Editorial Note

A. W. Musschenga · F.R. Heeger

A special issue on 'Private Autonomy and Public Paternalism' constitutes the first part of this issue. Guest-editors are Annette Dufner and Michael Kühler, both from the University of Munster, Germany. It is often assumed that personal autonomy is a 'private' matter in the sense that it is based primarily on a person's subjective characteristics and capabilities. At the same time, the literature mainly deals with paternalism as a problem of the 'public' sphere, for example by focusing on the dangers that threaten the autonomy of individuals as citizens, such as state paternalism. However, it is widely acknowledged nowadays that personal autonomy can only develop and flourish if conditions in the social and relational sphere are favourable, which means that personal autonomy is not so private after all. At the same time, it should be clear that paternalism not only relates to our behaviour in the public sphere, but also to how we behave in more private social spheres, like family, friendships, romantic or sexual relationships.

Being autonomous, says *Joel Anderson* in the article that opens the special issue, is a socially attributed, socially claimed, and socially contested status, like being able to drive a car. Normative debates about criteria for autonomy (and what autonomy entitles one to) are best understood, not as debates about what autonomy, at core, really is, but rather as debates about the relative merits of various possible packages of thresholds, entitlements, regulations, values, and institutions. *John Christman* looks at various ways that interpersonal and social relations can be seen as required for autonomy. He considers cases where those dynamics might play out or not in potentially paternalistic situations. In particular, he considers cases of especially vulnerable persons who are attempting to reconstruct a sense of practical identity required for their autonomy and need the potential paternalist's aid in doing so. He then draws out the implications for standard liberal principles of (anti-) paternalism, specifically in clinical or therapeutic situations. According to *Bijan Fateh-Moghadam* and *Thomas Gutmann,* conventional liberal critique of paternalism turns out to be insensitive to the intricate normative problems following from 'soft' or 'libertarian' paternalism. In fact, these autonomy-oriented forms of paternalism could actually be even more problematic and may infringe liberty rights even more intensely than hard paternalistic regulation. Fateh-Moghadam and Gutmann aim to contribute to the systematic differentiation of soft and hard paternalism by discussing the (legal) concept of autonomy and by elaborating the moral and legal limits of autonomy-oriented paternalism. *John Kultgen* points out how far-reaching the changes in our public life would actually have to be if we wanted to avoid paternalism altogether. Many professional

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regulations, not just in medicine and law, but also in engineering and many other areas of expertise, have a strongly paternalistic function. Professional organizations are neither governments, nor necessarily democratic, but they are often state-certified and produce binding regulations for issues of public interest. Kultgen bites the bullet and accepts professional paternalism, while insisting that special care should be placed on how to design an appropriate professional code of conduct. *Amy Mullin* addresses the issue of paternalism in child-rearing. The parent–child relationship is generally understood as a relationship that is supposed to promote the development and autonomy-formation of the child, so that the apparent source of the concept is a form of autonomy-oriented paternalism. Far from taking paternalism to be overtly unproblematic in such paradigmatic, pedagogical settings, Mullin analyses how an effort should be made to understand a child's capacities and which standards parents should be held to when deciding whether interference truly serves the child's interests. The last contributor to the special issue, *Diana Tietjens Meyers,* argues that potential cases of oppression, such as sex trafficking, can sometimes compromise autonomous choices by the trafficked individuals. This issue still divides radical from liberal feminists, with the former wanting to 'rescue' the 'victims' and the latter insisting that there might be good reasons for 'hiding from the rescuers.' Tietjens Meyers presents new arguments for the liberal approach and raises two demands: first, help organizations should be run by affected women and be open-minded about whether or not the trafficked individuals should remain in the sex industry. Second, the career choices of trafficked individuals should be expanded by the introduction of an opportunity-extending right to asylum.

The regular part of the issue opens with an article that, qua subject, could have been part of the special issue. *Laura Ferracioli* and *Rosa Terlazzo* argue that the capabilities approach, insofar as it genuinely values the things that persons can actually do and be, must be grounded in a hybrid account of liberalism: in order to show respect for adults, its justification must be political; in order to show respect for children, however, its implementation must include a commitment to comprehensive autonomy, one that ensures that children develop the skills necessary to make meaningful choices about whether or not to exercise their basic capabilities. *Iddo Landau* replies to a recent article in this journal by Joshua W. Seachris. Seachris argues that the distinction Landau makes between perspectives and standards in sub specie aeternitatis arguments for the meaninglessness of life does not hold for a salient component of the sub specie aeternitatis perspective: the ontological-normative component. In his article in this issue Landau suggests that Seachris's argument is problematic in a number of ways and ought to be rejected. *Roman Altshuler* tackles a central question of environmental ethics: how to explain our experience of value in nature and, more importantly, whether that experience is justified. Seeking an alternative to extrinsic views, according to which nonhuman entities possess normative features that obligate us, Altshuler turns to constitutive views, which make value or whatever other limits nonhuman nature places on action dependent on features intrinsic to human beings and constitutive of them or their obligations. *Luis Cheng-Guajardo* discusses the views of the so-called 'myth theorists' who have recently called the normative requirement of means-end rationality into question. He shows that we can accept certain lessons from the myth theorists and also salvage our intuition that there is a normative requirement of means-end rationality. Any appeal to a requirement to make our attitudes coherent as such, he argues, is superfluous and unnecessary in order to vindicate the requirement of means-end rationality and also avoid the problematic conclusion that persons ought to take the means to whatever ends they happen to intend.

The next two articles contain a discussion between *Florian Cova* and *Neil Levy.* In several publications, Levy has argued that 'Frankfurt-style cases' (FSCs) fail because we are not entitled to suppose that the agent is morally responsible, given that the mere presence of a

counterfactual intervener is enough to make an agent lose responsibility-grounding abilities. In his article, Cova distinguishes two kinds of Frankfurt counter-arguments against the Principle of Alternate Possibilities (PAP): the direct and the indirect counter-arguments. He then argues that Levy's argument, if valid, can shed doubt on the indirect argument but leaves the direct argument untouched. He concludes that FSCs can still do their job, even if we grant that the mere presence of a counterfactual intervener can modify an agent's abilities. In his response Levy states that Cova and he agree on a great deal, e.g., that counterfactual interveners can affect agents' possibilities, and that this is not sufficient to disturb defenders of PAP. Cova is also ready (albeit reluctantly) to concede that his case works against one variant of FSCs. But they disagree on crucial issues, such as whether mere possibilities are sufficient to underwrite moral responsibility. More crucially, they apparently disagree about how intuitions are generated or about their evidential value. In his response, Levy advances considerations which he take to provide strong support for his side of these disputes.

In a review of John Martin Fischer and Mark Ravizza's *Responsibility and Control: A Theory of Moral Responsibility*, Alfred Mele contended that their weakly reasons-reactivity condition is inadequate, constructing a case in which, according to their theory, an extreme agoraphobic is morally responsible for his staying in his home. In his article *Repko Waller Robyn* modifies Fischer and Ravizza's account of moral responsibility in light of Mele's problematic example, suggesting a refinement of their weakly reasons-reactivity requirement via a distinction between weakly sufficient reasons and strongly sufficient reasons. Moral responsibility is also the subject of *Michelle Ciurria's* article. Moral philosophers such as G. Watson and T.M. Scanlon, Curia says, have called into question the explanatory basis of P.F. Strawson's still influential theory of moral responsibility, which grounds moral responsibility in human nature and interpersonal relationships. They demand a deeper normative explanation for when it is appropriate to modify or mollify the reactive attitudes. Following A. Sneddon, Curia argues that the best interpretation of Strawson is an externalistic one which construes moral responsibility as an interpersonal social competence, as this approach uniquely satisfies Strawson's demand that we justify the reactive attitudes from within the participant perspective.

Derek Parfit claims that Bernard Williams and John Mackie do not use the normative concepts that he and other non-naturalists use. Whatever we think of Parfit's interpretation of Williams, says *David Phillips* in his article, his interpretation of Mackie should be rejected. For understandable historical reasons, Phillips says, Mackie's texts are ambiguous. Applying to the interpretation of Mackie the same principle of charity Parfit employs in interpreting Williams, states Phillips, we find decisive reason to interpret Mackie as using the same normative concepts as non-naturalists. In the last article of this issue, *Stuart Rachels* defends the Famine Relief Argument against Having Children: conceiving and raising a child costs hundreds of thousands of dollars; that money would be far better spent on famine relief; therefore, conceiving and raising children is immoral. Previous arguments against procreation, says Rachels, have appealed either to a pessimism about human life, or to the environmental impact of overpopulation, or to the fact that we cannot obtain the consent of the non-existent. The argument he proposes appeals to the severe opportunity costs of parenting.