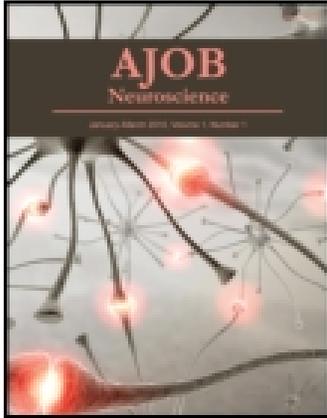


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### Having the Capacity for Autonomy Is Insufficient to Provide Meaningful Autonomy

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Open Peer Commentaries

# Having the Capacity for Autonomy Is Insufficient to Provide Meaningful Autonomy

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Dubljević (2013) does an admirable job of revisiting the role of autonomy as a cherished value in modern human affairs. He suggests that it is premature to propose, as we have (Felsen and Reiner 2011), that empirical data from the neurosciences call into question the extent to which decisions made by healthy human adults are autonomous, at least in the strictest sense of the term. Our analysis of the degree to which neurobiological insights conform with the concept of autonomy was intended to be grounded in the real world of day-to-day decision making. We sought to delineate the contours of the issues and to initiate a debate about how autonomy should be viewed in light of neurobiological evidence. We are heartened that Dubljević has taken up the challenge, but respectfully disagree with his conclusions. For Dubljević, the idea that we make autonomous decisions is secure as long as the *capacity* to do so is preserved. We maintain that what our brains *actually do* when they make decisions is more practically relevant than what they are capable of doing.

Before discussing our reasons for disagreeing, we provide an example that might be construed as support for Dubljević's position. In an earlier consideration of the neuroethics of neuromarketing (Murphy, Illes, and Reiner 2008), one of us (Reiner) suggested that the use of advanced technologies in the neurosciences to develop better marketing strategies posed a clear threat to autonomy if "consumers are not able to be aware of the subversion [of their authentic preferences]." We termed such manipulations *stealth neuromarketing*, and concluded that such an outcome was ethically unacceptable. On Dubljević's account, stealth neuromarketing would fully negate autonomy; the deception is so strong that capacity for autonomy is disabled.

Fortunately, stealth neuromarketing remains but a thought experiment. In the real world, humans normally have the (apparent) ability to choose otherwise,<sup>1</sup> irrespective

of environmental pushes and pulls. Moreover, that ability arises from the stochastic nature of decision making: the competitive interactions among neural circuits representing various goals and influences, with the "winner" determining the course of action. Autonomy holds when the decision is made in the absence of undue influence.

Much hinges on the meaning of *undue*.

To understand this issue more fully, it is worth considering the extremes of decision making in response to environmental influences. At one pole would be full coercion: an influence upon decision making that compels a certain outcome. As in the case of stealth neuromarketing, the coerced individual is rendered a mere vessel—an automaton, if you will. Such a scenario uncontroversially qualifies as undue influence. At the other extreme of the spectrum we have principled suasion, in which arguments for a particular position are considered and either accepted or rejected. Despite the fact that the proposal may have originated outside of one's cognitive apparatus, the process of authentication allows the idea to be incorporated into the individual's worldview. Such influences are often welcome, and this is the ideal by which debate and argumentation "changes minds."

But what of the situations that lie between these two extremes? When is an influence upon decision making welcome and when is it rendered undue? According to Dubljević's account, any decision made in the absence of full coercion is one in which the individual *could* choose otherwise, because the individual retains the capacity to do so. But the neurobiology suggests otherwise.

If, as the data suggest, decision making is stochastic, then even if one retains the capacity to choose otherwise in the presence of covert external influences, such influences increase the statistical likelihood of a particular decision. In the (rare) case of full coercion, the likelihood is 100%. More often, the likelihood of aligning the decision with

1. For the purposes of this discussion, we conveniently sidestep the issue of free will.

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the covert external influence is less than 100%. We would suggest that such influences that make a particular decision only slightly more likely (5–10%, for example) are not undue. On the other hand, it would seem reasonable to suggest that covert influences that are highly likely (90–95%, for example) to lead to a particular decision should be considered undue, *even though the individual retains the capacity to choose otherwise*. The presence of such undue influences in many day-to-day decisions represents the real threat to autonomy.

We would also suggest that perhaps more important than philosophical speculation is the perception of the public as to what represents undue influence. This question is empirically tractable, and we have recently explored public attitudes toward decisional enhancement programs (“nudges”) that targeted conscious and subconscious decision making (Felsen, Castelo, and Reiner 2013). Although the experiments were not designed to specifically address the issue that we have raised in the preceding paragraphs, the vignettes always described individuals who were free to choose otherwise, thereby retaining the *capacity* for autonomy. We found that the public was sensitive to a spectrum of infringements upon autonomy, resenting those

that target subconscious decision making more than those that target conscious decision making, even though the capacity for choosing otherwise was always preserved. These data suggest that the body politic agrees with the analysis of the neurobiology of autonomy that we have put forward, and does not accept the position that having the capacity for autonomy is all that matters for retaining meaningful autonomy.

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# Free Will Doesn't Come For Free

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Sidney Morgenbesser, renowned wit and scholar of American pragmatism, is reputed to have responded to a request for an overall assessment of the achievements of pragmatism by answering that it “is all very well in theory, but it doesn't work in practice.” The pragmatists, of course, argued that we ought to abandon the construction of grand theories in favor of using whatever happens to work well enough to achieve our practical and intellectual ends; Morgenbesser's quip suggests that in fact what pragmatism gives us is just another theory: not a way of escaping from theory and the need for theoretical justification, but a theory that needs justification as much as any other.

Just as the pragmatists hoped to avoid theory, so Veljko Dubljević hopes to avoid metaphysics. He offers an account of autonomy that is political, and not metaphysical. The free will debate turns, centrally, on the question whether free will is compatible with causal determinism; the account of autonomy that Dubljević offers takes no stand on that question. It is a political construct and presupposes no metaphysics. But just as pragmatism is just another theory, so Dubljević's claim that he can avoid metaphysics seems to me to be a controversial metaphysical claim. There is

no way of avoiding taking a stand on metaphysical questions, except by not talking about the issues that raise them. Dubljević offers us a free will that comes for free: free of the costs of hard work in justifying his metaphysical claims. But nothing comes for free, least of all free will.

Free will is commonly understood as a power of agents, which, when exercised in appropriate contexts, renders us morally responsible for our actions. As Dubljević notes (and as many philosophers agree), the power that makes us morally responsible seems to be (much) the same power that makes us autonomous. The compatibility question is the question whether this power is compatible with causal determinism. Dubljević claims that in fact autonomy presupposes neither libertarianism (and therefore incompatibilism) nor compatibilism. But there is an easy way to see why that claim *must* be false. Dubljević claims that autonomy presupposes nothing about the nature of causal laws. The claim that autonomy presupposes nothing about the nature of causal laws *just is* supposing that we can be autonomous regardless of how these laws turn out. But this claim entails the denial of incompatibilism, since incompatibilists maintain that if the laws turn out to deterministic, we

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