

Autonomy, free will and embodiment

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Common sense suggests we are autonomous beings with a free will and a body. This is an anthropological premise of much contemporary bioethics, especially in the Western world. Obviously, this premise should be specified and nuanced. What is more, it may be critically questioned to what extent the premise, even in a more sophisticated appearance, is relevant to the analysis of specific ethical issues. This is exactly what the first five papers in the present issue of *Medicine Health Care and Philosophy* endeavour.

The issue starts with Ignaas Devisch's exploration of the concepts of autonomy and heteronomy. According to Devisch maximization of autonomy, understood as self-realization, has not turned out to provide solutions to all ethical problems in health care, as some once believed it would, which has triggered a renewed focus on heteronomy. However, the latter does not suffice as a central value in health care either. Devisch attempts to escape the dilemma by breaking down the absolute opposition between autonomy and heteronomy, and introducing the concept of "oughtonomy", which he expects might advance current health care ethics debates.

Next, Gerben Meynen reflects on free will and psychiatric assessment of criminal responsibility. Meynen focuses on criminal cases, in which forensic psychiatrists are to assess the state of mind of the defendant. As free will is

regarded as a necessary requirement for legal responsibility, it is crucial to determine the extent to which possible mental disorders may have compromised free will at the time of the legally relevant act. Against this backdrop forensic researchers tend to be drawn into metaphysical debate on free will. In contrast, researchers on informed consent do not seem to ponder on similar philosophical issues so much, although free will and free choice are considered to be pivotal to informed consent as well. Nevertheless, significant conceptual and operational clarification has been achieved in debates on informed consent. Meynen argues that in this respect, research on informed consent could provide a helpful model for research on forensic assessment. Thus researchers on forensic assessment may not have to engage into philosophical discussions on free will.

Julie Aultman presents a conception of mental disease in relation to the embodied person. The concept of an embodied person encompasses both the biological body and the cognitive mind as interactive, unified and whole. Mental disease affects the person as a whole, not merely the body or mind. Aultman argues that a better framework is required in order to improve our understanding of mental disease. This framework should connect metaphysical, epistemological, and ethical considerations. Once introduced, it would also benefit researchers, clinicians, patients as well as their families.

Kristin Zeiler chooses a phenomenological starting point in exploring bodily self-awareness. She focuses on how subjects experience their body and departs from Drew Leder's distinction between bodily "dis-appearance" and "dys-appearance". When we do not think about our body in daily situations, our body dis-appears from our attention. In contrast, dys-appearance happens when the body appears to us as "ill" or "bad", for example, when

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experiencing pain or illness. Zeiler, however, is interested in and thus further analyses “eu-appearance”, the opposite of bodily dys-appearance, when the body stands forth as good, easy or well to the subject. In doing so, she contributes to a more nuanced discussion of bodily self-awareness.

Subsequently, Shawn Harmon discusses a long held position in law that, subject to some exceptions, property cannot be held in the human body. In a recent case of *Yearworth and Others v North Bristol NHS Trust*, however, the Court of Appeal for England and Wales revisited this opinion and Harmon further analyses the significance

of this recent case in terms of its impact on a number of doctrines with respect to property and the body.

Finally, this issue of *Medicine Health Care and Philosophy* ends with a special section edited by David Badcott and Fuat Oduncu. This section is about assisted dying and other end-of-life issues, topics that continue to be in the focus of both professional and lay debates. Earlier versions of most of the papers in this section were first presented and discussed during a seminar held at the annual conference of the European Society for Philosophy, Medicine and Health Care (ESPMH) at in Tartu, Estonia, in August 2008.