door. Then, as he drove her home, the Normans were stopped by the police and John was arrested for driving while under the influence of alcohol. When after being released from jail he returned home the next morning, the beatings began, continued, and intensified throughout the day. At some point, John told Judy to make a sandwich for him. When she brought it to him, however, he threw it on the floor and told her to make another one, which she did, but not to his satisfaction. For it too was thrown on the floor. Again he ordered her to make another sandwich, only adding this time that she should put something on her hands, because he did not want her to touch the bread. Judy then made a third sandwich, this time handling the bread with a paper towel. And John did not throw this third sandwich on the floor. Instead, he smeared it on her face.

That same evening, in response to a report of a domestic quarrel, the police visited the Norman residence. They reported that Mrs. Norman, who was bruised and crying, said that her drunken husband had been beating her all day and that she could not take it anymore. She was advised to take out a warrant for his
arrest, but was afraid that if she did, he would kill her. A little later that same evening, the police were dispatched to the Norman residence again, this time to deal with Judy's overdose of "nerve pills." John, apparently still drunk, interfered with emergency personnel and said, "Let the bitch die. . . . She ain't nothing but a dog. She don't deserve to live." He then threatened to kill Judy and her mother and grandmother. Eventually, though, Judy was taken to a hospital and treated.

Upon her release from the hospital, Judy spent the remainder of the evening with her grandmother. The next morning she returned to John, which marked the start of another day filled with both psychological and physical abuse. Sometime during the day, one of John's friends asked for a ride to another town in order to pick up a paycheck. So Judy was drafted into service to chauffeur John and his friend. During the ride, John slapped Judy, poured a beer over her head, kicked her in the head while she was driving, and told her that he was going to "cut her breast off and shove it up her rear end." Some hours later, one of the Norman's daughters told Judy's mother that John was beating her again. The grandmother then called the sheriff's department, but no one responded at that time. Meanwhile, back in the Norman household, John was threatening to cut Judy's throat and, again, to cut off her breast. On top of the threats he heaped physical abuse by
smashing a doughnut on her face and putting a cigarette out on her chest.

Then, shortly before nightfall, John went to take a nap on one of the two beds in the bedroom. But when Judy started to lie down on the other bed, he said, “No bitch... Dogs don’t sleep on beds, they sleep in [sic] the floor.” A little later the Norman’s youngest began to cry. And when one of their daughters asked if her mother could attend the child, John gave his permission. Judy then took the child to her mother’s house, where she found a gun, which she took back to her house and used to shoot her sleeping husband twice in the head.

At trial Judy Norman was convicted of voluntary manslaughter. But the North Carolina Court of Appeals found that the lower court erred when it failed to instruct the jury on self-defense. In other words, the Court of Appeals thought that a jury could find that as Judy Norman stood over her sleeping husband with a gun she had a reasonable perception that unlawful harm to herself was imminent. Further, since to succeed with a plea of self-defense it is necessary to show that the defendant was not an aggressor we should wonder how a rational jury could think it reasonable to characterize a sleeping man as an aggressor while thinking that a woman who carries a gun from one house to another and shoots a sleeping man is not an aggressor. It would, I
think, require some rather tortured reasoning to arrive at such a conclusion. But the Court was not unaware of this difficulty.

By definition, aggression in the context of self-defense is tied to provocation. The existence of battered spouse syndrome, in our view, distinguishes this case from the usual confrontation involving a single confrontation or affray. The provocation necessary to determine whether defendant was the aggressor must be considered in light of the totality of the circumstances. . . .

Given the characteristics of battered spouse syndrome, we do not believe that a battered person must wait until a deadly attack occurs or that the victim must in all cases be actually attacking or threatening to attack at the very moment defendant commits the unlawful act for the battered person to act in self-defense. . . .

Based on [the evidence in this case], a jury, in our view, could find that decedent’s sleep was but a momentary hiatus in a continuous reign of terror by the decedent, that defendant merely took advantage of her first opportunity
to protect herself, and that defendant's act was not without the provocation required for . . . self-defense. ³

Now while I am not unsympathetic with the plight of women who are routinely battered and even tortured by their husbands, I think it extremely unwise to mutilate the law of self-defense by giving credence to the misbegotten notion that someone could have a reasonable perception that a sleeping man represents a threat of

³ State v. Norman, at 591-92. Something like the line of thought expressed in the quoted passage has been widely accepted by American courts. For battered woman syndrome testimony is now accepted by many courts as relevant to proving a claim of self-defense. See, Maguigan, Battered Women and Self-Defense: Myths and Misconceptions in Current Reform Proposals, 140 U. Pa. L. Rev. 379, 452 (1991). At the same time, however, some courts still exclude such testimony in cases where the homicide occurred in a non-confrontational situation. See, Anderson and Anderson, Constitutional Dimensions of the Battered Woman Syndrome, 53 Ohio St. L.J. 363, 381 (1992).
imminent, unlawful harm. Of concern here, however, is what seems to be an inconsistency in regard to the meaning and import of the battered woman syndrome. After all, we are told that women who suffer from this syndrome cannot be expected to

\footnote{In light of the totality of the circumstances, given the court's thinking in Norman, would it be self-defense if the next time Rodney King is pulled over by the Los Angeles police he just opens fire on them? Perhaps he need not wait until he is pulled over. Perhaps it would be okay to sneak up and ambush them, since for many blacks and Hispanics in that city a peaceful encounter with the police might reasonably be thought of as but a momentary hiatus in a continuous reign of terror.}

Now whether the law of self-defense should be extended beyond justification to a form of excuse that could be made to accommodate factual situations such as that in the Norman case is a matter of great interest, but lies beyond the scope of this essay. For an insightful discussion of this very matter, however, as well as of the problems that arise from the use of battered woman syndrome testimony in non-confrontational cases of self-defense, see, Schopp, Sturgis, and Sullivan, Battered Woman Syndrome, Expert Testimony, and the Distinction Between Justification and Excuse, 1994 U. Ill. L. Rev. 45 (1994).
perceive, think, or behave in what we would ordinarily consider a normal, healthy way. Their perceptions and thought processes have been distorted by an overwhelming fear and a sense of powerlessness.\textsuperscript{5} They often live under conditions where even complete obedience to the batterer is brutally punished. And the

\textsuperscript{5} Lenore Walker, \textit{The Battered Woman Syndrome} (New York: Springer Publishing Company, Inc., 1984). Walker found in her now famous study of battering relationships that battering can lead a woman to focus too narrowly on survival, “causing misperception of other important information. Battered women develop survival skills that keep them alive with minimal injuries. There is also some evidence that such skills are developed at the expense of escape skills.” p. 33. See also, pp. 86-94. Walker’s cycle theory of violence has come under critical fire lately. It has been argued that her data do not support her theory. See, for example, Schopp, Sturgis, and Sullivan, \textit{Battered Woman Syndrome, Expert Testimony, and the Distinction Between Justification and Excuse}, 1994 U. Ill. L. Rev. 45, 53-59 (1994). None of the criticisms lodged against Lenore Walker, however, undermine the conclusions stated here. Indeed, one does not need to be a psychologist to recognize that Judy Norman, for instance, misperceived the realities of her life.
upshot is that battered women come to feel deeply incompetent, unable to bring intended effects to fruition, unable to see alternatives as being within their grasp, unable to see viable opportunities as available to them. Indeed, in a case similar to but even more horrific than the Norman case, the Supreme Court of Kansas likened the mental state of a battered woman to that of a hostage or a prisoner of war. I would go even further, however, and claim that the battered woman's situation, when it is as extreme as Judy Norman's, is potentially more debilitating. For consider that unlike the prisoner of war the battered woman is being terrorized by someone for whom she has deep feelings, upon whom she may be both emotionally and financially dependent, and from whom she may be convinced, reasonably or unreasonably, that there is no escape. Moreover, the soldier understands going in that he or she could end up being held prisoner or even being killed by the enemy. But few women understand that they could be imprisoned, tortured, or killed by the men they love.

Now given that a battered woman may be unable, indeed, may have been made unable by her batterer to perceive and think normally, the intuition of some courts that such a woman should not be held responsible for killing her batterer seems right on

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target. She has been reduced, mostly by the batterer, but also by society’s acquiescence to domestic violence as well as by faulty upbringing to something considerably less than an autonomous person. The key to recognizing Judy Norman’s loss or, anyway, lack of normal autonomy is to look at her behavior, that is, at the choices she made in the context she made them. Her behavior, I suggest, can be understood as rational only by imputing to her values and/or beliefs that no autonomous person would hold. Judy Norman pretty clearly was not autonomous. And little wonder. Two decades of psychological and physical abuse had paralyzed her, had destroyed any self-confidence and self-respect she may have once had. The unpredictable nature of John Norman’s abuse rendered useless any efforts on her part to employ instrumental rationality aimed at mollification. For even strict obedience to his every whim was rewarded with humiliation and violence. He did everything he could to ensure that she regularly failed to keep herself safe. And if she could not stay out of harms

\footnote{If Judy Norman was humiliated and abused as a child, she may have entered her marriage already considerably handicapped. After all, to accept that sort of treatment from a parent is to accept that one is in a significant sense less than others.}
way, she could hardly maintain a sense of herself as competent. Nor, it seems clear, could she preserve any sense of self-respect.

Finally, it is quite inconceivable that Judy Norman could tell a reasonable and adequate story in support of a belief that killing her sleeping husband was permissible or even that it was morally or legally preferable to the obvious alternative of running away. She might, of course, claim that it would have been impossible to leave her husband, since he would have hunted her down and dragged her back. But this belief, which she may have held, is not itself a reasonable belief. After all, recall that John Norman was a drunk and, given what we know of his behavior, a rather stupid one. It is most doubtful that he would have been capable of tracking a runaway spouse across town or even across the street for that matter. Indeed, without her continuing help and support, John Norman probably would have become a homeless derelict in less than a month. So any fear that it would have been impossible to escape from him would have been unreasonable and, hence, not supportable by a reasonable and adequate story, that is, by the sort of story that autonomous people can give. The bottom line is that when she killed her husband Judy Norman was not an autonomous person. She was captivated by an unrealistic perception of her husband's capabilities, enthralled by his terrorism, and made to feel like cornered prey. She was ruled by
fear. Treated like a brutish animal for so many years, she finally
acted like one. At the time of the shooting Judy Norman may have
been quite incapable of being a responsible agent. And if so, then
the acts she performed were not in any meaningful sense her own.
Yet if we are going to say that a person is not responsible for an act,
as we should in cases like this one, we need not at the same time
say that the act is justified, excused perhaps, but not justified. In
fact, instead of saying that Judy Norman might have been justified
in killing her husband, we should recognize that it was John
Norman who was largely responsible for his own death. Clearly, if
anyone was ruling her life, it was not her but him. He destroyed
her self-respect and, thereby, reduced her to something
considerably less than an autonomous person. If we could at last
come to understand the meaning and import of the battered
woman syndrome; that it is a condition marked by a decrease or
even an annihilation of important primary psychological goods
and, so, of individual autonomy, then perhaps we could begin
rationally the enormous communal tasks of protective
intervention and eventual elimination of the problem, and do so
without mutilating the law of self-defense. A woman who has been
treated the way Judy Norman was treated should not be punished
for killing her abuser, but neither should she simply be released.
Instead, she should be required to undergo or provided with
therapy designed to help her attain or regain the ability to be a self-ruling agent.

Moreover, if we value individual autonomy, if we care that our fellow citizens be autonomous, then we ought to be more than a little concerned for Judy Norman's children as well as all other children who have had to endure similar circumstances. For after living in such an abusive home, after years of exposure to the messages conveyed by their parents' disrespectful and abusive behavior, they will need all the help we can afford them. Given that we let them grow up in such a house, that our agents virtually ignored their plight, whatever we can do to help them build healthy lives for themselves is required of us. For no child should have to endure such an abusive and psychologically damaging environment. What we should do about violence directed against children that is not so severe, but is instead what most people think of as mere discipline is a problem to which I turn in the next section.

**Child Abuse and Autonomy**

Few family issues are as emotionally charged as the question of whether parents should be allowed to employ corporal punishment as a means to instill discipline in their children. Some would argue that to spare the rod is to spoil the child, that without
the threat of physical punishment parents can provide no real disincentive to bad behavior, that without physical punishment children will almost inevitably become unruly and self-centered. And this position is not entirely implausible. After all, credible threats of violence often have immediate observable effects. When a father who uses his belt to punish asks his children whether they would like him to take off his belt, their behavior changes, even if only for the moment. In addition to wondering whether a good example might not work better than a good belt, however, we should ask about the long-term and not always or easily observable effects of corporal punishment. What does a child learn from it? What message is conveyed when a parent treats his or her own child in a way that would be considered both illegal and immoral if the behavior were directed toward another adult? And what effect if any does physical punishment have on a child’s budding autonomy?

Now when parents are told that they should not use corporal punishment on their children, a common response is that the threat of physical punishment backed by its occasional use is the only way to instill discipline in children. And parents must be allowed, indeed, should be encouraged to instill discipline in their children. But does violence against children instill discipline or merely fear which induces only temporary compliance? It would
perhaps be helpful to distinguish at this point between violence inflicted impetuously out of anger and violence calmly inflicted after some deliberation. The first sort of violence, it seems to me, could only rarely if at all count as punishment. It is in fact nothing more than self-indulgence. And the second sort of violence could never count as discipline, as punishment perhaps but never as discipline. Both sorts of violence model and, so, endorse anti-social behavior. But even worse, each type of violence can harm a child significantly by diminishing its capacity for self-esteem. For clarification, consider what John Rawls had to say about the importance of self-respect.

First of all, [self-respect] includes a person’s sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one’s ability, so far as it is in one’s power, to fulfill one’s intentions. When we feel that our plans are of little value, we cannot pursue them with pleasure or take delight in their execution. Nor plagued by failure and self-doubt can we continue in our endeavors. It is clear then why self-respect is a primary good. Without it nothing may seem worth doing, or if some things have value for us, we lack the will to strive for
them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism.⁸

It is therefore apparent, as Rawls went on to say, that few things could be as important as avoiding social conditions that undermine self-respect. But how, it might be asked, does corporal punishment or physical discipline undermine the capacity for self-respect and one's sense of self-worth? The answer, given only a Rawlsian analysis, is not obvious. For his discussion of self-respect, although adequate to his purpose, is not complete enough to serve here. It is true, as he pointed out, that a person's sense of self-respect is largely dependent upon whether one is appreciated by others. Of course, one's sense of self-worth can be maintained if one does what should be appreciated by others even when one is in fact not appreciated. It would be a rare person, though, who could so thoroughly disregard the opinions of others. But this is, in any case, a mature variety of self-worth which can only be built on a sense of self-worth that is rather more fundamental, indeed, foundational. A child's sense of its own value is derived not from anything it does or fails to do, as it is or should be with adults, but

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instead from the way it is treated by those around it. If a child is treated with loving kindness, nurtured with care and patience, played with, caressed, respected, in short, treated as though it is valued, then it will naturally feel valuable. Self-worth, one's sense of one's value is dependent, first, upon the mere fact of being appreciated (valued), then, if all goes well, upon being worthy of appreciation. But the first variety of self-respect is foundational and largely determinative of one's later capacity to feel worthy. Therefore, a person's capacity for self-respect is largely determined while it is a child by the way it is treated. If the child is appreciated and valued, the capacity will develop properly. If the child is not appreciated and valued, then the capacity for self-respect will develop poorly. And a poorly developed foundation will not, regardless of later achievements, support a robust sense of self-worth. A child, then, who is not appreciated or is often violently disrespected may never feel completely worthy of appreciation. And hardly anything could say more loudly or more emphatically that one is not appreciated, that one is not valued or respected, than to be hit by a parent. Physical violence against a child poses a serious threat of harm to its capacity to develop a reasonable sense of self-worth; it may even prevent the child from attaining one of the most important psychological goods--self-respect. If it does, then it harms the child’s interest in becoming
socially and critically competent. Moreover, there are better ways, that is, more effective ways to shape the behavior of children than to hit them.\footnote{Time-outs, for instance, when used in a predictable and disciplined way, can be very effective in curbing the undesirable behavior of younger children. A time-out for children is a brief but certain period of quite and stillness. The length of time and precise environment for a time-out should be adjusted to suit both the child and the situation. Also, a variation of the time-out can be employed by adults who have difficulty in managing their anger. By backing off (even just mentally) when one feels anger and purposefully engaging in positive, anger-reducing self-talk, people can more easily resist the impulse to violence.}

Consider that the various messages conveyed by physical violence against a child are hurtful, unloving, and clearly not the kinds of lessons any rational parent would want its child to learn. Violence says to children that might is right, that power is authority, that those who administer the law are exempt from it, and that violence is an acceptable method for solving problems or dealing with resistance. On a more personal level violence says to children that they are unwanted, unloved, unappreciated, and of little value or worth. Indeed, the one lesson violence does not
proffer is discipline. Parents who are concerned to raise well disciplined children should set reasonable limits for them and enforce those limits consistently and non-violently by, for instance, withdrawing privileges or using time-outs. Beyond this, parents would do better to look after their own autonomy, to live productive and disciplined lives, and to set good examples by striving constantly for authenticity. Most importantly, however, is that parents treat their children and each other lovingly and respectfully; for in this way strong bonds are created, bonds that tether a child to the culture of its parents as securely as a person can be tethered. And it is this tether to one's culture that allows one's freedom to be meaningful.

Given what I have said thus far, it might be expected that I would recommend strong and, perhaps, even criminal sanctions against corporal punishment. On my view such measures would be easy to justify. However, they would also be impossible to enact into law and quite socially disruptive to enforce. In most ordinary

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As I understand it authenticity is about honesty and the lack of pretense, about understanding the self. A person is authentic to the extent that their life exemplifies the beliefs, principles, and values they hold, to the extent that they are clear about their more fundamental values and are able to give these expression.
cases, that is, cases where the child is young and the punishment is moderate, consistent, and infrequent, I should think that physical punishment does not constitute a great enough harm to a child or a child’s autonomy interests to warrant state intervention. So long as parents exercise what now passes for reasonable restraint, probably no irreparable harm will be done to the developing autonomy of their children. For the innate drive to competence is strong indeed and can apparently overcome much hardship. Nonetheless, we should do what we can to ensure that parents are educated in and strongly encouraged to employ non-violent childrearing techniques. I will have more to say on this topic in the final section of this chapter.

Another form of abuse, while it never directly causes any physical harm, is potentially harmful to a child’s budding autonomy. What I have in mind here is the sort of mean-spirited criticism that parents are most likely to dispense when they are embarrassed or angered by a child’s behavior. This sort of abuse usually involves name-calling and is meant to humiliate, shame, or demean a child. Telling children that they are stupid, making them feel incompetent when in the main they are not, belittling or berating them in front of their friends are all ways to diminish a child’s sense of self-worth and competence and, so, are ways to harm a child’s interests in individual autonomy. Yet here again, as
with violence, the risk of irreparable harm is tied to the frequency and severity of the mean-spirited behavior. Unlike physical violence, however, there are significant problems involved in discovering this sort of psychological abuse, in proving its existence, and in treating the problem in a way that does not cause more harm than good. So while we should try to ensure that parents are made to understand that such mean-spiritedness can harm their children, we should be cautious about intervention. An effective strategy would be to combat the psychological abuse children endure in the home with psychological counter-measures in schools, day-care centers, and especially television programming directed at children.

Still needing consideration are two other forms of child abuse. Parents who are either overly protective or overly controlling are not allowing their children to progress naturally toward normal autonomy. The overly protective parent in trying to keep his or her children from hurtful consequences or from unsavory experiences thereby denies the children valuable lessons and keeps them from exploring and expanding the limits of their competence. The controlling parent, on the other hand, by making all or most of the significant decisions in his or her children’s lives inhibits the meaningful use and development of critical thinking skills and prevents the children from understanding the full import of their
growing agency. In either case, despite the perhaps laudable motives of hovering parents, the outcome is that the development of autonomy is hindered or even truncated. After all, a person can develop skill at critical deliberation only if he or she is given room to deliberate, to decide, to choose, to discover and experience the consequences of various behaviors, and to learn in the process. Only in this way can children come reasonably to think of themselves as responsible agents. And only in this way can children make the most of their innate drive to competence.

Should the state intervene on the behalf of children whose parents are overly protective or overly controlling? Again, this would seem to be an ill-advised strategy. Yet a concern for individual autonomy would seem to require that we do something either to remove these obstacles from children’s lives or, at least, to minimize the effects of such errant parenting. An ongoing educational program for potential as well as actual parents would be fairly nonintrusive and probably would be more effective in curtailing this and other forms of abuse than would direct state intervention. Further, both media and the schools could be helpful in getting children to understand the importance of developing into self-sufficient, self-governing adults and that this can be accomplished only by leaving parental control and protection gradually behind. More than this we probably cannot do.
Conclusion

The most tragic thing about domestic abuse is that we have the knowledge and resources necessary to eliminate most of it. Assuming that parents are in general persons of good will, especially regarding their spouses and their own children, it seems safe to conclude that the majority of domestic abuse is the result either of ignorance or of a failure to deal properly with stress or anger. Abuse that stems from ignorance regarding the special needs and vulnerabilities of children or of non-violent methods for instilling discipline or resolving disputes can be dealt with and perhaps largely eliminated through a program of public education. No one should finish high school without having been taught how to provide safe and adequate care for children.

The matter of stress, however, is rather different. Because parenting involves stresses significantly different from those associated with other occupations, education and training for potential parents will alleviate only some of the problem. That is, by ensuring that parents are adequately trained for their part of the communal task, we can reduce the level of stress involved as we increase the level of competence. The further problem, however, that parenting offers little to no opportunity for respite, especially when children are young, suggests that we should institute public childcare centers to allow parents time for the relaxation and
recreation that is an important part of every healthy life. To do this much is to do no more than our part in the very important communal task of childrearing, and this without placing onerous burdens on parents.

Having seen that a deep respect for individual autonomy commits us to promoting non-abusive family relations and that one way to accomplish that is through a program of education and ongoing support, we now have a clearer, more lively view of the theory laid out in chapter 3 of this essay. With that more vivid understanding we are in a good position to push further by inquiring into the relationships between autonomy and privacy as they regard the family. In other words, how does an understanding of individual autonomy inform state decisions to intrude familial privacy That will be the business of the next chapter.
CHAPTER 6
AUTONOMY, PRIVACY, AND THE FAMILY

Introduction

In this chapter I argue that privacy is necessary for the creation and maintenance of both intimate and less personal relationships. In the course of this argument, I draw out some of the connections between privacy and individual autonomy, arguing that privacy is a necessary support for individual autonomy, inasmuch as privacy both protects it and allows it to flourish. Now state intervention can protect and support autonomy. The problem, however, is that it can also put certain highly valuable relationships at jeopardy. So, for instance, it may not be clear who if anyone should report knowledge or suspicion of child abuse to the proper authorities. And it may be equally unclear whether anyone should be required to report spouse abuse. I will try in this chapter to provide some clarity on these issues.

I will begin by showing why a deep concern for autonomy commits us to value and respect privacy, then go on to elaborate some of the ways in which this respect for privacy should be applied to our thinking about and treatment of the family and its members. I argue that while child abuse should not be considered a private, family matter, neither should it in most cases be left open to public scrutiny. Indeed, a family with children in it is not to be
thought of as private in the traditional sense of the term. Additionally, I argue that spouse abuse in the presence of children obligates the abuser and many others, excepting physicians and personal counselors,¹ who are aware of the problem to report the behavior to the appropriate authorities.

**Reasons for Respecting Privacy**

Now a point that needs to be made here at the outset is that the familiar distinction between public and private is inadequate for the present discussion. Consider, for example, that while a person’s medical records are not public, neither are they kept just between the physician and the patient. Indeed, the information in a person’s medical records may be properly shared with other physicians or even technicians without violating any privacy rights. Additionally, there is a good deal of medical information that properly gets shared with employers, insurers, public health personnel, social services, and courts of law, but does not for that reason become public information; for even though many people

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¹ Personal counselors would include psychologists, psychiatrists, school nurses and guidance counselors, priests, etc., those people from whom one might ordinarily expect to get help with serious personal problems under conditions of confidentiality.
have access to the information, not just anyone is privy to it. Nor should they be.

In view of this problem with the archaic distinction I suggest that we should understand privacy not as some clearly definable domain which stands opposed to the public domain, but as a practice or set of practices that are important to the flourishing of both individual autonomy and the various associations in which people become involved. Once that much is granted, the remaining concern as it relates to the family and its members is about what should be kept private from whom and why this should be so. The discussion, then, naturally cleaves into two parts. Because the reasons for respecting individual and familial privacy shed light on what is to be protected as well as on the proper extent

\[2\text{ Ferdinand Schoeman, } Privacy and Social Freedom (Cambridge: Cambridge University Press, 1992). Schoeman argued at length and rather persuasively that privacy, as a means of regulating the kind and degree of social control afforded to individuals within both public and private associations, has been little discussed by moral philosophers, with the result that much moral philosophy has been radically misguided and has failed to appreciate the folly of coming to a moral stance independent of cultural influences.\]
of that protection, I shall deal with those first. When it is sufficiently clear why we should respect certain domains of privacy regarding the family and its members, I will go on to indicate just what some of those areas are, how they may be recognized, and how extensive the protection we afford them should be.

As a number of commentators have pointed out, privacy is necessary to the development and maintenance of various sorts of relationships. Intimacy, some believe, would be quite impossible without privacy; love and friendship could not exist were there no privacy. Further, it has been argued that a person's sense of self as something morally distinctive could neither develop nor survive without institutions instructing and disposing people to respect the privacy of others. Individuality itself, the ability to be the kind of person one chooses, would be in great danger if we had no control over who should be privy to what information about us. These are important values and I am most sympathetic to this line of argument. In addition, however, I would argue that moral growth and meaningful rehabilitation would be endangered if certain sorts of information could not be kept private or at least nonpublic.

Robert Gerstein has argued that "intimate relationships could
not exist if we did not continue to insist on privacy for them.”" In part, this is because intimacy involves people as participants in an experience of such intensity that consciousness and action are shaped by the internal dynamics of the experience itself. Slipping into intimacy a person loses consciousness of the self and becomes immersed in the experience, relinquishing the role of observer for that of participant. However, as Gerstein pointed out, “we cannot continue to be immersed in the experience of intimacy if we begin to observe ourselves or other things around us.” And one effect of a third party intruding on an experience of intimacy is that the participants are forced to an awareness of their actions not as participants, but as observers. The unselfconscious spontaneity that is essential to intimacy is necessarily lost. Participation in the intimate experience comes to an end. Furthermore, “it is clear that anyone who intrudes uninvited on the intimacy of another person interferes with his [or her] autonomy in a very serious way. It is prima facie wrong to observe a person against his [or her] will at

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Ibid., p. 266.

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any time, because it violates his [or her] autonomous right to decide whether he [or she] will be observed or not." Indeed, the right to autonomy, even before it is fully developed, entails the right to determine within obvious limits, who if anyone shall be allowed sensory access.

James Rachels saw that privacy is important not just for intimate relationships, but for the creation and maintenance of other social relationships as well. He argued that the ability to control who has access to us and information about us is necessary if we are to be able to create and maintain different sorts of social relationships with different people. And this is so, he argues, even "in ordinary situations in which we have nothing to hide." Because different patterns of behavior are associated with and in part define the different sorts of relationships we have, privacy is necessary. For "if we cannot control who has access to us, sometimes including and sometimes excluding various people,

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Ibid., p. 296.
then we cannot control the patterns of behavior we need to adopt ... or the kinds of relations with other people that we will have." 

Consider, for the sake of clarity, what happens when two friends are joined by a casual acquaintance.

The character of the group changes; and one of the changes is that conversation about intimate matters is now out of order. Now suppose these friends could never be alone; suppose there were always third parties (let us say casual acquaintances or strangers) intruding. Then they could do either of two things. They could carry on as close friends do, sharing confidences, freely expressing their feelings about things, and so on. Or they could avoid doing or saying anything which they think inappropriate to do or say around a third party. But this would mean that they could no longer behave with one another in the way that friends do and further that, eventually, they would no longer be close friends. 

Should the friends choose the alternate course, however, the

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* Rachels, "Why Privacy is Important," p. 296

outcome would be very much the same. That is, if the two continue to carry on as close friends do, despite being observed and listened to by others who are not so close, then the closeness and private sharing that marks such a relationship may be lost, and with it the relationship they once enjoyed.

In other far less intimate relationships the character of both the group and the relationship can be put at jeopardy by the intrusion of others or of information deemed inappropriate to the relationship. That the ancient Greeks were unaware of this moral fact is evidenced by the common practice, referred to by Socrates in the Apology, of convicted criminals parading their families before the court to gain sympathy. Whether such a practice often or even sometimes had its intended effect is, of course, a matter of conjecture. But that it changed the character of the relationship between the accused and the jury (by adding either sympathy or resentment to the mix) seems an inescapable conclusion.

Consider, for example, how the character of the relationship between an employer and employee might be adversely affected by the employee learning that the employer, who always presents herself as detached and professional, is easily manipulated by the emotional appeals of friends and family. Or consider the affect on a ten year old boy's relationships with his peers when his sister lets it be known that he still wets his bed. Or, finally, consider that
because the public is now privy to nearly every detail of the private lives of actors and actresses we have no more big stars, no more giant but mysterious personae to give life to our fantasies and dreams on the silver screen, but instead just a lot ordinary, often very troubled people who seem to make more money than they deserve. Privacy is important not merely for the creation and maintenance of intimate relationships, but for nearly all the relationships that make up our lives. I agree fully with Rachels that

we need to separate our associations, at least to some extent, if we are to maintain a system of different relationships with different people. Separation allows us to behave with certain people in the way that is appropriate to the sort of relationship we have with them, without at the same time violating our sense of how it is appropriate to behave with, and in the presence of, others with whom we have a different kind of relationship. Thus, if we are to be able to control the relationships that we have with other people, we must have control over who has access to us.\footnote{Rachels, “Why Privacy is Important,” p. 296.}
So, again, the connection between autonomy and privacy seems rather clear. People cannot structure and direct their lives as seems best to them without the privacy necessary to the creation and furtherance of intimate and other social relationships. A deep concern for individual autonomy, therefore, requires us to respect privacy whenever and wherever compelling reasons to do otherwise are absent. Without privacy neither individual autonomy nor individuals themselves can flourish.

In addition to the reasons already discussed for respecting and valuing privacy, it should be pointed out that if we wish that the rehabilitation of juvenile offenders and errant parents to be a realistic hope, then we shall have to respect a wide domain of privacy for both children and families. After all, if people cannot at some point put mistakes and even some intentional wrongs behind them, if they are to be permanently labeled and that label is to be available for public scrutiny, they may come to think of rehabilitation as a course not really open to them. For while they might be able to rid themselves of the disposition to misbehave, an everlasting reputation as a vicious person would serve as a strong disincentive to the sometimes arduous process of character reformation. People should be protected from the harm that a permanent record of youthful wrongdoing can cause. And for the most part we are protected in this way. This is so because we
recognize that our youth is and must be a time for growing and learning, a process which inevitably involves mistakes and sometimes even deliberate wrongdoing. But it would be just as wrong, not to mention unwise and in our society unfair, to leave people forever saddled with the shortcomings of their youth, shortcomings for which they are at best only partly responsible.

Children, however, are not the only ones who make mistakes and commit wrongs that would be better kept from public scrutiny. Just as infants are unprepared for an independent life, parents, especially when they are new at the project and might be thought of as quasi-children, are largely unprepared for the task of childrearing. Like their children, they will make mistakes and sometimes even commit wrongs against them while they are learning and growing into the role of parent. Further, given that as a society we have made no effort to ensure that prospective parents are provided the information they need concerning the raising and overall welfare of children, it seems no more than reasonable and fair that we extend to parents involved in the learning process the same understanding we display in the disposition of cases of juvenile mistakes and wrongdoing.

Here, as with the other reasons for respecting privacy, the connection between autonomy and privacy is quite intimate. A person who cannot escape the foolishness of his or her youth (or
quasi-youth) will find that his or her capacity for self-rule is somewhat more limited than that of others who are not similarly burdened. An eighteen year old with a juvenile record of thefts, even though none occurred within the last five years, may find it very difficult to find adequate employment. And a person who cannot find work is obviously limited in his or her ability to be self-ruling.11

The Extent of Privacy

Now given the reasons discussed above for valuing and respecting individual privacy, a guiding principle suggests itself. We should as a matter of course consider all personal and familial information as presumptively private, a presumption that may be 11

"As law enforcement becomes more and more efficient, the need for the sort of privacy that will aid rehabilitation will increase. While at present we typically seal records of juvenile wrongdoing when the child comes of age, we would do well to ask whether this practice should be extended in some way to all people. If a man is convicted of, say, stealing a car when he is twenty-one but thereafter leads an exemplary life, should his conviction still be open to the public when he is seventy? A similar issue is addressed in Melvin v. Reid, 112 Cal.App. 285 (1931).
defeated only by a showing that a relationship exists between the person or family and those seeking the information, and that something about the relationship entitles those others to have the information. Further, the nature of the information may itself give additional guidance in determining who should have access to it. After all, the employer of a person who has contracted the human immune virus will ordinarily have no need to know of the employee's condition. But the employer of a person who has contracted a more virulent and more easily communicated disease may indeed need to know of the employee's condition. A cattle rancher, for instance, certainly would be entitled to know if an employee has contracted anthrax.

Concerning the family more directly, however, consider that the relationship between parents, a small child, and a pediatrician would entitle the physician to much information that most of us would otherwise consider private and/or not open to those outside the family. The physician is entitled by this relationship to know anything that is pertinent to diagnosis and treatment, information about the child and its environment which may be deeply personal. Yet, the child in this case is neither autonomous nor capable of satisfying the physician's need for information. What is perhaps even more important is that the child cannot know what limits might be appropriate to the relationship or how to ensure that they
are respected. Therefore, parental responsibility is twofold; to ensure that reasonable personal boundaries are respected and to assist the physician by providing pertinent information, information to which they are rightfully privileged only because the child lacks sufficient competence to set and protect its own boundaries. As the child grows older, he or she will gain competence and, so, should be allowed more and more control over such matters. Eventually the young person will become

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12 While information of the sort considered here should be shared with the physician, parents should not share it with friends or neighbors. For such sharing would count as an unwarranted disclosure.

13 Of course, there are many other people involved peripherally in the typical physician/patient relationship. However, it will in general be best to ensure that only those who are bound to respect the confidentiality of the relationship be allowed access to information that would allow them to connect a given medical service or procedure to a given person.
autonomous, by which time the parents will be entitled only to that information deemed by the young person to be appropriate.\textsuperscript{14}

For further clarity, consider the relationships between, say, an ordinary seventeen year old female, her family, and the family's physician. By this age, without regard to anything the law might say to the contrary, I should think that the young woman has achieved normal autonomy in every respect but one. She is financially dependent upon her parents and still lives with them. So while she is fully prepared to conduct her own life in the way she thinks best, she is not entirely self-reliant. Anyway, let us suppose that she is autonomous to the extent indicated and, further, that she is pregnant and considering whether to get an abortion. The physician, of course, having informed her of the pregnancy and counseled her as to the risks involved in such a procedure, is well aware of the young woman's situation. Her parents, however, know nothing of her pregnancy and, so, have no idea that their daughter is considering an abortion. Is there

\textsuperscript{14} This sounds harsher than it is. For while it would be permissible to keep most if not all personal information from our parents, most of us enjoy greater intimacy with our parents than that.
anything about their relationship with her that would entitle them to this information?

No doubt many and perhaps even most parents would answer that question in the affirmative. "So long as she lives under our roof and eats at our table," such parents might say, "she will do as we think best. Once she is out on her own and supporting herself, she can run her own life. Until then, her welfare, including whether or not she will undergo an abortion procedure, is our responsibility." And it seems clear that if such a claim is true, then the parents would be entitled not just to know that their daughter is pregnant, but to make the decision regarding abortion as well. Moreover, it might be argued that if the family's physician is entitled to the information at issue, then surely the heads of the family are also entitled. After all, it seems odd that a third party, a person who is not a member of the family, should be entitled to information about a young woman when her parents are not so entitled. But is it really?

It would be strange indeed if a physician refused to give medical information regarding a small child to its parents on the ground that the physician/patient relationship needed to be kept confidential or even on the ground that the patient had expressed a desire that the information be kept private. But the telling difference here is that a small child is not autonomous and, so, the
parents must stand in for the child, must be its representative as it were, must protect its interests and perhaps even speak for it. For these reasons the parents of a small child clearly are entitled to medical information regarding the child. Yet none of this holds true in the case of a seventeen year old who, except for her economic dependence, is autonomous. She does not need her parents to stand in for her, to represent her, to protect her interests, or to speak for her. She is perfectly capable of doing all this for herself. She has the capacity to make an intelligent decision on this matter. She can tell us a perfectly reasonable and fully adequate story in support of position. She is like the small child only in being financially dependent upon her parents. And I see no reason to think that such a dependency would entitle the parents to deeply personal medical information about their daughter which she does not want them to have. To the extent that she is autonomous, the young woman should be allowed to regulate, that is, to expand or narrow the relationships she has with others, including her parents, as she thinks best. She is in most respects an autonomous adult and should be treated accordingly, even--or perhaps I should say especially--by her parents.

Violent Children and Privacy

In the previous chapter I discussed how a deep concern for
individual autonomy demands that children be protected from both psychological and physical abuse. But children are also capable of perpetrating violence. So it is necessary to consider violence committed by children. As already indicated, the practice of sealing the records of juveniles when they come of age is one we should continue. Yet some of the offenses committed by youngsters are sufficiently violent and/or cruel to evince such a high level of depravity that only the most naive optimist would think that the offense should not be a permanent part of the person’s record. Serious violence, that is, any violence not committed in self-defense which causes serious bodily harm to the victim, or involves the use of a weapon, or has been accomplished by multiple perpetrators, should be a matter of public record for a good long time. However, the amount of time that is appropriate will vary both with the seriousness of the offense and with the apparent level of autonomy achieved by the perpetrator. So, for instance, it might be appropriate in the case of a twelve year old boy who has used a baseball bat to break the leg of a playmate to allow his record to be sealed when he is eighteen, provided there have been no further violent incidents. But a record of the same crime committed by a sixteen year old should be left open for public scrutiny at least until we can be reasonably certain that he or she no longer thinks of brutality as a viable method for solving problems. Ten years would
not be too long a time for such a criminal to bear the burden of a public record of his or her wrongdoing. Provided that there have been no further acts of violence committed by such a person, then at age twenty-six he or she could petition the court to seal (make nonpublic) records of the offense. And the reason we should treat the sixteen year old more harshly than the twelve year old has nothing to do with their ages, but is instead that the older child presumably has reached a higher level of autonomy and, so, is more fully responsible. The closer one is to having achieved normal autonomy, the less forgiving we should be in regard to his or her
wrongdoings.\footnote{The connections between autonomy and responsibility are a little murky during the transitional stage, that is, during the time when a person has achieved minimal but not normal autonomy. Also, there is the problem of what should be said regarding people who seem to mature either too slowly or not enough. But I should think that in most ordinary cases we may presume that the older one gets the more responsible they are not just for their behavior, but for any lack of normal autonomy as well. So, for instance, a child of fourteen who has trouble resisting impulses, peer pressure, hormones, and so on is less blameworthy than someone with the same problems who is ten years older. However, inept parenting, abuse, or any treatment which tends to destroy or inhibit the development of normal autonomy would mitigate the blame we could reasonably ascribe to a person for lacking normal autonomy.} And, of course, some wrongs should never be forgiven or forgotten. Murder, rape, kidnapping, and child molestation should be seen as sufficient to justify the permanent removal of those who commit such crimes from polite society. Such persons are constant threats to the welfare and autonomy rights of all decent people and deserve nothing better than permanent warehousing.
Domestic Violence and Privacy

Before ending this essay, some further consideration is due to the violence that occurs within the family. Whose business is it, we should wonder, when a family's relationships are marred by anger, intimidation, and violence? Further, it will be helpful to ask whether as concerns privacy it makes any difference who inflicts violence on whom within the family. That is, should violence between spouses be treated differently from the violence committed by parents against their children? And if the two cases should be treated differently, then why?

In dealing with these questions, it will, of course, be important to remember that childrearing is a communal task. Consequently, a variety of relationships exist between any child and certain unrelated but specifiable others that might entitle these others to information that a child is or has been physically or psychologically abused. And evidence of domestic violence clearly justifies state intervention. So the pertinent question concerns who may and who must disclose to authorities information that violence is occurring in the family.

The matter of who may report domestic violence seems easy enough. Excepting those who enjoy what have traditionally and rightfully been considered privileged, confidential relationships with the family and its members (priests, physicians, psychologists,
anyone who comes to know of domestic violence may report it to the authorities. And those who have perpetrated violence against a family member have no right to complain should their victim or victims disclose or even publish the facts of their victimization. Nor would a perpetrator have a right to complain if friends or neighbors brought their bad behavior to light. For the right to autonomy clearly includes the right to self-defense, a right others may champion on behalf of those who need to be defended or protected. However, for the sake of meaningful rehabilitation, domestic abuse that is brought to the attention of the authorities ought to go no further unless it is thought severe enough to be considered criminal. After all, public dissemination of such inflammatory information may only exacerbate the problem.

The reason we must protect these confidential relationships by leaving them exempt from any requirement to report domestic violence is that to do otherwise would pose an even greater threat to victims. Parents who know that those they rely on for physical and spiritual healing may bring the law to bear against them will be far less likely to bring an injured child in for even necessary care than if they know that these people can be trusted to maintain confidentiality. And, of course, these confidants may and should encourage parents or guardians to do what they may not.
The matter of who, if anyone, should be required to report knowledge of domestic violence is somewhat more problematic; for there is a great difference between allowing that someone may do something and requiring them to do it. Nonetheless, it seems clear that those with privileged, confidential relationships cannot be sensibly required to report domestic violence. But what about all those other people who are not barred by confidentiality from disclosing whatever they know of domestic violence? Surely it would not be improper to require at least some of those people to report and even to provide sanctions for failures to do so.

Were public education (or publicly controlled private education) universally compulsory, as it ought to be, then there would be no harm in requiring teachers to report evidence as well as reasonable suspicions of domestic violence. And I see no reason for us to allow friends, relatives, and neighbors to turn a blind eye to violence against or in the presence of children. But, most important of all, we should require parents to report violence against their children, and this without regard to whether it is they or their spouse who has committed the offense. Child abuse can be so devastating, especially to a child's budding autonomy, and its consequences so far-reaching that a rather wide range of people might reasonably be required to report it to the proper authorities. Those who would be parents, therefore, should be made to
understand that when they bring children into the world, they are inviting a host of others into their lives, some of whom are in no way required to remain silent about any familial crimes they may commit, that a family with children is not a private institution, and that those who shoulder their parental responsibilities poorly may find themselves under the supervision of others who may even relieve them of their parental burdens.17

The case seems rather different, however, when there are no children involved. Unlike childrearing, marriage in and of itself is not a communal project. There is no particular goal or end which must be accomplished and, so, as concerns autonomy anyway there would seem to be no reason to invade the privacy of married couples. That is, there would seem to be no one outside the relationship who might be entitled to information that the couple chooses not to share. Indeed, should one of the couple decide to share intimate information with some third party, the other person could rightly complain that his or her privacy had been violated. But, of course, not just everything that transpires between spouses should be thought of as intimate and properly to be held in confidence between the two. So, for instance, one may complain if

17 This does not imply that children belong to the state. But it does imply that children are not the property of their parents.
a spouse gossips about activities which take place in the marital bedroom. For such indiscretions not only violate the partner's autonomy interests and reasonable expectations of privacy, but tend to be destructive of intimacy as well. At the same time, however, one who commits violence against a spouse or treats the spouse in a way calculated to or tending to diminish his or her capacities for autonomy has no right to complain should that information be given to others outside the marriage. Nor is there any complaint to be made if others discover the abuse and report it on behalf of the victim. After all, marriage is not a license to mistreat a spouse. Also, it should be pointed out here that children, including schoolmates and neighbors, should be protected from witnessing or becoming aware of violence between spouses, since such behavior can only warp their view of what adult relationships should or may permissibly involve. So while a woman may wish to be silent about the fact that her husband is physically and/or psychologically abusive toward her, children in the house would limit her autonomy rights in this regard. The abuse ought to be reported and dealt with. Others may and, indeed, should intervene. So long as there are no children concerned, however, a person may if they so choose endure the bad behavior of a spouse; respect for individual autonomy demands this much. But the presence of children makes a telling difference. An abused parent has no right
simply to endure abusive behavior from a spouse; it must be reported to the appropriate authorities for the sake of the children. Of course, the abuser is also obligated to report, and should be sanctioned for failing to protect his or her own children from his or her violence. If such abuse is not reported, if it continues to the detriment of the children, then the rest of society and especially those of us who share in the communal task of childrearing have every right to complain and, indeed, to intervene.

Concluding Remarks

It was my purpose in this essay to help in clearing up a longstanding confusion in philosophical thinking about the nature of individual autonomy. Toward that end I sought in the first two chapters both to get clear about the concept's evolution through some of the Western tradition's more prominent social commentators and to draw out failures to employ consistently, without regard to gender or age, an adequate conception of individual autonomy. The Lockean insight that individuals should have the right to govern their own lives and to have a voice in the ruling of their society was an important step in the direction of a free society with equality among citizens. Rousseau's contribution was an understanding that self-ruling individuals are those who were raised properly, people who were taught to be self-reliant as
well as respectful of both themselves and others. Kant helped in the evolutionary process by focusing on the freedom of the will to determine itself and on the importance of rationality, influences apparent in this and other modern works on individual autonomy.

Unfortunately, Locke, Rousseau, and Kant did not think women were among those who should be considered autonomous and equal citizens. In this respect, the work of John Stuart Mill marked a radical change in the Western tradition of social thought. Mill was the only philosopher reviewed in this essay who took seriously the emancipation and equal enfranchisement of women. Further, his ambivalence regarding the primary importance of human perfection was instructive in showing how an extreme variety of liberalism can come into conflict with even very widely accepted notions of virtue.

The discussion of Rawlsian deontology and its critique by Michael Sandel had a dual benefit. It allowed us, first, to see that while Rawlsian autonomy is useful for answering questions within the domain of distributive justice, it is not robust enough to be used in a comprehensive moral theory. But, second, the discussion allowed us to see that to make such demands of Rawlsian autonomy is rather unfair. For, as we have seen, there is no necessary quarrel between Rawlsian liberalism and what is called communitarianism. Indeed, there is nothing in any
communitarian vision of which I am aware that would prevent an adherent from going behind the veil to deliberate in Rawlsian fashion on the principles of distributive justice appropriate to a pluralistic society. Further, there is reason for such persons to do so, since they likely have at least some interests that could be harmed or advanced according to which principles are chosen.

In the third chapter of this essay I elaborated what I called a Haworthian theory of individual autonomy. On my view, it is competence, broadly construed, together with self-control and procedural independence that comprise normal autonomy. At bottom, however, the notion of critical competence captures all that is meant by normal autonomy. Yet it should be remembered that my renovation of Haworthian autonomy ruled out the possibility that an extremely autonomous person could be highly immoral. This was partly accomplished through a discussion of the relations between freedom, the restraints of culture and tradition, and individual autonomy, where I argued that autonomy requires the restraints of culture and tradition not merely to guide and promote its growth, but also to prevent the innate drive to competence from degenerating into simple willfulness. Further, I argued that the primary psychological goods (self-esteem, a sense of self-worth, confidence, etc.) are also necessary to the unimpeded development of normal autonomy.
In chapter four, with the help of Amy Gutmann and Joel Feinberg, I argued that in addition to conscious social reproduction a primary goal of education ought to be the creation of autonomous, that is, critically competent individuals. A failure to see these as primary goals of education would count as a failure to be concerned about the future existence of our society as well as a failure to display a deep concern for individual autonomy. Additionally, I argued that childrearing is an essentially communal task and, so, should be seen as such. Parents should not be left alone in their duties to their children. Viewed as a communal task shared by people in a variety of roles, childrearing is easily and more coherently understood as involving much more than what we ordinarily think of as parenting. For the dimensions of the various roles involved in the task largely determine the nature and extent of individuals' responsibilities regarding children.

In chapter five, concerned with domestic abuse, I discussed parental behaviors not usually considered abusive (hovering and mean spiritedness) and argued that since these are impediments to the development of normal autonomy they should be discouraged. At the same time, I argued briefly against corporal punishment, urging that parents be taught non-violent methods for disciplining children and resolving disputes. Finally, I
suggested that we would do well to institute a program of education for potential and actual parents to ensure that they are adequately trained for the difficult task we expect them to perform, then supplement that education with ongoing supports such as public child care centers to provide parents with necessary respite.

In the closing chapter of this essay I argued that since privacy is necessary to the regulation of both intimate and other social relationships, we must respect it as an indispensable support which allows autonomy to develop and flourish. For without some ability to regulate what about us is shared with whom we cannot determine the defining level of intimacy appropriate to different relationships and, so, cannot determine the course or quality of our lives. In other words, without privacy we could not be autonomous individuals.

Before bringing this essay to a close I should emphasize what I take to be the most important message conveyed here. I sought to show that individual autonomy can neither develop nor exist in a moral vacuum, that without a fairly robust set of moral values and principles one cannot engage in the sort of critical deliberation necessary to self-rule. Further, it must be remembered that since the primary psychological goods are necessary to the unimpeded development of normal autonomy, anyone who thinks it
important that people be autonomous ought to be concerned about the way children are raised and educated. Put another way, a deep concern for individual autonomy entails a social interest in the internal dynamics of domesticity, an area of life traditionally considered exempt from scrutiny. Moreover, we shall need to institute measures to ensure that at minimum most new parents are properly trained for the task we expect them, indeed, need them to perform. Therefore, it would seem that liberal political theories which hold that the family is a private institution will need to be reconsidered in light of the findings in this essay.

To the extent that I have been successful here, I believe I have also reconciled some of the tensions between liberal and communitarian strains of social thought. In developing a theory of individual autonomy which does not reject but, instead, relies for its substance on traditional values, the primary psychological goods, and the virtues appropriate to a well ordered society, I have provided reason to reconsider the nature of liberalism itself.

Yet the work started here is far from finished. More needs to be done, especially as regards the relationship between the various restraints of our pluralistic society and individual autonomy. It would be useful to know, for instance, precisely which of the restraints of culture and tradition may not be rejected and why they may not be rejected
Another area needing closer examination is the matter of equality. For if my view of individual autonomy is close to being accurate, then it is apparent that some and perhaps even many ordinary adults have yet to achieve normal autonomy. So it must be asked whether those who are only minimally autonomous should nonetheless enjoy full and equal moral, legal, and political enfranchisement. Should they be considered fully fledged citizens?

And what about the relationship between citizen and state? How should a deep concern for individual autonomy inform our decisions to narrow or expand individual liberties? How should it figure in our thinking about how best to regulate business or whether and to what extent we should provide people with public assistance? Just how far the implications of my Haworthian theory of autonomy might be taken is difficult to say. For what I have accomplished so far is merely preliminary to a rich understanding of the meaning and import of individual autonomy either within a more or less close-knit community or within our larger pluralistic society.


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