Abstract (120 words)

One very popular deontological explanation for the wrongness of some actions appeals to respect for autonomy. In this paper I argue that freedom is better suited to play this role than autonomy is, where an autonomous choice (person) is both free and rational. In other words, to the extent that autonomy can explain—in a non-consequentialist way—why an action is wrong, the related but distinct concept of freedom provides a better non-consequentialist explanation. The argument subdivides into cases (restriction with no benefit, restriction on one to benefit another, and paternalistic restriction) and argues that respect for freedom coupled with consequentialist sympathies better explain our moral intuitions in every case than respect for a non-consequentialist autonomy does.

1. Introduction

One very popular deontological explanation for the wrongness of some actions appeals to respect for autonomy. Indeed, autonomy has been a deontological workhorse of late, with contemporary theorists wielding it in an attempt to justify many particular rights central to orthodox liberalism, such as for voting, informed consent, state neutrality, and free speech.¹ Respect for autonomy has also recently been wielded as one of the central pillars in biomedical ethics.²


In this paper I argue that autonomy cannot play this foundational deontological role. More precisely, I argue that freedom is better suited to play this role than autonomy is. In other words, to the extent that autonomy can explain—in a non-consequentialist way—why an action is wrong in many central cases, the related but distinct concept of freedom provides a better non-consequentialist explanation. In section 2, I sketch the important conceptual difference between freedom and autonomy and clarify my thesis. Section 3 is the argument. I will

2. Freedom vs. Autonomy

Accounts of autonomy tend to share one very important feature, rationality. By ‘rationality’ here I do not mean instrumental rationality, such as when a dog chooses the shortest path between two points. Rather, I mean something like what we might call deliberative rationality, the ability to reflect critically on one’s options and reason through what is (perhaps only instrumentally) best. Thus, we might think of an autonomous choice as one which is both free and rational, or instead of ‘rational’ perhaps ‘exercised by a rational agent’. In contrast, a merely free choice need not also be rational (or, exercised by a rational agent).

Before getting to the argument, I want to make some important prefatory remarks. First, I want to discuss briefly what I mean by non-consequentialist justification. Suppose it is wrong for Billy to lock Amy in her room against her will. And suppose the reason it is wrong is that this infringes Amy’s autonomy. This sounds like a non-consequentialist justification for the wrongness of confining someone. But if we dig a bit deeper and discover that the reason we care so much about protecting Amy’s
autonomy is the good consequences that follow from such protection (it is bad for her if she cannot leave her room, etc.), then we are still in the consequentialist camp, which is not where we want to be.

Second, I am a non-consequentialist, but that does not commit me to thinking that any non-consequentialist value always trump consequences. For example, nothing in this paper depends on the contentious assumption that we should respect freedom (or autonomy) even in a doomsday scenario where doing so leads the end of civilization. The point is just that, at least in a significant range of cases, we think that consequences are one sort of important moral consideration, yet there are other relevant moral considerations as well, such as perhaps respect for freedom or autonomy, where these latter moral considerations do not themselves reduce to concerns about consequences. Sometimes the latter considerations (e.g., rights) outweigh the former (consequences), and maybe sometimes vice-versa.

Third, in this paper I will ignore a subtle distinction that, while crucial in a proper conceptual analysis (“X is autonomous if and only if...”), is irrelevant to my argument. Is being autonomous (free) primarily a property of choices or of agents? One of those senses should be foundational, and the other derivative, but I suspect nothing important hangs on which is which. In any case, nothing I say will hinge on the choice of answer to this question, so I will express myself in whichever way is most convenient.

My final point of clarification is an acknowledgment that some theorists may use ‘autonomy’ merely as a nobler-sounding synonym for ‘freedom’. However, there are two problems with this way of speaking. First, if ‘autonomy’ was introduced as a fancier synonym for ‘freedom’, it would be a bit of needless philosopher’s jargon, which should
be avoided if possible. Second, ‘autonomy’ and ‘freedom’ mean different things, so it is a semantic mistake to use the former as a nobler sounding synonym for the latter. Further, the semantic mistake masks a pernicious error in contemporary deontology: the assumption that only agents capable of rational reflection are worth protecting. That assumption is often smuggled into deontological ethics under the rubric of “the importance of autonomy”, maybe unwittingly to those unused to thinking about the ethics of how to treat children and non-human animals. In any case, the exclusion of the non-rational from the domain of deontological rights is an elitist, person-centric error that should be jettisoned.

3. The Argument

My conclusion is that “we should respect freedom” is a better candidate explanation for the central class of non-consequentialist moral judgments that are traditionally thought best explained by respect for autonomy. The argument for this conclusion is divided into consideration of cases. In section 3.1 we will consider cases of restricting an agent without any benefits to anyone. Section 3.2 considers cases of restriction of one to benefit another. Section 3.3 tackles the most difficult case, cases of restriction of one to benefit that very one, i.e. cases of paternalism.

3.1 Restriction without Benefit

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We address the easiest part of my argument first, cases of restriction without any clear benefit to anyone. Here is a concrete example: Suppose I prefer to nap in the shade rather than in the sun. Why is it wrong to force me into the sun? (Ignore issues like skin cancer if necessary, to make this a clear case of restriction without benefit.) The orthodox deontological answer is that this infringes my autonomy: I am able to deliberate, to think rationally, and I prefer shade to sun, so it is wrong to force me to nap in my less preferred spot.

This orthodox answer is incorrect, because it is also wrong to force a child to nap in the sun, when she prefers the shade. Further, it is wrong for the same reason that it is wrong to force me to nap in my less preferred spot. Children are not autonomous, so the autonomy-based explanation for the wrongness of forcing someone--either adult or child--to nap in their less preferred spot cannot succeed.

My general point here applies to more than just children. Just as it is (all else equal) wrong to force people to nap in their less preferred spots, so also is it (all else equal) wrong to force non-human animals to nap in their less preferred spots. For example, forcing my dog into the sun is wrong for the same reason that forcing me into it is. And this is true even though no one’s interests are at stake besides his (mine). Autonomy cannot figure into the answer to the dog-question or the child-question; therefore it cannot figure into the answer for the person-question either. Freedom, in contrast, can figure into all the appropriate answers.⁴

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⁴ Note that my point is compatible with the thesis that it is more wrong to force an adult human being to do something than it is to force a child or non-human animal to do that thing. My point is not that the wrongs are all of equal magnitude, but rather that they are wrong for the same reason.
3.2 Restricting One to Benefit Another

I now consider cases of restricting one to benefit another. Again, let us begin with a concrete example. Enslaving a healthy adult human being is wrong. Why? A natural answer is that it violates that person’s autonomy--removing him from his home and forcing him to work for someone else makes him no longer autonomous. The natural answer sounds nice, but it is incorrect.

One reason the appeal to autonomy is incorrect is that enslaving children is wrong too, even though they are not yet autonomous. That is, just as it is wrong to remove an adult from his home and force him to work for someone else, so likewise it is wrong to remove a child from her home and force her to work for someone else. Further, these two wrongs are wrong for the same sort of reason (even if the two wrongs differ in severity). The only sort of reason that might explain both wrongs is infringement of freedom, not infringement of autonomy.

The argument from enslaving animals proves this same point. Allow me to elaborate briefly on this; my claim is not as controversial as it sounds. Recall that our focus is restricting one in order to benefit another. So I do not count as slavery situations where the enslaved benefits so much that she prefers to be in the enslaved situation and is reasonably happy there. Thus, working dogs are probably bad examples, because most actual guide dogs or herders are usually happy with their lives. For our purposes, we need to focus on a clear case where the animal prefers not to be enslaved. Consider factory-milked cows. My claim is that it is wrong to enslave cows for their milk, just as it is wrong to enslave human women for their dairy. More pointedly, if putting a human woman into the egregiously insensitive conditions experienced by
factory-farmed diary cows is wrong, then putting a cow in those conditions is too. Of course, it may be more wrong to put a human woman into factory-farmed conditions than it is to put a cow into them, but my point, again, is only that these are both wrong for the same reason, not that they are wrong to the same degree.

3.3 Restricting One to Benefit That One (Paternalism)

Finally we come to the class of cases--paternalistic--where rationality seems clearly to have some role to play. As before, we choose a concrete example of restriction, this time paternalistic. Why is it wrong to restrain someone from running into a street with oncoming traffic? Trick question--it is not always wrong to restrain in such cases. Sometimes it is appropriate to restrain agents from running into streets, for example when the agent is hasty or impulsive, or is a dog, or is a child. But it is wrong if the agent is a sober, healthy adult human being and has deliberated carefully, used her reasoning faculty, etc..., and decided after explicitly weighing risks and benefits that she wants to run into the street. Or so the standard deontological autonomy-lover might argue. This concession seems to vindicate the necessity of invoking respect for autonomy rather than respect for mere freedom: the hasty person’s, the dog’s, and the child’s decisions are not autonomous, which is why we need not respect them. In contrast, the deliberative person’s decision is autonomous, which is why we should respect hers.

However, the alleged vindication is a sham--respect for autonomy cannot do the work required of it even in paternalistic cases. We can see why this is so by asking why

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autonomy is so important, or more precisely why autonomy is so much more important than mere freedom that only autonomy can ground non-consequentialist ethical claims. There are three broad answers to this demand for explanation, but none are satisfying. I will go through them in turn.

3.3.1 Good Outcomes

The first and most obvious answer is that autonomy is important because rational choices are typically good choices, in the sense that they lead to good outcomes. For example, competent adults who choose to run across dangerous intersections are more likely to survive the trip than dogs or children who choose to do that are. The insight is very basic: rationally deliberative agents usually choose better than non-deliberating ones. Or, in the preferred language of our discussion, autonomous agents usually choose better than non-autonomous ones.

This is true, but the fatal problem with this sort of reasoning is that it is consequentialist. This does not mean that such reasoning is unsound or its conclusion false. That is, I do not mean to denigrate the moral importance of good outcomes. It means only that, even if the reasoning is sound, we still have not provided a non-consequentialist rationale for respect for autonomy. My project, recall, is to look for a defensible deontological rival to consequentialism, and in particular to argue that respect for freedom is a better non-consequentialist foundational principle than respect for autonomy is. If we can support respect for autonomy only by appealing to its good consequences, then we have failed to justify a genuine rival to consequentialism. At
best we have discovered that an apparent rival was really a consequentialist position after all.

Let me clarify this last remark. I am not here taking a stand on the relative weights of freedom versus consequences in our overall moral theory (except to say that freedom has non-zero weight). In particular, I am emphatically not insisting that we should always respect freedom no matter what the consequences of that free act are. Rather, my proposal is that, whatever the relative importance of consequences versus freedom is, autonomy adds nothing further to the calculation. In other words, once we have calculated the good and bad consequences from restricting an agent’s freedom, to add in that the agent’s free choice was also autonomous should not change the moral decision procedure of whether it is appropriate to restrict. The information that an agent’s free choice was also autonomous is at best only indirectly useful for giving us some sense of the likely consequences of restriction, but once we already know all the consequences the additional information that the choice was autonomous becomes superfluous.

3.3.2 Offense to Dignity

A second answer to our question--why respect for autonomy is so much more important than respect for mere freedom--claims that only the autonomous have a self-respect or dignity that can be offended by restrictions. This answer suffers from several problems. First, it suggests that we are permitted to restrict an autonomous person in secret, and that we are permitted to deceive them, so that they are not aware and therefore do not get offended. Second, even the mildly retarded and children can feel
offended. Indeed, children often feel more offended by trivial slights than adults do.

Third, why should the psychological feeling of dignity be so important that it gets enshrined as a central foundation for deontological rights, whereas, say, the pain of being burned alive does not?

Now, perhaps the answer to these above three objections is that offense to dignity should be divorced from the psychological feeling of offense. In that case, I can offend your dignity even if you are unaware of the offense. Likewise, even though it seems as if a child’s dignity is offended when I slight her, and even though it seems as if easy-going adults are not offended when I slight them, in fact the reverse is true. This strikes me as very implausible just on semantic grounds. Further, this suggestion exacerbates the third objection: if dignity is divorced from the feeling of dignity it becomes even more mysterious why we should care about (genuine) dignity so much that it gets enshrined as a central foundation for deontological rights.

Indeed, the “offense to dignity” defense seems implausible in a related respect as well, in that dignity turns out to be more mysterious than autonomy is. At best, it seems a change in labeling, with no genuine increase in understanding at all. That is, to say that harming autonomous agents offends their dignity in a way that harming the non-autonomous does not, and then to divorce this dignity from psychological criteria for determining when dignity is offended, is not to argue that offense to dignity makes a harm worse. At best, it is merely to label some such harms. The only way to make sense of offense to dignity is first to determine when autonomy is infringed, at which point we ipso facto know which harms to label as dignity-offending, not the other way around.
3.3.3 Autonomy as Brute

The last purported answer to our question--why autonomy is so much more important than mere freedom that only respect for the former deserves to be enshrined as a bedrock non-consequentialist moral principle--is essentially a non-answer. The suggestion here is that it is a brute, inexplicable fact that only the rational deserve respect. Of course, this is absurd. It is a kind of prejudice, no better than racism, sexism, or speciesism. The brute fact that I am rational makes no (direct) difference to whether it is morally appropriate for you to, say, pull one of my teeth without my consent. I say ‘direct’ because, of course, I grant that there could be very good consequentialist reasons for respecting the autonomous agent’s wish to keep her rotten tooth and ignoring the non-autonomous’s wishes to keep his rotten tooth. But this is not a direct difference--it is an indirect appeal to consequences, which was discussed in section 3.3.1.

And notably, respect for freedom does not suffer from this prejudice problem, because the freedom principle is populist: it says that we should respect the choices of all intentional creatures, regardless of whether they (their choices) are autonomous. Of course, this populist creed will be subject to consequentialist qualifications, but the “respect autonomous choices” principle is also subject to such qualifications and further is itself justified partly on consequentialist grounds.

4. Conclusion
Rather than summarize what I have already argued, I want to make a couple of original points in this conclusion. First, consequentialists can be still be happy with the overall spirit of my argument, even though they reject my deontological starting point. I have argued that the requirement to respect autonomy is at best a special case of the more general requirement to respect freedom. But, of course, this idea has merit even for consequentialists. Consider, for example, a preference-utilitarian, who says that we should maximize preference-satisfaction. That theory would be a lot less plausible if its motto was instead: “maximize satisfaction of autonomously chosen preferences!”. My suggestion here is that deontological ethics can likewise increase its plausibility by eliminating restriction to autonomous choices in the rough motto, “respect free choices!

Second, my paper raises the obvious question of why freedom is so important that it can serve as a central value for a deontological ethics. This question deserves its own sustained treatment, and I have no good answer to it here besides the appeal to intuition.\(^6\) The wrong of infringing on an agent’s (free) choice intuitively seems to go beyond the mere consequences of that infringement—in some sense it seems to cross a personal boundary which we others have no right to cross. Why is there this personal boundary? Not because I am capable of deliberative rationality, but rather because I am capable of making my own choices, choices which may be more or less good, but my own choices for my life, nonetheless. It is my life to live, not yours. And this applied to me even when I was a child, and it applies even to non-human animals. Of course, paternalism may be appropriate if I am mistaken about what makes my life go well, but

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\(^6\) Though see Hurka’s answer of agency in his “Why Value Autonomy?”, Social Theory and Practice 13, no. 3 (Fall 1987): 361-382, where he uses ‘autonomy’ to mean what I have been calling ‘freedom’. 
this is so even if I have deliberated rationally. Again, this topic deserves further scrutiny. My claim in this paper has been more cautious: to the extent that some concept has any chance of justifying a non-consequentialist ethics, respect for mere freedom has a better chance than respect for autonomy does.