

Taylor, James Stacey. *Practical Autonomy and Bioethics*. New York: Routledge, 2009.

James Stacey Taylor's *Practical Autonomy and Bioethics* attempts to clarify and re-conceptualize what autonomy is, what it is not, and how the concept is used within the field of bioethics. Taylor begins by noting how, historically, the concept of autonomy has been subject to the Gertrude Stein Problem: "when it comes to autonomy, 'there is no there there'" (p. 1). That is, the concept of autonomy lacks a theoretical account broad enough to encapsulate all of the varieties of its use. Taylor claims that this problem is particularly troubling for participants in bioethical discussions because of the now prominent role of autonomy in bioethics literature and practice. Without a shared understanding of autonomy in bioethics, Taylor worries that discussions of bioethical issues centered on autonomy will either break apart because a common understanding of autonomy is only assumed, or, worse, result in participants in bioethics discussions talking past each other on account of not having any common ground. Taylor's primary aim is to work toward resolving the Gertrude Stein Problem by developing an account of autonomy that "is exceptionally well placed to serve as the canonical account of this concept as it is used in contemporary bioethics" (p. 17).

Taylor's initial step toward developing his account of autonomy is to clarify what it is about autonomy that he is trying to capture. In Chapter 1 Taylor describes four contours that shape the concept of autonomy. According to Taylor, autonomy: (1) is a property of persons able to direct themselves by reflecting and acting upon various motivations and choices in ways not open to other agents, such as small children or animals; (2) can be greater or lesser in degree for a particular decision, since a person's motivations and choices for acting vary in number and importance; (3) is not subject to the discretionary direction of others; and (4) can be compromised with respect to a particular decision, if the person is coerced into making that particular decision, the person is deceived or unknowingly manipulated into making that particular decision, or the person lacks either mental control or minimal rationality to make a particular decision (pp. 2-3).

With this basic form of autonomy in mind, Taylor then details three conditions that, together, function as the keystone of his theory of practical autonomy. First is the *threshold condition*, which concerns the threshold at which persons are necessarily autonomous with respect to a particular decision. Under this condition a person can be said to be autonomous: (i) if when person A makes a decision based on information that has not been manipulated by person B and person B does not intend to manipulate person

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A; (ii) if person A makes a decision based on information that has been manipulated by person B and person B intends to manipulate the choice of person A, person A is aware of the information being manipulated; or (iii) if person A makes a decision based on information that has been manipulated by person B and person B intends to manipulate the choice of person A, and person A is unaware of the manipulation, yet makes a decision different from that which he was being manipulated to make (pp. 6-7).

The second condition is the *degree condition*. Under this condition, the degree to which person A's decision is autonomous is the result of a decision-making procedure that she is able to endorse. According to Taylor, the more person A endorses the decision-making procedure by which she makes a decision, the greater her degree of autonomy with respect to that decision. Conversely, as person A's decision lacks consistency with her endorsed decision-making procedure, the less autonomous she is with respect to that decision. Taylor then notes four important sub-points of this condition: (1) the notion of "satisfaction" with a decision procedure refers to person A's belief that there is sufficient reason to continue using that procedure; (2) it is possible that a person may be satisfied with more than one decision procedure given the circumstances surrounding her decision; (3) stemming from sub-point (2), it does not matter whether or not one's decision-making procedure accords with those favored by others; and (4) the degree condition aims to distinguish autonomous from non-autonomous agents, because it requires agents to be reflexively self-aware (as those who are not self-aware lack the capacity to endorse a particular decision procedure) (pp. 8-9).

Taylor's third condition of autonomy is the *tracing condition*. This condition refers to the ability of a person autonomously to experiment with making a decision via a decision-making procedure that she has not reflexively endorsed. Taylor considers this important to address in developing an account of autonomy because of the possibility that persons may wish to satisfy their desires by trying a new decision-making procedure and because, given the degree condition, persons making decisions from a previously non-endorsed decision-making procedure suffer a *prima facie* diminution of autonomy. Under the tracing condition, if person A decides to use a different decision-making procedure from that which she endorses as her own, "then the maximal degree to which she is autonomous . . . will be determined by the degree to which she was autonomous with respect to the decision-making procedure that she used to make the choice to use an alternative decision-making procedure" (p. 11). That is, a person whose decision results from an alternative decision-making procedure will be more or less autonomous with respect to that decision, depending on how closely her alternative decision-making procedure accords with the decision-making procedure she would have typically used (and endorsed) in making the decision in question.

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These conditions show Taylor's account of autonomy as having four characteristics. His account is (1) decision-based and (2) historical in that persons are autonomous insofar as they must *decide* upon a particular choice or action in relation to a particular decision-making procedure, and not simply develop a particular attitude toward making a decision. This account of autonomy is also, as Taylor calls it, (3) radically externalist. That is, determining the degree to which a person's decision is autonomous requires referencing her interactions with others and their mental states regarding her actions. Lastly, this account of autonomy is (4) political in that determining the degree to which a person's decision is autonomous depends on the degree of influence others have with respect to that particular decision (pp. 13-17).

In Chapter 2, Taylor argues for why autonomy is not as multifaceted as it may first appear. By examining the taxonomies of Joel Feinberg, Gerald Dworkin, Manuel Vargas, and Nomy Arpaly, Taylor argues that many current understandings of autonomy either are not *bona fide* accounts of autonomy, fail defensibly to capture the contours of autonomy, or only capture one of the contours of autonomy and can thus be subsumed into another account (namely, Taylor's). Taylor challenges Feinberg's understanding of autonomy as four distinct concepts (the capacity to self-govern, actual self-government, an ideal character type, and the right of self-determination) by arguing that Feinberg fails to develop a concept of autonomy that is distinguishable from understanding autonomy merely as a condition one must meet to self-govern. Taylor then refutes both aspects of Dworkin's account of autonomy as negative and positive liberty. First, it is not clear that autonomy can properly be understood as non-interference; a person lacking a minimal level of rationality could be free from the interference of others but still, on Taylor's account, fail to be autonomous. Second, Taylor argues that considering autonomy to be equivalent to self-governing is not actually a conception of autonomy, since Dworkin provides no further analysis of what it means to "self-govern." Similar to Dworkin, Taylor challenges Vargas's taxonomy on the ground that he fails to show how the notions of agency and self-rule are characteristics of autonomy instead of just components of autonomy. Furthermore, Taylor claims that Vargas is wrong to use interchangeably the concepts of autonomy and freedom. Lastly, of Arpaly's eight accounts of autonomy, Taylor argues that only two (reasons-responsiveness and autonomy as authenticity) can properly be understood as conceptions of autonomy. Yet Taylor also criticizes these two accounts of autonomy on the following grounds. First, autonomy is a separate concept from authenticity. A person can act in an authentic way, believing that she is acting autonomously, but be manipulated by others in ways that preclude her from acting autonomously. Second, persons can also act autonomously even if they lack reflective reasoning in performing those actions. Athletes, for example, will often not think about the actions they perform while competing (which are typically

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considered automatic), yet it seems strange therefore to say that while they are competing they are not acting autonomously.

In Chapters 3 and 4, Taylor makes a detailed and compelling argument for why autonomy is conceptually different from, and thus should not be conflated with, identification with one's desires. In Chapter 3, he gives two primary reasons why autonomy and identification with one's desires are distinct concepts. First, it is possible that person A has been manipulated to desire something to a greater or lesser degree. On Taylor's account, person A would suffer diminished autonomy with respect to decisions that are based on her manipulated desires, even though she identifies with them (in the sense that they are still *her* desires). Second, autonomy and identification are properties that persons have with respect to different things. According to Taylor, identification is a property of one's first-order desires, whereas autonomy is a property of one's decisions. On Taylor's account, then, the question of whether or not persons are autonomous with respect to decisions they make based on their first-order desires is different from the question of whether or not they identify with those desires. In Chapter 4, Taylor develops and defends Harry Frankfurt's account of identification as an internalist concept, that is, that persons' identification with their (first-order) desires can be addressed solely in terms of their mental states. Taylor uses internalism to reinforce his argument that autonomy (as an externalist concept) and identification with one's desires are distinct from one another.

Chapters 5-7 describe the characteristics of Taylor's account of autonomy relative to normativity, choice, and constraint. In Chapter 5, he defends the notion that while his account of autonomy may appear to be content-neutral, since his account does not require persons to identify with their motivations for acting, it is minimally substantive in that persons must still value being reflexively self-aware in making a decision. He further argues here that autonomy's being minimally substantive does not prevent it from playing a central role in contemporary bioethics (which views autonomy as being value-neutral). The reason for this is because his account still recognizes persons as being able to make autonomous decisions regardless of how diverse or pluralistic their value commitments may be in making those decisions (p. 81). In Chapter 6, Taylor argues that while a lack of choices available to a person does not preclude that person from making an autonomous decision, in order for persons maximally to exercise their autonomy it is generally preferable for them to have a greater number of choices available to them than not. This argument is based on a point he argues for in Chapter 10 that the value of autonomy for persons is instrumental rather than intrinsic. In Chapter 7, however, Taylor further argues that while having a greater number of choices is preferable for persons maximally to exercise their autonomy, it is both compatible with and necessary for one's decisions to be subject to both internal constraints (e.g.,

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one's values) and external constraints (e.g., one's wealth, biological make-up, etc.). According to Taylor, preferences are developed as a result of various external and internal constraints, not in lieu of them. If a person were free from all constraints, she would fail to be autonomous since there would be no recognizable structure to her decision-making procedure—any decision she would make would be wholly arbitrary.

Chapters 8-10 examine both the role of autonomy as a foundational component of other important bioethical concepts—namely, privacy, confidentiality, and informed consent—and the value of autonomy for persons at-large and bioethics in particular. Via his account of autonomy, Taylor challenges and reconfigures conventional understandings of the relationships between autonomy and these other concepts, while detailing how autonomy has extrinsic, instrumental value as opposed to intrinsic value. In Chapter 8, Taylor argues that there is no necessary connection between autonomy and privacy. According to Taylor, their relationship is merely contingent such that violating a person's privacy will only compromise that person's autonomy if other conditions are also met, such as the privacy violator's intending to manipulate, and thus usurping control over, the person's beliefs about her privacy. However, Taylor also argues that while violating a person's privacy does not necessarily compromise her autonomy, maintaining respect for privacy in general and patient confidentiality in particular can indirectly be justified by appealing to the instrumental value of autonomy. Taylor's argument in Chapter 9 is similar to the one in chapter 8 in that he argues that autonomy is not the ethical foundation of informed consent, but that appealing to the instrumental value of autonomy indirectly justifies maintaining respect for informed consent. On Taylor's account, having information may help increase person A's ability to exercise her autonomy, but it is also possible that while person A is informed, the information has been manipulated in a way that compromises her autonomy. This would be the case, for example, if a physician were to inform a patient about various treatment options, while urging her to accept a particular treatment over others. In this case the patient would, on Taylor's account, suffer diminished autonomy in making her treatment choice. Lastly, Taylor argues in Chapter 10 that, particularly within contemporary bioethics, autonomy has instrumental value rather than intrinsic value. He further notes, though, that autonomy's not having intrinsic value "does not preclude a person from valuing autonomy for its own sake"; a person may prefer to make her own decisions even if she recognizes that her goals may be better achieved "were she to abdicate her self-direction to another" (p. 142). However, Taylor argues, even though a person may value autonomy for its own sake, she still makes a decision about how she values the value of autonomy; as such, her autonomous choice about how she values autonomy is instrumental in nature, even if the choice is to value autonomy for its own sake.

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Given Taylor's overall argument, the role of autonomy in contemporary bioethics becomes clearer. His argument justifies increasing treatment options, such as by allowing persons to purchase transplant organs, while preventing intentional forms of manipulation concerning options that patients are either not aware of or fail to endorse. Yet, it is still consistent with Taylor's view for there to be policy or treatment constraints that require patients to develop preferences and make treatment decisions that accord with a decision-making procedure they endorse.

Practical Autonomy and Bioethics is well researched, and is an overall rich account of autonomy. Taylor's examples and writing style also make his arguments easier to unpack and digest. Yet the book's title is somewhat deceptive, since Taylor's account of practical autonomy is highly conceptual and is not applied to bioethics in the way that some readers might expect. One should not expect to read this book in the hopes of Taylor's revealing all of the different ways we can think about autonomy with respect to a full range of issues in bioethics. Fortunately, Taylor is clear about the purpose of the book from the onset. Moreover, the fact that he is trying to reshape how autonomy theorists think about the concept while stripping away all of the unnecessary elements that have come to prevent a common understanding and then showing how his account applies to some issues in contemporary bioethics, is a project that we should expect to have a broad scope and involve a high degree of detail and complexity.

My concern about the title's being deceptive is seemingly superficial. However, there is a more substantial worry veiled behind this concern. As I read though *Practical Autonomy and Bioethics*, I often found myself wondering whether Taylor's account is as helpful toward understanding autonomy with respect to bioethics as he seemingly thinks it could be. On a theoretical level, Taylor's work is vital; it gives us a new way to think about a concept that is often justified on the basis of assumptions instead of arguments. Yet, would those most closely affected by discussions of autonomy in bioethics, namely, patients and health care professionals, really find Taylor's account *that* beneficial? Perhaps they would, since Taylor's account appears to give us a way to think about whether or not patients' decisions are sufficiently autonomous. It is not at all clear on Taylor's account, though, how to address normative questions that frequently arise in bioethics, such as to what degree health-care professionals or surrogates ought to respect a patient's treatment wishes that appear to have been chosen autonomously yet do not appear to be in the patient's best interests. This does not mean that Taylor's account cannot overcome this concern, but only that if Taylor is interested in applying his theory more fully to bioethics, he will need to detail further its normative value to bioethics.

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