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Münster

› Being identical by being (treated as) responsible

Michael Quante

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Michael Quante

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Was interessiert mich
mein Geschwätz von gestern?

Konrad Adenauer

I. Introduction

Responsibility and personal autonomy are central features of our ethical self-understanding. The practice of ascribing responsibility, of being ascribed responsibility, taking responsibility and being held responsible is ubiquitous and takes multiple forms. In addition, respect for autonomy thoroughly shapes our ethical practice. The capacity to make autonomous decisions and to live autonomously is, as it were, the admission ticket for many of the rights and claims that shape life in our society. We – or at least the majority of us – value the right to live a self-determined life as a central accomplishment of democratic and free societies.[1] Currently, the respect for individual decisions that satisfy a minimum standard of autonomy is expanding. This is evidenced by, for instance, developments in the field of biomedical ethics over the last decades, which are not just characterized by the fact that the principle of respect for autonomy has replaced the principle of beneficence. The scope of self-determination that is recognized in society is also widening in terms of content. Here, one could, for example, think of the new possibilities in the fields of reproductive medicine and human genetics or the context of humane and self-determined dying. In philosophical contexts, the concepts of autonomy and responsibility, to whose connection the title of this contribution alludes, are of special relevance in ethics; why and in what sense the term *personal* autonomy is (or should be) used in those contexts shall be explained in more detail in the following.

There are manifold philosophical proposals for conceptually capturing responsibility and autonomy.[2] The contexts as well as the ways in which we ascribe or demand responsibility and

1 For a good overview see the contributions in Taylor (2005) and Christman & Anderson (2005).

2 Cf. Fischer (2006), Fischer & Ravizza (1998) and the contributions in Fischer (1986) and Fischer & Ravizza (1993).

autonomy are just as manifold. Thus, in thinking about the connection between responsibility and autonomy, we can assume an implicit everyday preconception. But we can expect this preconception to be multifaceted, vague and not necessarily structured in ways that are sufficient for the purpose of philosophical reflection. This is why the attempt to determine the connection between responsibility and personal autonomy by way of analyzing the given everyday preconceptions of these two concepts does not seem very promising. Another possible strategy, which would first philosophically determine responsibility and personal autonomy and then, in a second step, analyze the connection between them, is also problematic for a number of reasons, since there is presently no philosophical theory of responsibility or personal autonomy that one could take as a point of departure without complex justification.

Moreover, the strategy of first clarifying the concepts of responsibility and personal autonomy in order to then bring to light their interconnection invites the following two systematic objections: Firstly, the concepts of responsibility and autonomy can ultimately only be understood and determined in terms of their interconnection. To use a Hegelian expression, they are concepts of reflection, i.e. concepts that can only be explicated in terms of their mutual connection and whose content refers respectively to the other. Secondly, the content and use of these concepts cannot be strictly separated in our ethical practice. The concept and the matter, i.e. our ethical practice itself, can – to allude to Hegel again – be cautiously distinguished (since otherwise a philosophical critique of our practice would be impossible), but they can not be detached from one another in such a way that one could first determine the concepts and then 'apply' the results of this 'conceptual analysis' to our practice.[3]

In view of this starting situation, the *first* aim of this paper is to explicate the connection between responsibility and personal autonomy (Part III). In order to approach this connection we have to presuppose an implicit understanding of both concepts. The hope invested in this strategy is that by determining their connection we can contribute at least partially to a better understanding of the two concepts. Parallel to this, the analysis of the connection between our practices of ascribing responsibility and ascribing personal autonomy should shed light on these two core elements of our ethical practice.

The *second* aim of this paper concerns a difficulty that arises when, following Peter Strawson, one thinks of responsibility and personal autonomy in terms of our practice of ascription.[4] If being treated as responsible is constitutive of being responsible, then it seems ultimately impossible to criticize our practice of ascribing responsibility (whereby the same applies to our practice of ascribing personal autonomy). But from our own experience we all know of cases of an erroneous or inadequate ascription of responsibility (or at least we can easily imagine such cases). It shall be shown in the following that this unwelcome and counterintuitive consequence of immunisation against critique does not necessarily have to appear within an ascriptivist conception of responsibility and personal autonomy (Part IV).

For reasons that should become clear in due course, we must first introduce certain conceptual distinctions concerning the problematic issue of personal identity. Since I have taken and defended a stance on this issue elsewhere, I will confine myself to presenting only the central claims of my conception, which will figure as premises of the ensuing discussion (Part II).[5]

3 Cf. Quante & Vieth (2002) and Vieth & Quante (2010).
4 Cf. the contributions in McKenna & Russell (2008).
5 For a more elaborate exposition see Quante (2007a).

II. Persistence, Personhood, and Personality

In this paper, I am talking not simply about autonomy, but rather about *personal* autonomy, through which a relation to the concept of a person is established. This involves a third philosophical concept that is just as central to our ethical practice as the concepts of responsibility and autonomy are. The title of this paper expresses the claim that on closer inspection the connection between responsibility and autonomy, turns out to be a triangular constellation involving autonomy, responsibility, and identity of persons. Thus we are dealing here with another variable that is anything but unproblematic: *personal identity*.

Ever since John Locke, the issue of the identity of a person has been part of the philosophical agenda. In the second half of the last century, through the work of David Wiggins, Bernard Williams, Derek Parfit, and Sydney Shoemaker, the discussion about the identity of a person has evolved into a distinct sub-discipline of analytic philosophy. Paving a way through the thicket of the different argumentative lines in this debate would fill at least one book. In the present context I can only sketch *my* take on this problem as it forms the basis and premise of this contribution: I regard the question about *the* personal identity as misconceived, for it encompasses not just one, but at least four issues. It is of crucial importance to distinguish between the questions about (A) the conditions of personhood, (B) the synchronic unity of persons, (C) the transtemporal persistence of persons, and (D) the specific structure of personal life. Since I cannot deal with these issues in detail here, the following sketch must suffice:

(A) *Conditions of Personhood* (CP): What properties or capacities must an entity have in order to belong to the class of persons?

The answer to CP amounts to providing a list of those characteristics that constitute a person – a list of so-called *person-making characteristics*. It will not be possible to master such an undertaking in this contribution, but I do want to emphasise that the characteristics in this list have to be understood as constitutive and not just as epistemic criteria.

(B) *The problem of the unity of a person* (PUP): Which conditions have to be fulfilled in order for an entity A to be one person at one particular point in time?

It can be a matter of dispute whether at a particular point in time a single human being constitutes several persons or whether several human beings constitute a group person. In the literature devoted to questions of personal identity, this problem is only rarely discussed.[6] When we ask ourselves what the case must be for an entity A to count as exactly one person at one particular point in time, then we are trying to determine the truth conditions for utterances of the following type: A is at *t* one and only one person. After that we have to deal with the question as to what kind of entity A is:

(C) *The problem of the persistence of a person* (PPP): Which conditions must be fulfilled so that it is true that A at t_1 is the same person as B at t_2?[7]

This question points to persistence, survival, and diachronic identity. Here, too, we are looking

6 In philosophy of mind, the unity of consciousness is treated as an independent topic. In the literature on personal identity this problem comes up when we dismiss the rule "one human being – one person" (e.g. in discussing group persons or personality disorders).

7 Phrasing the problem this way presupposes that persistence is sortal dependent; cf. Wiggins (2001).

for relations that (non-trivially) have to be in place if the the identity claim is to be true. Our question about persistence – 'Is A at t_1 the same person as B at t_2?' – presupposes that both A at t_1 and B at t_2 are persons. All we want to know is whether they are the same person or not. The first question we thereby face is whether 'being a person' implies criteria that determine which relation must hold between A at t_1 and B at t_2 so that A at t_1 and B at t_2 are in effect one and the same person. This yields the question as to what sort of characterisation of A at t_1 and B at t_2 provides criteria of persistence. Which sortal concept X can – and in virtue of which semantic properties – contribute to a solution to the persistence problem regarding entity A?

(D) *The problem of the structure of personhood* (PSP): Which structure is fundamental for living the life of a person?

Persons are entities capable of standing in different sorts of relationships to themselves. Among these are relationships of self-assessment, self-identification, and self-critique. Persons can – in a certain sense that needs to be specified in due course – develop conceptions of what they are and what they want to be. In the tradition of Erik Erikson, this form of self-reference has been named 'identity;' this is how we talk, for instance, about a person's crisis of identity when she loses faith in the values towards which she has hitherto oriented herself. In the following I will refer to this complex structure as the personality of a person (whereby I mean to cover what a number of philosophers have called narrative or biographical identity).

My strategy of setting PSP apart from CP and PUP does not commit me to the claim that an answer to the first problem can be given entirely independently of the other two problem areas. However, it should not be assumed that answers to CP and PUP at the same time imply answers to PSP; instead, we should discard the idea that we can solve the four mentioned problem areas with a single account. *A fortiori,* it is not helpful to try to solve CP and PUP by analyzing the personality structure of a human being. While there are – at least in the case of human beings – numerous interrelations between personhood, unity, persistence, and personality, these are essentially more indirect and complex that most accounts I know of suggest.

The question concerning the specific constitution of personal life aims at the fact that persons not only have a life, but lead their lives in the light of beliefs, evaluative ideals, as well as plans and self-conceptions. In this context, identity means neither numeric identity nor persistence, but stands for the evaluative self-image through which a person determines who she is and wants to be. For this self-image I use the term personality. A personality is the respective individual form an individual gives to her personhood. Being conscious of one's own diachronic unity and relating in an evaluative way to one's own past and future belongs to the crucial features of persons. On this basis we constitute our own personality that can be conceived as the expression of our active and evaluative self-relationship. In my view, this does not occur through monological acts, but is constitutively dependent on social processes of mediation. These again belong to our ethical practice, so the first central claim of this paper thus reads: the ascription of responsibility is *one* such constitutive practice.

III. Responsibility and personal autonomy

The first aim of this paper is to justify the claim that our practice of ascribing responsibility is constitutive for the development of the evaluative self-relationship that is characteristic of persons. In order to achieve this aim we must first clarify the difference between the autonomy to make decisions and personal autonomy.

1. Autonomy to make decisions and personal autonomy

Autonomy to make decisions prevails if a subject is in a concrete situation and decides on the basis of sufficient information, which I take to include sufficient understanding of this information, and given adequate knowledge of its preferences (thus without self-deception). The properties and capacities a subject has to have in order to be capable of autonomous decisions can be called the conditions that facilitate autonomy to make decisions.[8] Without doubt, from a philosophical perspective a lot could be said about this concept of autonomy to make decisions; for the purposes of this paper, however, only the difference to personal autonomy is relevant.[9]

Let Derek, for instance, be a subject endowed with the properties and capacities necessary for rationality and with a set of preferences. Now let us imagine that Derek exists as such a rational decision maker for only a short time, say 30 minutes. During this time, Derek gains an overview over his preferences, acquires information and organises it all in a structure that fulfils the requirements of rationality. On this basis, Derek is now faced with a decision and decides in favour of a particular course of action, A, in a way that meets the standards of rationality. If we equip Derek with the capacity to conceive of himself as an agent and to make assumptions about what consequences his acting will have, then nothing speaks against taking Derek to be autonomous with regard to action a, as long as Derek exercises his capacities appropriately. In virtue of this capacity for rational action, Derek qualifies as a rational agent whose decisions and actions are to be respected whenever they can be conceived as an adequate exercise of this capacity. In many legal contexts, such as contract finalisation, or in the context of medical treatment, Derek's informed consent counts as his autonomy to make decisions, which is to be both respected and binding.[10]

This sort of autonomy to make decisions is, as can easily be seen, only a flawed variant of what we normally understand as autonomy in everyday contexts. For it to be personal autonomy, two important elements are lacking: For a start, Derek does give his preferences and beliefs a rational structure; what is lacking is the evaluative self-reference that is typical of persons. Derek does not evaluate the fact that he has these and no other preferences, or that this one preference is in fact much more important to him than another. What he lacks is, as Harry Frankfurt and Gerald Dworkin have pointed out, higher order attitudes towards his preferences.[11] Without such reflective self-reference, in which Derek could, for instance, wish not to have one of his preferences, or in which he could want one of two conflicting preferences to be the one he acts upon, Derek fails to exemplify a decisive element that marks the difference between full-blown autonomy and the mere autonomy to make decisions. In such reflective self-reference, a subject determines who or what it wants to be, thus constituting what is here called its personality. Derek lacks the second important element because he is only equipped with the capacity for being a rational decision maker for a short period of time. Normally, the period of time in which human beings persist and are capable of rational decisions is much longer. This enables us to undertake longer-term projects. Most notably, the probability of changes in the beliefs and preferences of a subject increases on this basis. A rational decision maker of the

8 The most elaborate theory on this topic is still to be found in Faden & Beauchamp (1986, Part III).
9 Cf. Quante (2002, chap. 5) for a more elaborate account.
10 Cf. Beauchamp & Childress (2009).
11 Cf. Dworkin (1988, chap. 1) and Frankfurt (1988, chap. 2).

species human being, who persists over a longer period of time, must take these dynamics into consideration.[12] He must take into account the fact that he may not identify any more with his own past decisions, since his beliefs and preferences have changed. Furthermore, he must make room for the possibility that at some point in the future he may see his own present decisions in a different evaluative light from now. Such a rational decision maker with this constitution must try to put his long-term structure of preferences into an order. *One* crucial means to this end is to develop higher order evaluative attitudes and through these determine which preference structure he wants to have.

It is obvious that our rational decision maker, Derek, has little cause to conceptualize such *longer-term* structures of stabilization or ordering. What is decisive for Derek is to develop a synchronic structure of ordering in order to avoid possible collisions between preferences and, by way of a hierarchization of preferences, to make sure that through his decisions he optimizes the degree of realization of his preferences.[13] Derek thereby instantiates autonomy of action as well as synchronically constituted reflective self-evaluation. In contrast to human persons, however, Derek need not take a stance on the fact – as is normally the case for human beings – that his evaluative self-image changes at different times. If human beings not only have a theoretical (prognostic) attitude towards this fact, but also handle such changes in their practical attitudes, then they lead their lives in the sense of creating a biographical unit. Precisely this practical attitude constitutes, so I claim, the core of personhood and personality, and thus of personal autonomy. And this is the attitude Derek has no reason to develop. Decision makers who exist for longer periods and have to take into account that their preferences and other evaluative attitudes can change just as much as their beliefs can, are faced with the question as to how they should deal with these dynamics.[14] It is barely debatable that in our culture we associate a person's evaluative self-reference to these dynamics with her leading an autonomous life. This is how persons come not just to have a life in the sense of persistence over longer stretches of time, but also to lead it. The latter holds at least in cases that succeed in giving these dynamics a structure of meaning and ordering we normally understand as a personality with a comprehensible inter-temporal structure, i.e. as a biography.[15] Thus, personal autonomy is more demanding than the autonomy to make decisions; correspondingly, the person-making characteristics involved are more encompassing than the conditions enabling the autonomy to make decisions.[16]

In the following I do not wish to raise the question of whether it is on the basis of principles of rationality alone that human beings can develop such an evaluative self-image and should rationally realize it in their actions, or whether this is eventually an ethical question concerning the form of a good or successful life that is adequate for human beings. Should, as I would find

12 Michael Bratman bases his planning theory of agency on this insight, but his account presupposes a neo-Lockean conception of personal identity; cf. Bratman (2007; chap. 1 through 5). A conception of this kind that is directly derived from the practice of ascribing responsibility can be found, to my knowledge for the first time, in Hegel's *Philosophy of Right*; cf. Quante (a).

13 This assumes the normal inertia or tenacity of preferences. If all processes were appropriately accelerated everything would remain unaffected and we would have before us a personal life in fast motion.

14 At this stage I leave open whether this "should" is interpreted in sense of a norm of rationality or in the sense of an ethical norm.

15 For an elaborate conception of biographical (or narrative) identity see Henning (2009).

16 On the basis of the argument that this would yield an excessive demand on human persons and a paternalist distortion of our practice, Beauchamp (2005) rejects making personal autonomy the basis of our practice of informed consent; for a critical discussion of this argument see Quante (2010a).

plausible, the latter be the case, then the question would ensue as how the personal form of life could be legitimized against other ethical conceptions of the good life (such as, for instance, a Partifitian impersonal version). However, we cannot pursue this line any further at this stage; instead, I shall now turn to the first aim of this contribution and explicate my asserted connection between responsibility and personal autonomy.[17]

2. The connection between responsibility and personal autonomy

If we bracket the case of legal persons such as political parties or corporations, then it is persons whom we count as capable of responsibility. In dealing with particular ascriptions of responsibility, we evaluate actions and the consequences of actions.[18] At times we seemingly pick out something other than actions or consequences of action as the object of an ascription of responsibility, such as when we hold a person responsible for her character or state of health. We are entitled to do so when we (can) conceive of such objects of evaluation as consequences of the actions of the respective person.[19]

Thus, the *first* connection between autonomy and responsibility becomes obvious. A subject is the adequate addressee of an ascription of responsibility only if it disposes over the properties and capacities to make it a rational decision maker. A subject must conceive of itself as an agent, grasp its doing as an execution of its intentions, and it must be able to anticipate the consequences of its doing in order to belong to the group of beings we can principally hold responsible. If we ascertain that a subject does not have these properties or capacities, then we generally exempt it from this group. Beyond this, it can be the case that a subject can in general act responsibly, but has not executed these capacities properly in a concrete situation. In this case our practice of excusing can become effective.[20] While excuses refer to particular cases, exemptions point to general cases: So a subject can generally be exempted from ascriptions of responsibility, because it does not constantly (or not sufficiently) dispose over the capacities necessary for responsibility. However, two limited forms of exemption are conceivable: a temporally (restricted to determinate periods of time) and a thematically (restricted to determinate contexts of action) limited exclusion of a subject from our practice of ascribing responsibility.

This leads over to the question concerning the connection between responsibility and personal autonomy. My central claim is that our practice of ascribing responsibility is a *constitutive* condition for human individuals' moving from the autonomy to make decisions to personal autonomy. To understand this, two explanations are necessary: Firstly, we must distinguish between a strong and a weak aspect of this constitution claim (a.); and secondly, I must define more precisely what the status of our practice of ascribing responsibility consists in (b.).

17 If these reflections are plausible, then they reveal that one cannot grasp the ascriptivist nature of responsibility solely by recourse to reactive attitudes and the ethical principle of justice. This suggestion, which to my knowledge was made especially by Jay Wallace, must be extended by the connection developed here. Wallace himself alludes to this line in talking about the possibility of a deep responsibility that points to the autonomy of the person (see Wallace 1998, 52 ff.). I presume that a comprehensive analysis of this connection would shed light on the metaethical question as to how the principle of respect for autonomy and the principle of justice as crucial ethical principles interconnect factually.

18 In what follows I count omissions as actions; cf. Birnbacher (1995).

19 Cf. Willaschek (1992, § 9).

20 We will say more about exemptions and excuses in part IV when we deal with the question of whether an ascriptivist interpretation of responsibility ascriptions opens up or precludes the possibility of error, critique, and adjustment; cf. Austin (1961, chap. 6).

Ad (a.): Constitutive means on the one hand (this is the weaker aspect of the claim) that a practice in which human individuals are asked by others to apply these capacities and to take the respective stance towards themselves and others is a *causal-genetic* condition for a subject's acquiring these properties and capacities. But it also means (this is the stronger aspect of the claim) that disposing over personal autonomy and having a personality are, *for conceptual reasons*, only possible within this practice of responsibility (just as it is, for instance, only within chess game practice that an object can have the property of being a rook or a knight).[21]

Ad (b.): Since in this paper I do not subscribe to the strong claim that the practice of ascribing responsibility is a necessary condition for conceptual reasons, the above formulation of my claim is actually a simplification. In the present context I would like to leave open the possibility that it is not the practice of ascribing responsibility but another social practice in which intertemporal relations and the biographical structure of human persons become thematic that provides the constitutive embedment according to my claim. In my view, what is necessary is the embedment in a social practice such as the one in fact exemplified by our practice of ascribing responsibility – in the case of human beings or in our culture this may be for contingent reasons. In other words: I think social constitutedness is conceptually necessary; but it shall not be decided here whether the concrete realisation of this condition in the form of the practice of ascribing responsibility can be shown to be constitutive in this sense. For the purpose of this contribution the weaker claim, according to which our practice of ascribing responsibility actually fulfils this function, shall suffice. The more precise, but inelegant formulation of my claim should then read approximately as follows: Disposing over personal autonomy and having a personality is, *for conceptual reasons*, only possible within a social practice whose concrete configuration is actually given in our practice of ascribing responsibility.[22]

Before I can illustrate and hopefully make my claim plausible, some further preparatory reflections and differentiations between cases are in order.

A decisive premise of my entire argument consists in the assumption that the concept of a person (or of the self or the I) is inadequate for answering the question concerning the persistence conditions for human persons (see part II above). If one grants that the persistence of a human organism is a necessary condition for the ascription of personal responsibility then the creation of a social context that is given through the talk of "future selves" which again is taken to be ontologically robust, is not an admissible strategy.[23] In other words, we should not hold the human being Smith responsible for the deeds performed by the human being Jones, who is not identical with Smith, even if Jones' soul or memories have somehow ended up in Smith. This holds under the presumption that Smith has not intentionally brought about this transfer (or has intentionally let someone else bring it about), and it holds only for those deeds that were performed prior to the transfer.

To correctly understand the position I wish to make plausible here it is furthermore important to distinguish the level of a human person's motivation to comply with the rules of our

21 For a more detailed account see Quante (2007b) and Quante (2010b); from the perspective of the history of philosophy the stronger aspect of my claim aims at the difference between Hegel's theory of recognition and Fichte's account of impetus (*Anstoß*).

22 This claim implies that there can be contingent-constitutive conditions that go beyond causal-genetic function; for an explanation and defence of the contingent-constitutive see Vieth & Quante (2005).

23 This does not rule out our understanding the intertemporal intra-personal self-relationships of human persons by way of an analogy with interpersonal relationships. As long as one is aware of the analogical or even only the metaphorical status of this way of talking, this strategy can be instructive for some purposes.

practice of ascribing responsibility from the conceptual level. Since it is not the topic of the present reflections, I will restrict myself to two brief remarks about the motivational level: On the one hand, ascribing the respective motivation presupposes that a human individual disposes over the required capacities. Thus, the conceptual level comes into play in a second step, i.e. in the context of the analysis of conditions for these ascriptions of capacities. On the other hand, it is a phenomenon familiar from everyday life that publically announcing one's own intentions (for instance, to stop smoking) and thus making possible the critique of an inconsequent implementation of these intentions, motivationally enforces the self-commitment. This does not preclude the possibility that a human person can muster this motivational strength in a single case or after a phase of practising through appropriate socialisation even consistently without a social apparatus of sanctions, if the required constitutive conditions are in place.[24]

On the conceptual level itself we should pay attention to further differentiations in order to prevent my claim being misunderstood. In the end, my whole argument relies on an insight which I think Hegel first developed, that for conceptual reasons a normative claim to validity requires the existence of a social practice shared by a number of agents and addressees of norms, since this is the only way in which cases of following a rule can be distinguished from cases of ignoring or violating a rule. However, it does not follow analytically from this general justification, which is to be developed from the constitution of self-consciousness, that such a connection can be justified with respect to personhood, personality, and responsibility (which is the aim of this paper). Reference to 'the private language argument' – so-called ever since Wittgenstein – does not therefore undermine the argument presented here.

It is pertinent to present two counter-examples against the constitution claim defended here. The first is the prominent example of the shipwrecked man who can apply all his allegedly socially constituted capacities all on his own on his island. To this we have to say, firstly, that one could qualify the stronger aspect of the constitution claim in such a way that, for conceptual reasons it does not require social embedment as always synchronically given, but that it must have been given at an earlier point in time. Secondly, and this is the strategy I think to be philosophically appropriate, it should be pointed out that the one who describes such a case and those who understand and interpret it do perform the social constitution required. In other words: These Robinsonades can only be constructed within a framework that already refers to social practices.

The second counter-example consists in pointing out that a human person creates the social context required for self-commitments by dint of his experiences in dealing with earlier actions. This hint is *prima facie* plausible if one sets aside the extravagant metaphysics of "one's own future selves" that I have explicitly rejected. But it defers the systematic problem to a different issue, since we now have to ask what the constitutive conditions for our use of statements from memory look like. This, too, is not about the general claim about the impossibility of a private language. It is rather about the more specific question as to how we understand and evaluate statements about the past in general and statements about one's own (!) past in particular. It is obvious that a self-commitment based on one's own memory can only be stable if the validity claims it implies are criticisable in principle. But this presupposes a shared intersubjective practice of dealing with such statements of memory; in my view our practice of

24 In order to prevent possible misunderstanding, I have to stress that I do not regard these motivational dimensions to be philosophically irrelevant. On the contrary, I think that these connections play an important role e.g. in philosophical pedagogy and in ethics.

ascribing responsibility is precisely such a practice.[25] To sum up, there are two decisive points underlying what follows. On the one hand, the connection aimed at here is not exhausted by an application of the 'private language argument,' even though my argumentation utilises this argument that goes back to Hegel. And on the other hand, the strong aspect of the constitution claim does not preclude that within a stable social practice (or by creating counterfactual contexts as in the case of Robinson) self-relationships can exist in which an actual, directly causal, or also reflective thematisation of the social dimension of this practice fade into the background or fall into individual habit.

This said, I would like to proceed to an example I want to use to make my claim plausible: On her twenty-first birthday, Alice makes an attempt at ordering her preference structure needed for her autonomy to decide (as a human being she reckons to have a life-expectancy of about seventy-five years). Some of the decisions Alice makes on her twenty-first birthday will (or can) have serious consequences for the life conditions she will be in and options she will have at the age of sixty-five. In a realistic perspective, Alice will have to expect that her value judgments, beliefs, and preference will (or at least could) change during this period of time. Now Alice is faced with the problem of having to take this fact into account. One way of reacting to this consists in Alice's developing (at twenty-one) a conception of which preferences she deems constitutive for her personality, being those she does not wish to lose.[26] This is how persons' evaluate self-relationship with respect to their own future existence that forms a basis for developing a personality comes into play. A second way in which Alice could react will be to take into account possible changes of her desires (e.g. housing suitable for a respective age). Relatively invariant social-cultural standards and anthropological-biological aspects can provide good reasons here.

On this basis we can mark two ways in which our practice of ascribing responsibility supplies an adequate framework for developing personal autonomy. In order to make these visible, one must bear in mind that by virtue of their anthropological prerequisites human beings have an interest in iterating and continuous cooperation. This is why other subjects who can take over the standpoint of personal autonomy demand that Alice binds herself for future periods of time with respect to certain obligations. This does not only hold for contracts (where the rational decision-maker faces the same problem regarding obligation, future change of preferences, and others' claims, such as arises for democracies and their observance when governments change). It also holds for many other kinds of obligations. We have an interest in reliability and stability, which we demand through ascriptions of responsibility. This social embedment that indeed comes with possibilities for sanctions, provides the frame in which Alice has a good reason for developing a stable and self-committing personality. The capacity to shape this frame through one's own decisions forms the foundation of personal autonomy. This is the *first* way

25 This presupposes, of course, that the conditions of adequacy for these statements of memory include not just the theoretical aspect but also the practical aspect of the evaluative self-relationship of human persons. But my discussion of Derek's case should have made it explicit that self-commitment always encompasses the evaluative self-relationship of human persons; thus we are here always dealing with a personal and evaluative form of self-relationship that thematises the biographical constitution of the person.

26 It would be a different but also common case if Joschka, for instance through the critique of a long-time friend or an old political companion, were confronted with the fact that he has acquired attitudes and beliefs which he, at an earlier point in time, would not have wanted to acquire. In biomedical ethics this constellation comes up in the context of advance directives and so-called Ulysses-contracts; see Quante (1999) and (2002, chap. 7).

of making the connection we here claim exists plausible.[27]

The *second* mode of this connection is dealt with under the label "self-reliance" in present-day social and political discourse. It is particularly prominent in the context of the discussion about the long-term stabilisation of our social fail-safe systems. I cannot here discuss the surely not entirely unjustified remark that "self-reliance" oftentimes stands only for privatisation of costs and redistribution of charges.[28] Instead, I shall concentrate on the aspect that is systematically relevant in our context.

The concept (or the norm) of self-reliance calls for a subject herself being required to bear responsibility for her own future living conditions and make provisions accordingly. This thought is by no means new; Jean de la Fontaine erected a literary memorial to it in the seventeenth century in his fable of the ant and the cricket. At the plea of the hungry cricket, the ant points out that she herself has spent the summer collecting provisions, while the cricket spent the time playing music, i.e. with a leisure activity or unprofitable art. For this reasons she, the cricket, is then said to be responsible herself for her present living condition and not to have a claim to profiting from the fruit of the ant's labour. The implicit premise of this argumentation, which is not all too unfamiliar in present-day contexts, is that a claim for assistance is justified only if one is not the cause of one's own distress. What counts here is thus the primacy of self-catering as the penalty of a self-determining lifestyle. In the fable, the ant's reaction to the cricket's distress is cynical insofar as she asks the cricket to dance now (i.e. to retain her artistic way of life). Modern consultants might, in contrast, suggest not only short-term stopgap measures financed by solidarity systems, but also long-term strategies for hedging and might, if the latter are not realised, threaten with sanctions much like those the ant directly imposes on the cricket.

The concept of self-reliance brings up two different aspects: Firstly, a subject is ascribed a special responsibility for its own future which implies that it must itself make provisions for the anticipatable developments of its living conditions and preferences. If at some point in the future a self-inflicted situation of distress arises, according to the idea there can be no claim on solidary support. This imposes on the subject the constraint to think of long-term strategies. These, however, essentially need to be developed by forming life-plans and long-term self-commitments.[29]

Secondly, if Alice is, through this practice of ascribing self-reliance for one's own future, required to undertake such efforts, then she can think of her relation to her own future as a

27 Reference to the connection between responsibility ascriptions and the development of a personality that is long-term committed is not to be understood in such a way that the reason for the validity of responsibility is reducible e.g. to the evolutionary utility of cooperation. What is claimed here is only that on the condition that one depends on repeated cooperation the development of personal autonomy and personality figures as an adequate solution strategy.

28 A use of the term "self-reliance" that is not stinted to this ideological usage, but seeks to do justice to the claims and obligation connected with personal autonomy within the priorities of social institutions is presented by v. Maydell et al. (2006).

29 It is especially in economic and legal discourse that this enforcement of self-reliance presently appears in an anti-paternalist guise and takes the shape of the hint that a social safeguarding against self-inflicted risks misleads individuals not to exercise their autonomy out of laziness. This view mostly ignores that even the readiness to exercise one's own autonomy and to take over the obligations connected therewith relies on material preconditions of inclusion and safeguarding whose provision cannot simply be devaluated as a form of paternalism by the social state; cf. v. Maydell et al. (2006).

cooperative relationship.[30] Now Alice takes a stance on her own future living conditions and preferences; she is now asked to develop life-plans that make it probable that at later stages in her life she can still 'look herself in the face.'[31] By demanding of Alice that she take over self-reliance, we provide the framework conditions for her to conceive of her own lifestyle in analogy to a cooperation problem between present and future living conditions. Thus the development from the autonomy to decide to personal autonomy can well be conveyed philosophically in view of this step induced by the ascription of responsibility.[32]

So the social practice of ascribing responsibility is, under the presupposition of an interest in longer-term, repeated cooperation, a constitutive framework condition for the possibility of human beings' personal self-commitment, which manifests itself in their personality and forms an essential element of personal autonomy.[33]

We have yet to dismantle an objection that seems obvious at this stage: There is a familiar expression by a famous German politician who opposed a critical ascription of responsibility with the question "What do I care about my blather yesterday?" While he presumably meant this to be a rhetorical question, I think it philosophically extremely interesting and anything but trivial. For even if we have an interest in the self-commitment of our cooperation partners and their manifestly stable personalities, we also have an interest in granting each other the possibility of changing opinions and further developing one's own personality right up to a basic reorientation of one's own life. This undeniably belongs to our understanding of personal autonomy and of what it means to live one's own life in a personal way. Ethical evaluation will here take into account the justified claims of a person's social environment. And we have to keep in mind that – beyond the question of ethical evaluation – we normally accept such changes and recognise them as expressions of personal autonomy if they do not just occur randomly or chaotically but can be conceived as understandable twists and turns in a person's biography.[34]

This provides us with a conceptual and practical feedback at this stage: We allow for reorientation, further developments, and changes of a personality as normatively relevant aspects in our practice of ascribing responsibility if (and because) we can convey them as exercises of

30 Within the framework of a conception of personal identity as the one developed by Parfit (1984), such behaviour is conceived as a case of cooperation between numerically distinct selves and thus treated as equivalent to the cooperation between numerically distinct persons. Precisely this is not meant with the above suggestion, which talks of an analogy.

31 In an extreme case this can be enhanced to the statements "I regret nothing!" or "I would do it all over again!" Here, I can neither deal with the question of whether the first statement is not often used as a strategy for immunising oneself against critique, nor can I go into the philosophically equally interesting question as to what the differences are between the two statements.

32 This is also the factual reason why Hegel develops his theory of responsibility ascriptions as a theory of social institutions and not just on the basis of individual moral obligations or considerations of rationality; see Quante & Schweikard (2009).

33 It is tempting to deepen this connection philosophically and take into account a conceptual necessity or a transcendental conditional relationship. To my knowledge, Hegel (in his *Philosophy of Right*) was the first to subscribe to the claim that one subject alone cannot act on a maxim but needs the response of other subjects within the framework of a practice of ascribing responsibility; see Quante (2004). Wittgenstein established the prominence of this argumentative scheme with the concept of rule-following and with the private language argument. Although I sympathize with this argument in the context of self-commitments, I will not pursue this line here. The connections explicated here are thus based on contingent presuppositions, but I think they are sufficient to understand our ethical practice.

34 For an elaborate suggestion of a list of criteria needed at this stage, see Henning (2009).

personal autonomy that are performed for reasons we find comprehensible. In this context, our practice of ascribing responsibility is guided by our idea of personal autonomy and the structure of personality.[35] In cases in which, for instance, a subject is made responsible for past deeds although it, i.e. its personality, has in the meantime undergone significant changes, we allow for such changes as exculpatory reasons. The assumption that this makes an intersubjectively controllable way of being able to correct ascriptions of responsibility leads us to the second aim of this paper. I now want to turn to this by discussing the question as to whether and in what ways an ascriptivist interpretation of our ethical practice of ascribing responsibility opens up the possibility of rationally justified critique.

IV. Uncritical Ascriptivism?

One of the most important implications of the argument up to this point is the assumption that our practice of ascribing responsibility is to be interpreted ascriptivistically. This basically means that in holding someone responsible for some action, we do not refer via a theoretical attitude towards a subject's property or capacity that is prior to our practice. Conversely, we instead confront each other in fundamental ways through practical attitudes, and it is only through our practice of ascribing responsibility that the facts essential to our practice are constituted.

The objection immediately raised against this 'inversion' of conditional relationships can be characterized by the term "uncriticisability."[36] If a person's responsibility is only constituted by the fact that we hold her responsible, then this provokes – at least at first sight – the inacceptable consequence that a false ascription of responsibility is conceptually impossible. In fact, however, we do acknowledge two possibilities for error that have already been noted: *Firstly*, in particular cases in which we have ascribed a guilt, we oftentimes accept excuses. Contrary to forgiving, excuses take back the reproach of guilt. An excuse presupposes that the subject to whom responsibility was ascribed did actually perform the act in question. In the standard case of responsibility on the part of an individual agent for a particular action *a*, the human individual's persistence figures as a necessary condition. By adopting the agent's perspective on her own acting, we furthermore accept his way of looking at things in accepting an excuse.[37] If the event in question seems responsible from the agent's perspective and if we do not regard the agent's perspective itself as untenable, then the excuse counts and we withdraw our reproach. Thus the agent's perspective on her own doing can serve as a corrective. *Secondly*, we retract our ascription of responsibility when we conclude that we are dealing with a subject that does not generally dispose over properties and capacities required for acting responsibly. This not only concerns a local adjustment with respect to a particular action *a*, but also (with respect to the individual in question) a global adjustment (albeit possibly one that is temporally reversible or restricted to specific contexts).

35 Cf. Quante (2002, chapters 5 through 8) and (2007a). This does not just contradict my constitution claim, since the above connection departs from the factually given situation in which the notions of personhood, personality, and personal autonomy have already been developed and are available as intersubjectively accessible justificatory resources.

36 A symmetric objection in the reverse direction is that the withholding of rights through misrecognition becomes conceptually impossible if one assumes that having rights is constituted through recognition; for a rejection of this objection see Quante (2007b).

37 'Accepting' does not mean that we internalise this perspective, it means only that we regard it as tenable.

Both points are indisputable, but in the account sketched here they don't need to be disputed. It can, without doubt, happen that a subject generally has the properties and capacities based on which it can normally be made responsible for her actions, but that in a particular instance something went wrong. In a given situation, *S* may not dispose over the necessary capacities, or may have applied them faultily. Or some necessary information was missing, or *S* drew wrong conclusions from it or none at all. In such a case, if no subordinate conditions of negligence come to light, our practice of excuses becomes operative and the list of reasons for excuse makes visible – ex negativo – those properties and capacities we generally presuppose in ascriptions of responsibility and whose appropriate application we assume in particular ascriptions of responsibility in a particular case (and for human persons we may assume them, since this assumption pertains to the conditions of the possibility of applying our concepts).[38]

Our ascription of responsibility refers to *S* not just as the causer of deeds that have consequences, but to *S* as an agent who seeks to realize her intentions through her deeds. This is why the conditions for being a rational decision-maker are preconditions of our practice of responsibility. These enabling conditions are therefore in doubled sense independent of our practice of ascribing responsibility: Firstly, some of these conditions concern cognitive capacities that can be examined empirically. This is how our evaluative practice of ascribing responsibility implies a descriptive, empirically examinable content we presuppose as given in ascribing responsibility. But if we have reasons for withdrawing this assumption, we can correct our ascription of responsibility by this means (e.g. by applying empirical tests). Secondly, our practice of ascribing responsibility is based on the concept of a rational decision-maker. This is admittedly not a descriptive concept, but it has other contexts of use than just the practice of ascribing responsibility. It is possible to determine diverse empirically examinable enabling conditions for these alternative contexts, too, which can serve as correctives of our evaluative practice.[39]

In the context of discussing the connection between responsibility and personal autonomy, we explicated that in order to assume responsibility in a full-blown sense as well as self-reliance, a human person needs to dispose not only over autonomy to decide, but also over personal autonomy: This is the *second* connection between responsibility and autonomy. Our practice of ascribing responsibility and of requiring self-reliance is a constitutive condition for the development of a personality. For the self-commitment of one's own life-conceptions implied therein necessitates social embedment.

However, a human individual's personality is not just a result of responsibility ascriptions and an expression of personal autonomy. At the same time, it is the point of reference for full-blown responsibility that transcends the mere ascribability of particular actions. There is a dimension of evaluations of actions within which actions are evaluated according to their anchoring in the agent's personality and as an expression of individual life-plans. In many contexts this dimension, by which personal autonomy transcends mere autonomy to decide, is also of great normative importance. So, for instance, in the context of transplantation medicine and in the case of a voluntary living transplantation, not just the individual's autonomy to decide is examined, but, more comprehensively, the anchoring of the decision in her personality and

38 In the case of an ascription of negligence there can, in a further step, also be exculpatory reasons.

39 Here we can invoke e.g. the elaborate studies on the preconditions of informed consent in the field of medical action. But since we have to envisage the possibility of enabling conditions that are sensitive to particular fields or contexts, we can only determine by way of analysing the particular practices which standards can be transferred from one context to another and which of them are possibly valid universally, i.e. independent of special contexts.

her social surroundings are taken into account. The responsibility we require of autonomous persons presupposes personal autonomy and thereby full-blown personhood as well as a stable personality.

If these reflections are accurate, then our practice of ascribing and respecting personal autonomy is not prior to our practice of ascribing responsibility. Rather, our practice of ascribing responsibility is a constitutive framework condition for human beings capable of rational decisions to develop personal autonomy and a personality. Nevertheless, by elucidating this connection we can obtain a threefold corrective for ascriptions of responsibility.[40]

Hence *firstly*, the properties and capacities necessary for personal autonomy have a descriptive content that can be determined empirically. The same holds for the development of a personality, as shown by the empirical models of personality psychology. Furthermore, *secondly*, our concept of personality is relevant in other contexts than that of ascribing responsibility, so that through this further framework, conditions can be imported that are rich in empirical content. And *thirdly*, as the aforementioned example of the question about the autonomy of a decision about living transplantation shows, reference to the personality of a human individual allows our practice of ascribing responsibility to be placed in a wider and materially richer evaluative context. We can thereby audit and safeguard (or, if necessary, correct) particular ascriptions of responsibility beyond the measure of conditions for the autonomy to make decision.

Thus the interconnectedness of the autonomy to make decisions, personal autonomy, personhood, personality, and responsibility contains multiple possibilities for either criticising or justifying concrete and global ascriptions of responsibility. Even though no special properties and capacities can be determined independently of our practice, on the basis of which an individual is the appropriate addressee of responsibility ascriptions, neither does this open the doors for arbitrariness, nor is our practice of ascribing responsibility immunised against critique. It is *de facto* not so immunised. But according to the model here suggested, it by no means has to be.[41]

40 This corrective functions serves not as an external but as an internal precondition, i.e. as a criterion that arises from and through our practice. This structure of justification and critique follows Hegel's model of positing and presupposing, which is spellt out within a theory of subjectivity, as well as the default-and-challenge model as a pragmatist figure of thought.

41 This text is draft version of my contribution to the volume *Autonomy and the Self*, edited by Michael Kühler and Nadja Jelinek, Dordrecht: Springer, forthcoming. I wish to thank Nadja Jelinek and Michael Kühler for helpful critical hints and suggestions for improvement.

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