

Ethics and the Limits of Autonomy

Jemma wants Lochan to come to her birthday party. There are various ways she can get this to happen. She can move him using physical force—for instance, she can kidnap him. Or she can move him by way of his agency. She can present him with reasons (“There will be cake”), make him an offer (“I’ll give you \$100”), deceive him, make him feel guilty, exploit his jealousy, blackmail him, or threaten never to speak to him again unless he shows up.

Some of these ways of getting Lochan to the party would violate his autonomy rights, or the rights that allow him to control his own life—for instance, deception and blackmail. But why? Having a criterion might allow us to adjudicate the other cases. On a standard picture, the interventions that infringe Lochan’s autonomy rights are the ones that prevent him from being the author of his own actions. That is, they are the ones that disrupt his autonomy in the action-theoretic sense: the distinctive relation that holds between him and his actions, in virtue of which they count as truly his own. Were he to come to the party as a result, there would be a sense in which he did not do so of his own volition. Jemma would have co-opted his agency.

On this picture, autonomy rights are, fundamentally, rights to autonomous action. They are rights to a certain condition of self-government, wherein one’s actions count as one’s own. And no matter how we conceive of this condition, the underlying commitment is the same: the rights which secure our discretionary sphere, or the domain in which we’re entitled to control what happens, are themselves rights to autonomy in the action-theoretic sense. In my dissertation, I challenge this idea. Autonomy, understood as a feature of an individual’s actions or her capacity to perform actions of a certain kind, does not play a direct role in explaining these rights. The upshot is radically new accounts of manipulation and paternalism.

In Part One—*The Wrong of Wrongful Manipulation*—I argue against the dominant view of why wrongful manipulation is wrong, tracing its appeal to the assumption that autonomy rights are rights to autonomous action. The dominant view is that manipulating someone is wrong when and because it alters their practical reasoning in a certain way—either subverts it, circumvents it, or affects it non-rationally. On this picture, manipulation is a non-normative psychological kind, defined in action-theoretic terms, against which we have a basic right. I argue that this family of *Reasoning Views* is false. In its place, I defend the *Reductive View*, which says manipulating someone is wrong when and because it infringes one or more of her *other* rights—specifically, her non-interference rights.

The main argumentative strategy is to show that each variant of the Reasoning View is open to systematic counterexamples, and that the Reductive View provides the recipe for generating them. Whether a given way of (say) subverting someone’s reasoning is wrongfully manipulative depends on whether it encroaches on their domain of non-interference. For instance, in a business negotiation, it may not be wrongfully manipulative to induce bad reasoning by stroking someone’s ego, but it *is* wrongfully manipulative to induce bad reasoning by alluding to their private history of drug use, thereby infringing their privacy rights. Moreover, it may be wrongfully manipulative to induce that pattern of reasoning in one’s spouse by stroking her ego, in virtue of what else you owe her *qua* spouse.

Once we drop the assumption that autonomy rights must be rights to autonomy in the action-theoretic sense, we can see that adopting the Reasoning View is not the only way to vindicate the idea that the wrong of manipulation has *something* to do with our autonomy. On the Reductive View, manipulation threatens our autonomy in that it threatens the rights which secure our domain of discretion. If so, then we can answer important normative questions about manipulation without defining it; and instead of focusing on how a given influence interacts with someone's reasoning, we should engage with broader questions about the background of rights and duties against which it occurs, given the context and the influencer's relationship to her target. The core of this argument appears in "The Wrong of Wrongful Manipulation," published in *Philosophy & Public Affairs*.

In Part Two—*Paternalism and the Right to Be Wronged*—I challenge the prevailing solution to a puzzle about paternalism, and in so doing, defend a new account of what makes paternalistic intervention permissible, when it is. The puzzle is to explain why it is easier to justify treating someone paternalistically when they don't know what they are doing or are not in their right mind—for example, in John Stuart Mill's famous case, why it is easier to justify physically restraining a stranger to stop him from crossing a damaged bridge when he is unaware of the damage, or when he is aware but delirious. The standard explanation, which I call the *Faulty Action View*, is that *because* the stranger's act of crossing the bridge is non-autonomous, he lacks certain bodily rights that would otherwise make it wrong for you to restrain him. Against this view, I argue that not all paternalism is paternalistic intervention in a person's conduct. Consider, for example, withholding upsetting news from a person in crisis or waking a sleeping stranger on the train. This makes it difficult for the Faulty Action theorist to give a unified account of what makes paternalism justified, when it is. Moreover, I argue that the Faulty Action View faces serious explanatory challenges.

The shortcomings of the Faulty Action View should not surprise us, for the analogous view of why paternalism toward children is justified (i.e., that they lack the same rights most adults have because they aren't yet capable of autonomous action) also falls short. In general, it isn't paternalism toward children that is justified, but paternalism toward *one's own* children. According to the "priority thesis" in the philosophy of parenthood, parental rights—including rights to decide for one's child in her best interest—derive from parental duties. Taking this as my starting point, I defend the *Priority View* of justified paternalism: treating someone paternalistically is permissible, when it is, because she has a claim to your aid that overrides her right against interference. The Priority View explains an overlooked but mysterious fact about paternalism: that when it is permitted and costless to you, it is required. It also explains why the permissibility of paternalism depends on who is enacting it—e.g., whether it is a friend, a clinician, the state, a private funder, a technology company, etc.—since these entities have different duties of aid toward the different individuals and populations they influence. Finally, it indicates that some of our positive claims to aid are claims on others for help in living our own lives, therefore vindicating the contested idea that we have positive autonomy rights.

Thus, autonomy in the action-theoretic sense does not play a role in articulating our negative rights against manipulation or paternalism. There *is* one place where it figures in ethical theory, but it is not what we thought it was. The only rights that pertain to autonomous action are positive claims to aid.