

Autonomy and Its Vulnerability: Ricoeur's View On Justice As a Contribution to Care Ethics

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Abstract

We examine an article of Paul Ricoeur on autonomy and vulnerability. Ricoeur presents the two notions in the field of justice as intricately woven into each other. He analyzes their interdependence on three levels of human agency. Ricoeur's exposition has a focus on judicial judgment. After presenting Ricoeur's argument and an analysis of his main points, the author argues that Ricoeur's reflection lines up with some essential intentions of care ethics. Ricoeur's contribution to care ethics is given in a delicate balance of autonomy and its vulnerability.

Key words: autonomy; care ethics; Ricoeur; vulnerability

Introduction

In reflecting on the subject matter of 'Ricoeur and care ethics', we should be aware that the combination of the philosophy of Ricoeur and care ethics is not self-evident. One must realize that Ricoeur did not write upon the subject of care ethics himself and that the development of the field of care ethics in publications from Noddings (1984) to Tronto (1993) has not been incorporated into his reflection, while, of course, the field has developed largely after Ricoeur's death (e.g., Held 2006). This consideration does not form a main objection, for the hermeneutical anthropology of Ricoeur contains many notions and lines of reflection that may be extended beyond their original scope. It can even be more fruitful to develop such extensions than to focus upon themes of medical ethics that Ricoeur treated himself only briefly.

We may proceed by bringing forward themes in Ricoeur's philosophy and anthropology that also play an important part in recent ethical debate. Notions like care, autonomy and vulnerability definitely play a role in recent medical ethics, bioethics, and philosophical ethics (Rendtorff and Kemp, 2000; Schermer, 2002; Kottow, 2005; Haugen, 2010; Maillard, 2011), while these notions also ensue from Ricoeur's view of human being (cf. Martinsen, 2006). Our philosophical effort could then run into an application of general philosophical-anthropological notions of Ricoeur to the field of care ethics. The conjunction 'and' in the subject 'Ricoeur and care ethics' would then suggest a form of subsumption, in which Ricoeur's philosophy delivers the general outlines to be filled in by a field of applied ethics.

However, such a subsumption would not do justice to the essence of care ethics, which, from the start, has been a critical endeavor, criticizing the cultural conditions of moral behavior and ethical reflection. Care ethics cannot restrict itself to the applications of normative considerations made on a general level. Caring is "a species activity that includes everything that we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible. That world includes our bodies, ourselves, and our environment, all of which we seek to interweave in a complex, life-sustaining web" (Tronto, 2010, p. 160). Care ethics aims at addressing a complete world view, as caring is an all-inclusive activity. The conjunction 'and' should [494] rather express a dialectical relation between Ricoeur's philosophy and care ethics, in which Ricoeur's philosophy and care ethics question each other's presuppositions and challenge each other's world view.

In creating such a dialectical relation between Ricoeur and care ethics, we may also detect a common perspective. For Ricoeur gives himself the ethical task to develop human flourishing, anchored in righteous institutions, providing justice (Ricoeur, 1992). Such an aim connects Ricoeur with care ethics, which also has a critical and constructive task, bringing the activity of caring into a cultural setting of justice.

At this point it becomes interesting to bring forward Ricoeur's considerations on autonomy and vulnerability as a contribution to reflection in care ethics. For it is exactly within the perspective of justice that these notions are treated by Ricoeur in an article on 'Autonomy and Vulnerability' (Ricoeur, 2007). It is for this reason that I want to examine this text of Ricoeur in three rounds. First, we will consider how Ricoeur develops the notion of vulnerability in the article mentioned. Second, we will reflect upon the findings of this examination, and, third, we will ask what meaning our reflection presents for care ethics.

With this structure of three separate rounds I intend to respect the dialectical relation of Ricoeur's philosophy and care ethics, as separate entities that should not be fused into a single step of consideration.

Autonomy and Vulnerability: a paradox examined

The text of 'Autonomy and Vulnerability' is based upon a lecture that Ricoeur presented as the opening lecture of a year seminar on the theme of 'Who Is the Subject of Rights?'. It has been published in one of the two volumes that Ricoeur assembled under the title 'Le juste', the just, translated in English as Ricoeur, 2000 and Ricoeur, 2007. These volumes were intended to offer applications of the philosophical reflection that Ricoeur had offered in a monograph like Ricoeur, *Oneself As Another* (1992). Having this context of publication in mind, I follow the course of the text, in order to get a first impression of Ricoeur's thinking on autonomy and vulnerability.

In the nineties, Ricoeur liked to use the word 'perplexities' for philosophy: what are the fundamental, intriguing questions that confront philosophers on a certain subject. Right at the start of the article, Ricoeur defines the perplexity that is concerned in the philosophical question to the subject of rights as follows: 'The subject of rights is both the major *presupposition* of every juridical investigation and the *horizon* of judicial practice' (2007, p. 72). On the one hand, we have to posit a subject of rights as a juridical presupposition. Without a juridical subject that may claim certain rights, we cannot bring up any juridical argumentation. However, on the other hand, the subject of rights is not simply a given. In every judicial process, the right of person to accuse, to claim, and to judge must be established before the actual charge may be examined. A witness or a judge may be challenged; a solicitor or lawyer must be registered and must be entitled to proceed in court. Sometimes the right of entire groups in a society to act in a process must be established. While, on the one hand, being a subject of right is the starting-point of jurisdiction, it is, on the other hand, its horizon, a perspective that has to be realized and is not within reach automatically.

Thus, the philosophical perplexity connected to the question of the subject of rights turns out to be a real paradox. A paradox appears where two conflicting statements, each right in its own field, oppose to each other. Being a subject of rights is the self-evident possibility, without which no jurisdiction can be thought: when there is no subject of rights, no justice can be administered. A judge cannot give his or her verdict on a case, when there is no subject that puts forward the case in court. However, this possibility conflicts with the task of claiming and defending being a subject of rights, which is a, likewise, self-evident part of a judicial process. In matters of juridical judgment, we presuppose a subject of rights, while establishing someone's identity as an actual subject of rights is also part of the process, and a task to be done. It is a basic presupposition that there are human subjects who may put a claim in court, but the very fact that I am entitled to make a claim in court must be established during a process. This is the paradox that Ricoeur expresses.

Ricoeur explores the full perplexity of this paradox by deepening the notion of a subject of rights with the word autonomy. Autonomy of being and acting is the basic presupposition, the condition of possibility upon which the entire law leans; but at the same time, this autonomy is attacked; the human being appears to be fragile, vulnerable, and it is a task to establish his or her autonomy that is continuously threatened in its fulfillment.

Ricoeur's exploration of the paradox of autonomy and vulnerability leads him through a course in three levels. The general question for him is: "What kind of being is a human being that he or she can give rise to the problematic of autonomy?" (2007, p. 74).

The first level to confront this question is the level of philosophical anthropology (2007,74-78). On this level, human being is, according to Ricoeur, to be treated as a capable being. A human being has capacities. By acting and speaking, and acting in language, human

beings confirm their identity. Autonomy, on this level of philosophical anthropology, consists in the figures of speaking and acting. This conception of autonomy has a counterpart. Human autonomy is threatened by fragility, vulnerability, [495] laid down in an inability or lesser ability to speak or to act. For example, mastery of language and argumentation is necessary to enter court; but this mastery is not given to everybody. Mastery in language may even create forms of intimidation, manipulation, and other forms that corrupt the service relations among humans.

The general level of human being as a being capable of speaking and acting is specified in an intermediate level, in which personal identity is conferred upon human beings (2007, 78-82). Now we enter a field upon which Ricoeur has written extensively. Ricoeur mentions two senses in the idea of human identity that narrow the general conception of human being. The first sense is narrative identity: a person has an identity in time, in which he develops elements of sameness and selfhood. Someone's life story forms the plot that keeps together these elements in certain coherence. The ability to tell one's life story is a capacity that shows someone's autonomy on the level of personal identity. This autonomy is clearly a task: it has to be developed during one's life. It is not self-evident that one is capable of telling one's life story. That may be due to physical or mental limitations, or to a position in society. Such is the vulnerable side of narrative autonomy. This fragility is even a necessary counterpart to the personal autonomy. Fragility and vulnerability are not a counterpart of autonomy, but an essential element of autonomy.

However, this capacity also needs the correction of a certain, narrative-shaped fragility: one should let one's story be criticized by others. Narrative coherence is characterized by the ability to be influenced. "To learn how to tell the same story in another way, how to allow our story to be told by others, how to submit the narrative of a life to the historian's critique, are all practices applicable to the paradox of autonomy and fragility" (2007, p. 80). Vulnerability and fragility are given facts in narrative identity: not all human subjects receive the same opportunities to tell their life story; but vulnerability and fragility are also purposes to be established: they are markers of the receptivity that distinguishes narrative identity.

'Narrative identity' is one sense of expressing the turn from human being in general to personal identity. Another sense is given in personal singularity. Here we come to the heart of modern autonomy, as 'Think for yourself!' was the adage of the Enlightenment era. The paradox of this aspect of autonomy is laid down in the "test of alterity", the confrontation with other perspectives (2007, p. 80). We need a certain self-esteem, in order to attest our capacities to speak, to act, to remember. The attestation of such self-esteem forms our singularity. But at the same time, we need alterity: identification with role models, heroes, correction by others, precepts and norms to which we are confronted, in order to develop as full human beings.

The levels of human being and personal identity lead Ricoeur to the ethico-juridical field of the problem of autonomy (2007, p. 82-89). This is the level where his exploration of autonomy comes to its full extension. It is at this point that Ricoeur introduces the notion of imputability, rather than a notion like responsibility, which one would expect in this field. As "imputability is the capacity to be taken as responsible for one's acts as having been their actual actor" (83), this notion is apt to narrow the concept of capability for the field of law and ethics. Being a capable, autonomous human being does not only involve a capacity for free speaking and acting, but also implies that one may be held responsible for one's speaking and acting, and even that one has obligations in speaking and acting. One may be kept to one's promises. Or, as in court, a witness is obliged to speak the truth. In the ethico-juridical field then as well, autonomy appears both as a condition and as a task. An autonomous actor is the inevitable condition for imputability, but at the same time, responsibility and imputability

have to be established and are not self-evident. The oath that a witness has to swear in court is an example of establishing such imputability.

At this point, Ricoeur arrives at an important aspect of imputability: the act of imputing is not an individual, or even random act; it proceeds from structures that are laid down in society, in cultural and juridical institutions. The experience of imputability is an experience that has to do “with our capacity to submit our action to the requirements of a symbolic order” (2007, p. 84). The symbolic order of cultural institutions, laws, norms, and regulations makes its imputation to the autonomous human being with a grave sense of authority. It precedes our actions, it is higher in order than our preferences, and it appears as external to us. Yet, it is also a matter of fragility and vulnerability. The existence of a symbolic order presupposes the capacity of inscribing one’s actions into this order; but the actual occurrence of such orders shows how difficult it is for many human beings to do so. For Ricoeur it is not only a philosophical task to analyze the causes of loss of capacity to fit into a societal order, but also to elaborate reconstructive capacities (87). Ricoeur strongly believes in the possibilities of an intersection of “the idea of a just distance between singular points of view against the backdrop of a shared understanding” (89), as a means to involve into a symbolic order.

Thus, Ricoeur has drawn three ranges in which autonomy and vulnerability intersect. He concludes by saying that “lacking a speculative solution, a pragmatic one still remains open to us, one that rests on a practice of mediations” (90). Such a practice of mediation must be fed by “a kind of education” and, as elaborated on another occasion, by “a critical approach to the relation between memory and history” (90; cf. Ricoeur, 2004). The paradox of autonomy [496] and vulnerability cannot be solved by thinking, but it has to be taken up and rewritten into an order of living.

Three points of analysis

Much may be said on this lecture of Ricoeur and the world of thought that it exhibits. I limit myself to three analytical remarks.

First, we must be aware that the context of Ricoeur’s lecture restricts him in his exposition. Of course, he cannot elaborate on everything that asks for further explication. For this aim, we should turn to his *Oneself As Another* (Ricoeur, 1992), in which Ricoeur offers a full-fledged hermeneutic of the self. When we take this work into account, we can understand why Ricoeur comes to his trichotomy in the paradoxes of autonomy and vulnerability, because the same three levels can be seen in *Oneself As Another*: first, a level of human being as speaking and acting; second, a level of the narrative self; and third, the level of the self as challenged by the call of the other and the urge to anchor his imputability in societal institutions.² In general, Ricoeur’s treatment on autonomy and vulnerability is in line with his reflection on the capable self in 1992.

In *Oneself As Another*, Ricoeur shows the same awareness of the difficulty to establish the self as a capable person, amidst the moral calls of other persons and the requisites of the social order, as his exposition runs into a chapter on the tragic of action. What Ricoeur expresses here with the notion of the tragic, receives another expression in our present article with the notion of a triple paradox. While the idea of the tragic is related to choices in action, especially, the notion of a paradox shows a more cognitive aspect. Though Ricoeur ends in a practical mediation of the paradox examined, it is clearly a reflective and cognitive task to arrive at such a conclusion. Any suggestion that the development of a capable, autonomous human being may leave aside cognitive reflection and rest upon a mere act of choice is alien to Ricoeur’s thinking. Ricoeur is convinced that philosophical reflection has a constructive task in establishing a responsive and responsible self.

Second, we may observe that Ricoeur's exposition of autonomy shows a certain movement of development. It is clear that the level of imputation is the most important level of autonomy for Ricoeur, and that the first and second level end up in this ethico-juridical field. Now, it may be tempting to treat the notion of autonomy in a developmental perspective. That would be in line with the philosophical tradition of the Enlightenment; for Enlightenment thinking would consider human autonomy as something that is combated over against forces of ignorance and non-rational behavior. In such a view, autonomy is something that grows, something that expands by cognitive reflection. However, that is not the kind of reflection that Ricoeur presents. In his view, each level of considering autonomy confirms the initial paradox of autonomy and vulnerability which he takes as his point of departure. For him, there is no lessening of the impact of the paradox and a subsequent expansion of a sense of autonomy. If there is any development from the first to the third level, it consists in an increase of awareness of the paradox, leading to the conclusion that the paradox cannot be solved by reflective speculation but only by practical mediation.

That leads us to a third remark on autonomy and vulnerability. In presenting the pair of autonomy and vulnerability, one would easily think that the two notions are opposites: when autonomy increases, vulnerability lessens, and when vulnerability expands, human autonomy is threatened. For Ricoeur, however, the two notions are bound together inseparably. Each form of autonomy has a corresponding figure of fragility (i.e., vulnerability) (76). Autonomy needs the experience of vulnerability: it turns autonomy from a general supposition into a task to be performed. The highest form of autonomy, then, does not consist in the vindication of vulnerability, but in the mediation of both notions in the social order. The entry of the lived paradox of autonomy and vulnerability in the symbolic order of society creates the steadiest consolidation of the pair for the capable human being in its facet of a social self.

Ricoeur: Food for Thought in Care Ethics

Vulnerability is not an alternative notion for autonomy; the two notions support each other, at least for Ricoeur. This analytical conclusion leads me to the formulation of the title of my contribution: autonomy and *its* vulnerability, as a way of expressing the firm bond between the two notions. In his exposition, Ricoeur shows himself to be a true guardian of the modern philosophical tradition, by elaborating an Enlightenment notion like autonomy. At the same time, he shows a postmodern awareness of the ineradicable connection of autonomy to another notion: vulnerability. Autonomy cannot stand on its own, it is not an independent notion, but is inevitably connected to its shadow, vulnerability. Consequently, vulnerability is not an independent notion or value to be strived for. It only appears in connection to autonomy.

[497] This is at least how Ricoeur operates in the field of the ethico-juridical, and this is also the intent which leads to a fruitful connection to the perspective of care ethics. Both have a similar task. I observe a similar struggle for human being to be recognized as a subject of rights. In medical care, many patients must struggle to be heard, sometimes due to physical and mental handicaps, sometimes because of age (children and seniors), sometimes because of gender and cultural background. It is not self-evident that someone in need of care is capable of presenting and developing his or her life story. In many instances, the sustainment of narrative capacity is a form of care itself.³ The call for including patients and their families into councils for consideration in medical affairs of a hospital and nursing homes is a good example of developing a capacity of autonomy on an institutional level.

At the same time, jurisdiction and care are different fields of human agency. I would at least suggest that there are more parties involved in matters of medical care: not only a doctor and a patient, but also caregivers, the board of a hospital or nursing home, insurance

companies, and a government, which all have different interests in a situation. I observe another difference. In jurisdiction, all intention is focused upon establishing a final judgment in a case. This is also how medical ethics has operated, elaborating the question of how to develop an ethical procedure in order to come to a definitive decision about medical treatment in a certain situation: should we operate this patient or not? Should we administer this medication or not, in order to heal the patient? In matters of care, as care ethics has rightly emphasized, there is more need of a moral evaluation of ongoing forms of care that ask for continuous revision. In jurisdiction, and paralleling in medical ethics, a decision is intended to be final, and there are only limited possibilities of appeal. In matters of care, decisions ask for reconsideration and need not to be decisive. Benevolent care can often be enabled with several options and forms of care may change after initial realization. In the intersection of a just distance and a shared understanding, as brought forward by Ricoeur at the third level of autonomy, jurisdiction has to guard the just distance, while care ethics may operate more freely from a shared understanding.

These are matters of accentuation. I think it is a more fundamental question whether autonomy and vulnerability are as paradoxically paired as they are in Ricoeur's exposition on the ethico-juridical field. On this point, I think there is no reasonable alternative to the pairing that Ricoeur has proposed. Of course, we may esteem the notion of vulnerability as a positive value, not as a norm that we can use to judge our action, but at least as a value that governs our life of action (cf. Nussbaum 1986 on the notion of fragility). However, I cannot imagine how we can come to actions of caring that sustain vulnerability but not autonomy. Enlarging someone's fragility without a perspective of autonomy is a cruel act. On the other hand, increasing autonomy without accentuation an awareness of fragility is as little possible as the former alternative.

In the article that we have examined, Ricoeur offers a view on the human self that is highly inspiring for an ethics of care, developing a vulnerable autonomy in the interplay of human relations and societal order. Joan Tronto (1993) has justly introduced the term 'interdependency' in order to illuminate human life as containing both autonomy and dependency. The challenge for an ethics of care is to maintain the delicate couple of vulnerability and autonomy on all levels in a dialectical tension that never leads to fixed normative positions. As care concerns a relation that extends in time, caring and nursing needs a point of view that orients caring action in a developmental perspective.

We may derive from Ricoeur's philosophy the urge that philosophy does not stick to analysis but also has a constructive role. With this task in mind, in my opinion, some common tasks between Ricoeur and the field of care ethics show up.

a) There are many situations of caring action, in which we develop the patient's capacity for speaking and acting, even if it has to be substitutive because of physical and mental limitations? We may turn to recent care ethics as developed by Tronto and others, to learn how reciprocity and interdependency in relations of care contribute to the development of capacities. More than on caring action, we should focus on caring practices; and more than caring practices, we should highlight the receiver of care as a person with capacities. Ricoeur's urge is that such view must be laid down in societal institutions.

b) Situations of care entail symbols and expressions of the patient's life story, which may enlarge the capacity of telling his or her life story. The narrative perspective is the most fruitful framework to express the patient's identity and to enrich this identity (cf. Tromp 2011). Ricoeur makes clear that 'being the narrator of one's life story' cannot simply be used as a norm for acting, but that narrative competence is a way of framing the relation of autonomy and vulnerability, and only indirectly leads to normative choices.

c) Ricoeur underlines the intention of care ethics that situations of care relate to a social order, and that reflection should contribute to the question what order is needed. Especially on the

level of this question, an ethics of care needs the political analysis that has been [498] offered by Tronto's care ethics, in order to develop a general perspective on care in society.

Pointing to such a perspective of thinking is a role that we surely may receive from Ricoeur's reflection on the hermeneutics of the self. The merit of his reflection lies in his intention not to isolate autonomy from its counterpart vulnerability, nor to view vulnerability and fragility as values that can be realized without the development of one's autonomy. His perspective offers us the means to interpret autonomy and vulnerability different than as opposites that paralyze each others' possibilities. Both the aspects of narrative and symbolic order are indispensable to a fully developed ethics of care. We may honor Ricoeur for putting forward these aspects as levels of reflecting personal identity as caring human being.

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¹ This article is dedicated to the memory of prof. dr. Han Adriaanse (1940-2012), emeritus professor in the philosophy of religion at Leiden University, who has introduced many students into the philosophy of his beloved Paul Ricoeur.

² Ricoeur closes *Oneself As Another* with an ontological coda, which is lacking in the present article. As a matter of fact, I cannot envisage how the ontological perspective would have added to this judicial application of Ricoeur's view on the human self.

³ I refer to the Dutch project of helping senior people to make a book of their lives, including stories, photos, etc. Cf. Tromp, 2011.