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Liberalism, Autonomy and Stability

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Supporters of liberal neutrality distinguish between 'weak' conceptions of autonomy which operate as background features of liberal democratic regimes, and 'strong' conceptions, which amount to conceptions of the good. These latter are to be excluded from the political realm on the grounds that in order to protect and promote a conception of the good, in the context of a pluralistic society, the state would have to resort to illiberal methods. The result of this will be the destablization and fragmentation of the regime. In this article I argue two things: first, that autonomy ought to be understood, not as a neutral background assumption of liberal theory, but as a *partially comprehensive* conception of the good in its own right; secondly, that protecting and promoting autonomy need not lead either to illiberalism or to the destabilization and fragmentation of liberal democratic society.

Many liberals acknowledge the importance of autonomy in their political and moral theories. Liberals, however, differ markedly in their understanding of this concept and about the role it should occupy in their theories. Rawls, for example, assumes that we have a higher order interest in autonomy, understood in part as the capacity 'to form, to revise, and rationally to pursue a conception of one's rational advantage or good'.[1] Yet he is critical of the 'ethical' autonomy of Mill and Kant, as well as that of contemporary liberal theorists such as Joseph Raz.[2]

According to Rawls, the liberal state ought to be 'neutral' amongst rival conceptions of the good life. Rawls criticizes Mill, Kant and Raz because they treat autonomy as a substantive conception of the good, whereas he takes autonomy to be a non-controversial background cultural feature of liberal democratic societies. Given that liberal democratic societies are marked by a plurality of conceptions of the good, Rawls believes that a state that attempts to promote a conception of the good will have to resort to coercion in order to suppress rival conceptions, and this he believes will threaten the stability and unity of a well-ordered liberal democratic, pluralistic society. Similarly, in a recent defence of liberalism, David Johnston has argued that, while the liberal state may pursue some kinds of autonomy as compatible with reasonable value-pluralism, some conceptions of autonomy are so strong that they undermine reasonable value-pluralism and are thus illiberal.[3]

My task in this article is two-fold. First, I want to show with respect both to

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[1] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 19, 72.

[2] Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986).

[3] David Johnston, *The Idea of a Liberal Theory: A Critique and Reconstruction* (Princeton, NJ: Princeton University Press, 1994), p. 78.

Johnston's humanistic liberalism and Rawls's political liberalism, that the account of autonomy they employ is in fact stronger than they take it to be. Indeed, I want to suggest that it is plausible to see it as a substantive conception of the good in its own right. Strictly speaking, and in Rawls's terminology, I want to suggest that autonomy ought to be understood as a *partially comprehensive conception of the good*. Secondly, I want to suggest that promoting autonomy as a conception of the good need not issue either in despotic paternalism, as Johnston fears, or in the destabilization and fragmentation of society, as Rawls fears. My contention will be that the kind of good autonomy is entails a presumption against the use of coercive or other illiberal methods of social control (though of course it can never rule these out absolutely). If I am right in this, I will have gone a considerable way towards meeting Johnston's and Rawls's concerns.

I: AUTONOMY

Liberalism, Agency and Autonomy

In *The Idea of a Liberal Theory* David Johnston defends what he calls a 'humanist liberalism'. Autonomy plays a central role in this defence, so it is important to see the way in which Johnston develops his account of this concept. He begins by distinguishing three forms of autonomy relevant to his enquiry – autonomy as *agency*; *moral* autonomy; and *personal* autonomy, this latter understood as a capacity for critical self-appraisal. A liberal state may defend and promote the first two of these, but a state that defends all three forms of autonomy defends autonomy in a *strong* sense. For Johnston, the strong sense of autonomy is so strong that it is, he believes, incompatible with reasonable value pluralism.[4] Before we consider this claim, let us see what is entailed by the first two forms of autonomy.

Johnston argues that liberalism is characterized by three core values – that individual human beings are important; that individuals are to count equally in terms of 'whatever features make us worth counting'; and that individuals are agents. Agents are 'creatures who are capable of conceiving and of trying to bring to fruition projects and values'.[5] To be an agent is to be autonomous in this minimal sense. These three core values, however, are not of equal standing for it is clear that agency-autonomy is more fundamental than the others. Individuals matter – they are worth counting – *because* they are agents; they are *as agents* equally worthy even if their individual projects and values differ from one to the next. Moreover, they are worth counting *just because* they are agents and *not* because of the character of the particular projects that each pursues. The foundational role of agency is reflected in the fact that Johnston makes

[4] Johnston, *The Idea of a Liberal Theory*, p. 138. I return to the issue of what is 'reasonable' in the next section.

[5] Johnston, *The Idea of a Liberal Theory*, p. 68.

agency-autonomy a presupposition of both moral autonomy and personal autonomy.

Moral autonomy presupposes agency-autonomy but it is not the same thing, for moral autonomy is achieved when one has an 'effective sense of justice', which involves recognizing 'that other human beings are agents like yourself, with projects and values of their own, projects and values that may impose limits on the things that you can do in pursuit of your own projects and values'.[6] Whereas agency autonomy is an essential element in the idea of a human being, moral autonomy is not. We can without contradiction conceive of a person in whom a sense of justice is absent. When it is present, it may be too weak to prevent our other interests from overwhelming it, or it may be too narrow, ranging only over our families, tribes, or some other group of which we are a member. A liberal society, however, is marked by an *inclusive* sense of justice.[7] These two types of autonomy – agency-autonomy and moral autonomy – correspond, as Johnston recognises, to Rawls's two features of moral personality.[8]

By arguing that liberalism is marked by an inclusive sense of justice, Johnston here seeks to establish a link between the assumption of agency, drawn so thinly as to exclude almost no-one, and liberal justice. What underlies this link is the plausible assumption that liberal democratic regimes are marked by heterogeneity. As Johnston puts it, 'liberal societies embody, and liberal theories presuppose … the *assumption of reasonable value pluralism*'.[9] Similarly, for Rawls liberal democratic regimes are marked by 'the fact of reasonable value pluralism'.[10] Beginning from the assumption (or fact) of heterogeneity, liberals must pitch their arguments in such a way that they can appeal to the diverse groups – interest, ethnic, cultural, religious and so on – that comprise modern liberal democratic regimes. Thus the account of agency (or moral personality) is presented as a relatively *uncontroversial* starting-point from which to begin theorizing about politics in liberal democratic regimes. As Rawls acknowledges in constructing the original position in his *A Theory of Justice*, the stronger the assumptions are upon which the theory is built, the less likely it is that they will be widely shared and the more controversial will the principles of justice upon which they depend become.[11] One might say that the thicker the assumptions, the more partisan will be the resulting arguments.

Paradoxically, however, this strategy opens liberalism up to the communitarian critique, for the more general become the premisses upon which liberal arguments turn, it is argued, the *less* purchase they have on the substantive lives of the plethora of groups to which they are addressed. Liberalism, it is claimed,

[6] Johnston, *The Idea of a Liberal Theory*, pp. 72–3.
[7] Johnston, *The Idea of a Liberal Theory*, p. 86.
[8] John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1972), pp. 505ff; *Political Liberalism*, pp. 19, 81.
[9] Johnston, *The Idea of a Liberal Theory*, p. 26. Emphasis in original.
[10] Rawls, *Political Liberalism*, p. xix.
[11] Rawls, *A Theory of Justice*, p. 18; *Political Liberalism*, pp. 127, 157.

sacrifices the language of membership and solidarity in the interests of generality, and thus fails to address individuals in terms that they themselves recognize. Liberals have responded in a variety of ways to these criticisms, and I do not intend to review these responses here.[12] I am concerned, however, with the question of how one gets from general claims, such as those concerning agency and moral personality made by Johnston and Rawls, through to claims about liberal institutions and liberal justice. After all, even members of non-egalitarian, non-liberal societies are agents capable of formulating and pursuing projects. Liberalism presumes that all individuals are equally entitled to respect, regardless of caste, class, race, religion or gender and hence is properly understood as universalist. Again, individuals are all worth counting, and worth counting equally, *because* they are agents. But one may be no less of an agent in a non-liberal society. How does one get from universalistic premisses such as these to particularist claims about liberal democratic regimes?

Before we tackle this issue, we should recognize that the universality of these assumptions is potentially in conflict with liberalism's aspiration to inclusiveness, for although its characterizations are asserted of all human beings, not all the human beings over whom the characterizations range accept or value the liberal account of what human beings are like. This is true even of the attribution of agency. It is possible, for example, to reject altogether the idea that human beings are agents in any meaningful sense, and to see them instead as merely vehicles in the service of 'selfish' genes, or as instruments of a divine power.[13] Such a rejection might well be unusual (more so now than a century ago) but it is not unthinkable, and if the conception of agency upon which justifications of liberal institutions and liberal principles are to be based is rejected, then liberal arguments may find that they have no soil in which to germinate. It is possible, of course, that one might arrive at liberal institutions and principles via some other route, such as an evolutionary biology or divine edict. Rawls allows that the necessary conditions of liberalism, including the liberal sense of justice, will have emerged as a 'normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime'.[14] For Johnston, the link is made by connecting agency-autonomy (present in any society) to a particular conception of moral autonomy, a conception specified, in part at least, in terms of *inclusiveness*.

But even if we accept that human beings are agents in Johnston's sense, we might deny that this is what makes them worth counting. The issue here is the

[12] For overviews of the debate between liberals and communitarians, see Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Basil Blackwell, 1992); Shlomo Avineri and Avner de-Shalit, eds, *Communitarianism and Individualism* (Oxford: Oxford University Press, 1992); and Ellen Frankel Paul, Fred D. Miller Jr and Jeffrey Paul, eds, *The Communitarian Challenge to Liberalism* (Cambridge: Cambridge University Press, 1996).

[13] Ignatius Loyola, founder of the Jesuit order, considered that in pursuing God's work he must be as 'a corpse which has neither intelligence nor will' (cited in Friedrich A. Hayek, *The Constitution of Liberty* (London: Routledge, 1960), p. 423, n. 12).

[14] Rawls, *Political Liberalism*, p.xviii, see also pp. 4, 36–7. I return to this point below in the section after next.

relative importance of the assumption in establishing further claims. Since Johnston argues for a *humanistic* liberalism it is not surprising to find that he wishes to mark human beings off from the rest of the animal world (and, we might add, from nature as such) as worthy of special concern.[15] Yet although a liberal such as Bentham would not have denied that human beings are agents in Johnston's sense, he evidently thought that what makes human *and* non-human beings worth counting is that they feel pain. One might therefore agree with Johnston that human beings have agency-autonomy but disagree that this is what makes individuals worth counting.

Yet even if we accept with Johnston that it is agency that makes us worth counting, we would still need to say what it is about agency that leads us to endorse a liberal society, as opposed to any other kind of society. As Johnston remarks, agency-autonomy is a capacity which it is not difficult to develop since the conditions for its development are not stringent.[16] He also remarks that it is 'inconceivable that any society would not seek to secure the conditions required for all its members to become agents in this rudimentary sense'.[17] Yet so rudimentary is this sense of agency that it is not clear why, on these grounds, we should endorse a liberal society over any other. After all, non-liberal societies are what Kymlicka has called 'contexts of choice' just as liberal societies are.[18] They are contexts within which certain choices have meaning, and others do not. Choices that are meaningful in the context of non-liberal societies might not have the same meaning within a liberal society and *vice versa*, but this fact in itself provides us with scant reason to prefer liberal societies over non-liberal societies.

We might say, for example, that in a liberal society there is greater scope for conceiving projects or that the particular kinds of choice open to us are in some way preferable to those in a non-liberal society, and this might even be true. But we cannot say why this is preferable solely in terms of the weak account of agency provided by Johnston. We need an account of what human flourishing might consist in, or of what flourishing in a particular social context might mean in order to make the case for having greater scope rather than less or for having this range of choices rather than that. Such accounts of human flourishing are conceptions of the good and I contend that in liberal societies the liberal conception of the good can be partly explicated through an account of autonomy.[19] I will return to this point below, but for now all we need to recognise is that this account of autonomy will have to be more substantive than is Johnston's weak account of agency.

[15] Johnston allows that individuals may formulate and pursue 'projects and values that are not designed simply to affect our own experiences' (*The Idea of a Liberal Theory*, p. 68, also pp. 81, 89) and this may include concern for animal welfare or the environment.

[16] Johnston, *The Idea of a Liberal Theory*, p. 72.

[17] Johnston, *The Idea of a Liberal Theory*, p. 79.

[18] Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989), p. 166–7.

[19] For Charles Taylor autonomy is a 'hypergood' indicating an 'inherently conflictual' ethical outlook (Charles Taylor, *Sources of the Self* (Cambridge: Cambridge University Press, 1989), p. 65).

Autonomy and Rawlsian Political Liberalism

Having shown that Johnston's weak account of autonomy is more controversial than he takes it to be, I now turn to a discussion of Rawls with the same objective in mind. Like Johnston, Rawls treats the autonomous life as an uncontroversial background assumption of his theory of justice.[20] It is a 'general fact', says Rawls, that the political culture of a liberal democratic society 'normally contains, at least implicitly, certain fundamental intuitive ideas from which it is possible to work up a political conception of justice suitable for a constitutional regime'.[21] The two moral powers that characterize Rawls's account of moral personality – the capacity to form, revise and pursue a conception of the good (Johnston's agency autonomy) and the capacity for a sense of justice (Johnston's moral autonomy) – are part of the 'shared fund of implicitly recognized basic ideas and principles' of the public culture of a liberal democratic society.[22] This public culture is itself born out of a 'certain political tradition' in which the idea of society as a 'fair system of cooperation over time, from one generation to the next' is fundamental, as is the idea that citizens are 'free and equal'.[23]

Despite this shared fund of ideas and principles, a liberal democratic regime will nevertheless be characterized by reasonable disagreement over conceptions of the good. Rawls calls this the 'fact of reasonable pluralism' and distinguishes this from the fact of pluralism as such. The point of this distinction is in part to limit the scope of neutrality, for the liberal state need only be neutral amongst *reasonable* conceptions of the good.[24] It follows that if liberal democratic societies are marked by the fact of reasonable pluralism, then 'reasonableness' must itself be a fact implicit in the public political culture of such regimes. This must be so for, as we shall see, Rawls relates it directly to that aspect of moral personality which sustains the sense of liberal justice (which, as we have seen, Johnston calls *moral* autonomy); and the account of moral personality is amongst the assumptions from which the theory of justice as fairness is worked up. Given that Rawls bounds his neutrality with an appeal to the idea of reasonableness, we need to say something about what it is and what work it performs in his theory.

Rawls distinguishes the *reasonable* from the *rational* and he does this in part on the grounds of the two moral powers identified above. One is

[20] Rawls, *Political Liberalism*, p. 178.

[21] Rawls, *Political Liberalism*, p. 38, n. 41.

[22] Rawls, *Political Liberalism*, pp. 8, 13–14, 15, 18–19, 43, 78, 79, 90, 97. Several commentators have pointed out that the account of moral personality given here is broadly derived from Kant and as such is neither uncontroversial nor political, where 'political' is contrasted with 'metaphysical', as it is in Rawls's 'Justice as Fairness: Political Not Metaphysical', *Philosophy and Public Affairs*, 14 (1985), 223–51; *Political Liberalism*, pp. 3–46. For discussions of this see William A. Galston, *Liberal Purposes: Goods, Virtues and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991), pp. 118–39; Patrick Neal, 'Justice as Fairness: Political or Metaphysical?' *Political Theory*, 18 (1990), 24–50.

[23] Rawls, *Political Liberalism*, p. 13–14.

[24] Rawls, *Political Liberalism*, pp. 190–5; Johnston, *The Idea of a Liberal Theory*, p. 26.

rational in so far as one has a conception of the good which it is rational to pursue (agency autonomy). One is *reasonable* (in part) in so far as one is willing 'to propose fair terms of cooperation and to abide by them providing others do so' (moral autonomy).[25] The *rational* is directed towards one's own conception of the good, while the *reasonable* is directed towards the public culture.[26] More specifically, it is directed at the public *political* culture, since Rawls is insistent that this is all political liberalism requires.

But the reasonable is only partly characterized by the willingness to propose and abide by fair terms of co-operation. The 'second basic aspect' of the reasonable is a willingness to accept the 'burdens of judgement'. Rawls asks: how is it that reasonable people who 'share a common human reason, similar powers of thought and judgement [and who] can draw inferences, weigh evidence, and balance competing considerations' can yet arrive at widely divergent conceptions of the good?[27] One answer to this apparent conundrum is that there are many gaps in the evidence that is available to us and there are limitations bearing on our reasoning, arising both from within our rational conceptions of the good, and from the reasonable claims of others. Reasoning is a complex process and it is not surprising that it should result in a diversity of reasonable conceptions of the good.

A *reasonable* doctrine of the good then, is one that accepts the burdens of judgement and consequently accepts the legitimacy of a plurality of rival but similarly reasonable conceptions of the good. Accepting the burdens of judgement, one will conclude that it is unreasonable to employ the coercive power of the state to impose one's conception of the good on everyone else.[28] The political conception of justice that arises from these considerations is therefore one that does not take a stand on the relative merits of reasonable conceptions of the good.[29] Conceptions of the good are reasonable if they are political in this sense and view the public, political realm as an area where controversy over freedom, equality, the fair terms of co-operation and, of course, the centrality of autonomy, has been settled. The refusal to do so amounts to unreasonableness because it betrays a willingness to exploit the 'deep divisions latent in society' for partisan ends and this 'dangerously increases the insecurity and hostility of public life'.[30]

To get to this point Rawls has had to make a number of contentious empirical claims about the public political culture of liberal democratic regimes, and these claims have not gone unchallenged. George Klosko, for example, has pointed out that Rawls provides almost no evidence to support his empirical claims and

[25] Rawls, *Political Liberalism*, pp. 54, 49.
[26] Rawls, *Political Liberalism*, p. 53.
[27] Rawls, *Political Liberalism*, p. 55.
[28] Rawls, *Political Liberalism*, pp. 54, 60, 61, 138.
[29] Rawls, *Political Liberalism*, p.xxi, 15, 57n, 67, 95, 127, 157, 161.
[30] Rawls, *Political Liberalism*, p. 161. Rawls elsewhere (p. 152) suggests that, should such circumstances arise, we are not required to maintain neutrality.

that where empirical evidence exists it does not obviously support Rawls's case.[31] Rawls points out, for example, that amongst our 'settled convictions' is a belief in the virtue of toleration[32] and his theory of justice holds that the basic liberties (rights) are lexically prior to the distributive claims of the difference principle and will not be traded for other goods.[33] But Klosko points out that many Americans display an intolerance towards, and a willingness to circumscribe the rights and liberties of, various groups casting doubt on the accuracy of Rawls's characterization of the context to which his argument is so carefully fitted.[34] It is true, of course, that Rawls does not claim that the shared assumptions he identifies are explicitly held by those to whom his argument is addressed. All he needs to claim is that these assumptions are latent in the public political culture, awaiting only the right kind of argument or method to bring them to the fore.

But even if Rawls is right concerning the (latent or implicit) existence of these shared assumptions, it does not follow that they provide a non-controversial background against which a political conception of justice might be developed. Rawls, for example, accepts that empirical evidence 'is conflicting and complex, and thus hard to assess and evaluate'.[35] It may well be the case that judgements concerning the nature and importance of shared assumptions within the public political culture of a democratic society will themselves be controversial. We might well agree on their existence, but nevertheless differ widely in the meaning or relative importance we accord to this fact. Michael Walzer, for example, claims in his *Spheres of Justice* to be offering an interpretation of the shared understandings of American political culture, the same political culture to which Rawls's arguments are addressed, yet his account of that culture is not only at odds with Rawls's at many points, but is widely held to be controversial in its own right.[36] Moreover, as J. Donald Moon has pointed out, the existence of shared understandings is no guarantee of the stability that Rawls prizes so highly.[37] In fact, shared understandings might provide the necessary background against which a controversy can be understood as a controversy.

Rawls wishes to purge the political conception of justice of appeals to truth

[31] George Klosko, 'Rawls's "Political" Philosophy and American Democracy', *American Political Science Review*, 87 (1993), 348–59, p. 348.

[32] Rawls, *Political Liberalism*, p. 122; *A Theory of Justice*, p. 19.

[33] Rawls, *A Theory of Justice*, pp. 152, 244, 250, 542.

[34] Klosko, 'Rawls's "Political" Philosophy', pp. 352–3.

[35] Rawls, *Political Liberalism*, pp. 56–7.

[36] Walzer claims that, based on his interpretation of the meaning of social goods in American society, the appropriate institutional arrangement would be that of 'a decentralized democratic socialism' including 'a strong welfare state … a constrained market … [and] workers' control of companies and factories' (Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Basil Blackwell, 1983), p. 318). Walzer's claims are clearly at odds with the popular view of contemporary American society as individualistic, market-driven and broadly libertarian.

[37] J. Donald Moon, *Constructing Community: Moral Pluralism and Tragic Conflicts* (Princeton, NJ: Princeton University Press, 1993), p. 25.

in favour of appeals to reasonableness because he believes that appeals to truth will be controversial.[38] Yet, as Jean Hampton has pointed out, Rawls appears to treat such values as freedom and equality, reasonableness and the autonomous life as true and correct for a liberal democratic regime.[39] Rawls might respond to this criticism by invoking a distinction between facts and values. If the shared intuitions he appeals to are basic non-controversial building-blocks untainted by value, then the argument for political liberalism might well go through. Yet we have seen that claims about autonomy, to take just one example, are not uncontroversial. And Rawls does more than merely point to the existence of these shared assumptions; he tacitly endorses them too. After all, it is surely possible to agree that they exist but think that this is a bad thing and that liberal democracy is undesirable. Rawls's claims regarding the burdens of judgement, it is true, explicate his account of reasonable pluralism. But they also show why the political realm cannot be purged of controversy and reasonable disagreement around these 'basic' values of liberal democracy.

Having shown that for both Johnston and Rawls, the notion of autonomy is a controversial value I want now to suggest that there is good reason to view the autonomous life as a conception of the good in its own right. Specifically, I want to show that it ought to be understood as a *partially comprehensive* conception of the good. This is Rawls's own term, and so I begin with an explication of what he means by this.

Autonomy as a Conception of the Good

Rawls treats the two aspects of moral personality as equivalent – both elements are required in order to support the theory of justice as fairness. Yet as we have seen, Johnston indicates that they are *not* equivalent and that while it is difficult to imagine a society in which agency-autonomy was absent, it is not difficult to imagine a society in which the liberal sense of justice (or, more generally, moral autonomy) is either underdeveloped, non-inclusive or absent altogether. The question that Johnston's discussion raises is: ought liberals to be concerned about the development of the required sense of liberal justice? Rawls might of course be right to assume, as he does, that there are sufficient moral resources

[38] Rawls thinks that excluding controversy from the political realm is necessary to secure stability. But this amounts to politics without politics, for it may be precisely those issues that are controversial and divisive that are most likely to be the ones that people want to place on the political agenda. See Chandran Kukathas and Philip Pettit's discussion of this in their *Rawls: A Theory of Justice and Its Critics* (London: Polity Press, 1990), pp. 148–9. See also Peter Singer, *Democracy and Disobedience* (Oxford: Oxford University Press, 1973), pp. 84–92.

[39] Jean Hampton, 'The Moral Commitments of Liberalism' in David Copp, Jean Hampton and John Roemer, eds, *The Idea of Democracy* (Cambridge: Cambridge University Press, 1993), pp. 292–313. See also Simon Caney, 'Anti-perfectionism and Rawlsian Liberalism', *Political Studies*, 43 (1995), 248–64, pp. 252–61. Larmore explicitly states that the norms of rational dialogue and equal respect, and the principle of neutrality they justify, are to be understood as 'the correct and valid norms' of liberal democratic society (Charles Larmore, 'Political Liberalism', *Political Theory*, 18 (1990), 339–60, pp. 353–6).

in society with which to sustain the liberal sense of justice. We have already noticed that Rawls believes that the necessary resources will have worked themselves into the culture of liberal democratic regimes as a 'normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime'. Moreover, these resources will be protected and sustained by the basic rights and liberties contained in the first principle of justice whose purpose is 'to assure that everyone can adequately develop these powers and exercise them fully over the course of a complete life as they so decide'.[40]

However, we might wonder about the extent to which the framework of institutions has in fact been free. It is surely plausible to argue that the legal and political institutions of liberal democratic regimes operate systematically in the interests of certain sections of society – candidates might include whites, males, capitalists, the middle classes and so on – and against the interests of others. I cannot consider the arguments here, but such concerns cannot be dismissed out of hand given the importance to Rawls's argument of the role of such background features. Moreover, bearing in mind Rawls's comments about the burdens of judgement, we might wonder whether or not there is a correct or at least a non-controversial way in which to understand the idea of 'free institutions'. There are few ideas more controversial in normative political theory than that of freedom. Yet even if those institutions were free, and free in a correct way or non-controversial way, we might still wonder about the relationship between the constitutional, political realm and society more generally. It is this latter point that I will address in this section. Rawls argues that the political conception of justice as fairness should not be understood as a comprehensive conception of the good in its own right. If it were to be so understood, implementing it would destabilize the liberal democratic regime. Given the concern I express over the development and maintenance of the liberal sense of justice (moral autonomy) I will argue that since liberals cannot be indifferent to the extra-political sources of moral development they must necessarily understand autonomy in a *strong* sense, which is to say as a comprehensive conception of the good in its own right.

Rawls defines comprehensive conceptions of the good in relation to the political realm, and this distinction is made in terms of *scope*.[41] Comprehensive conceptions of the good are *general* when they apply to a wide range of subjects. The political conception of justice is not general but *particular* in that it applies only to the basic structure of a well-ordered society. Comprehensive conceptions of the good include 'conceptions of what is valuable in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct'.[42] Since this is a matter of scope, conceptions of the good may be more or less comprehensive. Rawls distinguishes, for example, between *wholly* comprehen-

[40] Rawls, *Political Liberalism*, p. 202.
[41] Rawls, *Political Liberalism*, pp. 13, 175.
[42] Rawls, *Political Liberalism*, p. 13.

sive conceptions and *partially* comprehensive conceptions. The former cover 'all recognized values and virtues within one rather precisely articulated system', whilst the latter 'comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated'.[43] The political conception of justice is not comprehensive in either of these two senses for 'by definition, for a conception to be even partially comprehensive, it must extend beyond the political'.[44] What all reasonable comprehensive conceptions of the good will have in common – the point at which they will 'overlap' – is the political conception of justice. It is in the non-political elements that the 'fact' of plurality lies.

Elsewhere, Rawls expands on the political/non-political distinction. For example, the political realm 'is distinct from the associational, which is voluntary in ways that the political is not; [and] it is distinct from the personal and the familial, which are affectional, again in ways the political is not'.[45] Clearly, the political conception of justice, in so far as it is restricted to the realm of the political, need not apply to the personal, the familial or the associational. Were it to do so the 'political' conception of justice would, in effect, become an at least partially comprehensive conception of the good in that it would promote an ideal of just 'personal … familial and associational relationships'. It seems clear that Rawls, who now takes the 'problem of stability' to be 'fundamental to political philosophy', fears that this would run the risk of destabilizing society.[46] If we can show good reason for not excluding the familial and associational realms from the conception of justice then we will have gone some way towards establishing it, in Rawls's own terms, as a partially comprehensive conception of the good in its own right. The so-called background features of the conception of justice would then stand revealed as an essential element in that partially comprehensive conception of the good. It is to this task that I now turn.

The Familial Realm

Susan Moller Okin has pointed to the contentious role of the family in Rawls's theory of justice. She has remarked upon what she sees as a failure on Rawls's part to treat the family as itself a political institution to which the principles of justice ought to apply.[47] Rawls, for example, accepts as a principle of moral psychology that the family is, for children, the first school of moral development

[43] Rawls, *Political Liberalism*, p. 13.
[44] Rawls, *Political Liberalism*, p. 175.
[45] Rawls, *Political Liberalism*, p. 137.
[46] Rawls, *Political Liberalism*, p. xix.
[47] Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989), pp. 93–101; 'Humanistic Liberalism' in Nancy L Rosenblum, ed., *Liberalism and the Moral Life* (Cambridge, Mass.: Harvard University Press, 1989), pp. 39–53. Okin, it should be noted, broadly endorses Rawls's account of liberal justice, but believes that Rawls does not press his own argument to its logical conclusions. See also Elizabeth Frazer and Nicola Lacey, 'Politics and the Public in Rawls' Political Liberalism', *Political Studies*, 43 (1995), 233–47, pp. 242–6.

in which the sense of justice is planted and nurtured.[48] The idea is that the sense of justice will be transmitted from one generation to the next in part through the socializing family unit. However, as Okin points out, this assumes that the family is already a just institution and this assumption is unsubstantiated, or at the very least idealistic.[49] Her criticism of Rawls focuses primarily on his *A Theory of Justice*, but as we have already noticed, Rawls's reworking of his theory as an explicitly political conception of justice also emphasizes that the family is a non-political unit. Of course, Rawls acknowledges that our sense of justice does not *only* develop within the family but also through our participation as 'fully cooperating members' of a democratic society. Now if, as is often claimed, many women are (for whatever reasons) prevented from co-operating fully in the democratic societies in which they live, then it might follow that their ability to develop the requisite sense of justice could be impaired. As another commentator has put it: 'Women who do not venture beyond the family or participate in practices beyond mothering cannot attain an adequate understanding of the way in which politics determines their lives'.[50] This is an important point in its own right, but becomes more poignant if it is also accepted that these women, whether one likes it or not, will largely shoulder the responsibility of socializing the next generation of citizens into a sense of justice.[51]

This is not to hold women responsible for the weakness or absence of a strong sense of justice in the public culture; after all, alienation from the political process in the United States is widespread and cuts across gender boundaries. Rather, it suggests that there may be a structural problem bearing on the development of the sense of justice that the liberal state would do well to address.[52] As we have seen, Rawls appears to be confident that 'the work of free practical reason within the framework of free institutions' has spontaneously created and entrenched the shared intuitions upon which the overlapping consensus depends.[53] But this rather sanguine portrait of the development of the conditions for an overlapping consensus does not address the concern that alienation from the political community may disrupt the process of socialization which is a necessary element in the development of liberal values and the liberal sense of justice, and may itself be a symptom of a wider malaise which must be addressed beyond the realm of the political, as Rawls understands this. Okin, for her part, believes that Rawls's principles of justice could be pressed into service as a means of achieving justice 'both within the family and in society at large'.[54] This would require extending the boundaries of what Rawls at present understands as 'the political'.

[48] Rawls, *A Theory of Justice*, p. 490; also Johnston, *The Idea of a Liberal Theory*, p. 86.

[49] Okin, *Justice, Gender, and the Family*, p. 94.

[50] Mary G. Dietz, 'Citizenship with a Feminist Face: The Problem with Maternal Thinking', *Political Theory*, 13 (1985), 19–37, p. 32.

[51] Okin, 'Humanistic Liberalism', p. 41.

[52] Frazer and Lacey, 'Politics and the Public', p. 245.

[53] Rawls, *Political Liberalism*, pp. 36–7, 129; cf. Larmore, 'Political Liberalism', pp. 347, 354, 356, 357.

[54] Okin, *Justice, Gender, and the Family*, p. 109.

The Associational Realm

Writing in the shadow of absolutism, the fear of the all-powerful state drove classical liberals to develop the distinction between the state – the sphere of law – and civil society, the sphere of contract, exchange and of voluntary association. Much intellectual energy was spent trying to establish precisely where the boundary between state and civil society lay, but the greatest concern was with how best to regulate the state in the interests of individual liberty. It has, however, recently been suggested that the greatest obstacle to individual liberty is no longer solely the political realm of the state, for civil society itself has come to be 'dominated by large-scale quasi-public and private institutions possessed of powers that dwarf those of many pre-modern states'.[55] These 'quasi-public and private institutions' along with the major institutions of the state effectively comprise a hierarchical, unaccountable and, hence, undemocratic 'bureaucratic monoculture' which threatens freedom and equality.[56] Paul Hirst, whose argument this is, does not believe that liberalism can remedy this situation unless it overcomes its reluctance to accept that the state/civil society distinction is anachronistic in the face of these developments. Yet were Rawls's conception of justice to be applied outside of the political realm (as Rawls understands it) and to the associational sphere, then many of Hirst's concerns might well be addressed.[57]

Rawls, as we have seen, acknowledges that our sense of justice develops both within the family and in and through our participation as 'fully cooperating members' of a democratic society.[58] The requisite sense of justice for a liberal democratic regime then depends upon a process of socialization which is not itself focused solely on the political realm, as Rawls understands this. In contemporary liberal democratic societies, the vast majority of those citizens who are lucky enough to work will be luckier still if they find themselves in places of work that reinforce their sense of justice through either co-operation (let alone 'full' co-operation) or democratic participation. This is not to say that those who work do not experience satisfaction in the jobs they do, but job-satisfaction is not the issue here. The issue is whether or not the environment in which one spends a sizeable proportion of one's waking life adequately sustains, or contributes to the maintenance of, a liberal sense of justice.

If Rawls is right that moral autonomy, in the form of a liberal sense of justice, must be in place as a prerequisite of our adopting the principles of justice his theory provides, then the weakness or absence of this attribute must be of some concern. Even if the requisite sense of justice is already established, it may need to be sustained and reinforced positively, rather than negatively as a by-product of enacting the principles of justice (for which this attribute is a prerequisite

[55] Paul Q. Hirst, 'Democracy and Civil Society', in Paul Q. Hirst and Sunil Khilnani, eds, *Reinventing Democracy* (Oxford: Blackwell, 1996), pp. 97–116, at p. 101.

[56] Hirst, 'Democracy and Civil Society', p. 104.

[57] Hirst himself is sceptical about this possibility.

[58] Rawls, *Political Liberalism*, pp. 3, 9, 19, 20.

anyway). Rawls acknowledges a tendency for justice to be eroded even when individuals act fairly towards one another but he does not consider the implications of this erosion for the development of the shared understandings which implicitly embody the sense of justice in the first place.[59] Given that most of us will probably engage with the familial and the associational spheres more fully and directly than the 'political' sphere (and after all it is liberals who, by and large, view engagement in the political realm as a choice rather than a duty), liberals cannot afford to be indifferent to the impact of these extra-political spheres on the development of a sense of liberal justice. They cannot be indifferent to the development of the requisite notion of moral autonomy.

It is true that any blurring of the boundaries between state and civil society (assuming that these boundaries have ever been clearly drawn) will cause consternation amongst liberals who rightly fear the totalitarian consequences of the politicization of the non-political. However, arguing for an extension of the scope of the political is not the same as arguing for the total politicization of society and it is important to retain a distinction between the personal and the political. I shall return to these concerns in the final part of the article.

Whilst accepting Johnston's and Rawls's claim that autonomy (agency and moral) is a central liberal value I have suggested that the claim that autonomy is a neutral background assumption of liberal democratic regimes is unconvincing. I have also suggested (following Hirst and Okin) that liberals ought not to treat it as such but instead ought to understand it as a partially comprehensive conception of the good, one that reaches beyond the political realm as Rawls defines this to the associational and familial realms also. In the next section I want to turn to a consideration of the consequences of understanding autonomy as a partially comprehensive conception of the good. I begin with an examination of Johnston's claim that to do so would open the way to a despotic paternalism, before finally considering Rawls's fear that this would destabilize and fragment society.

STABILITY

Making autonomy one of the presuppositions of liberal democratic societies and yoking it to a conception of reasonableness would seem to render those groups who do reject autonomy unreasonable by definition. Since both Johnston and Rawls bound their neutrality with appeals to reasonableness, those conceptions of the good that fall outside of the stipulated realm of reasonableness are thus liable to be met with illiberal responses. But it is not unreasonable to reject the value of autonomy, and liberal democratic societies will always be characterized in part by those who so reject it. I have suggested that there is good reason to treat autonomy as a partially comprehensive conception of the good. Johnston rejects this move on the grounds that it leads liberalism towards illiberalism;

[59] Rawls, *Political Liberalism*, p. 267.

Rawls rejects this move on the grounds that it will destabilize the well-ordered liberal democratic regime. In this section, I argue that the fears of these writers can be allayed in part *because* of liberalism's focus on the development and maintenance of autonomy.

Autonomy and Self-Realization

We have seen that Johnston distinguishes between three kinds of autonomy of which the first two – agency and moral autonomy – are, or so he believes, compatible with a liberal society. The third form of autonomy – *personal* autonomy – is not. Let us now examine Johnston's case against personal autonomy.

Personal autonomy, Johnston claims, is the capacity critically to appraise one's projects and values. Such a capacity is often justified in terms of its contribution to measuring the value of things – one comes to understand what is worthwhile and what is not through the process of critical appraisal; to social progress – failure to critically appraise one's values and projects inclines one to social and political conservatism; and to making individuals morally better people and societies as a whole more just.[60] Moreover, personal autonomy, understood as 'critical self-appraisal or reflective self-evaluation', may be construed as a defining aspect of personhood or as a telos for human nature.[61] For Johnston the defining characteristic of human nature is 'the imaginative capacity to formulate projects and values' and this, he suggests, does not require critical self-appraisal since one may formulate projects and values and create a meaningful and worthwhile life for oneself in the absence of this capacity.[62]

Johnston does not deny that the capacity critically to appraise one's own projects and values is valuable. But, he argues, since this capacity is not easily distinguishable conceptually and practically from the kind of rational self-direction that Berlin eloquently warns us against in his essay *Two Concepts of Liberty*, it should not feature explicitly as a goal of liberal society.[63] Johnston fears that the explicit promotion by the liberal state of personal autonomy, understood as rational self-direction, would open the way for a 'despotic paternalism' fuelled by the belief that 'there is one unique pattern [of life] which alone fulfils the claims of reason'.[64] Again, personal autonomy is incompatible with reasonable value pluralism.

As an opening shot, one might respond to Johnston by pointing out that the

[60] Johnston, *The Idea of a Liberal Theory*, pp. 88–93.

[61] Johnston, *The Idea of a Liberal Theory*, pp. 89–90.

[62] Johnston, *The Idea of a Liberal Theory*, pp. 89, 93.

[63] Johnston, *The Idea of a Liberal Theory*, p. 95; Isaiah Berlin, 'Two Concepts of Liberty' (1958), reprinted in Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 118–72.

[64] Johnston, *The Idea of a Liberal Theory*, p. 95. Berlin addresses his fears to positive liberty, but many writers take this to be an account of personal autonomy, e.g. Richard Lindley, *Autonomy* (London: Macmillan, 1986), p. 6; Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988), p. 13; Steven Lukes, *Individualism* (Oxford: Oxford University Press, 1973), p. 55.

self's relationship to its self-chosen ends does not, as a matter of fact, rule out pluralism since nothing is said about the ends that the individual actually chooses. If critical self-appraisal of one's projects and values were in fact the defining characteristic of personhood one need not find oneself restricted in the projects or values that one ultimately settles upon. What is important is the *way* that one comes to hold projects and values and this is a long-standing concern of liberalism. However, let us consider more closely Johnston's claim that a state that promotes strong autonomy tends towards despotic paternalism. Since Johnston himself invokes Berlin in defence of his position, it will be useful to remind ourselves of this writer's arguments.

What underlies Berlin's suspicion of personal autonomy is in part his rejection of essentialism, the idea that there is a 'true self' to be discovered. It is, for Berlin, a short step from this assumption to ignoring the actual empirical self in the cause of pursuing this 'true self'. If I, having achieved self-realization, recognize that you have not yet done so I might think myself justified, in my elevated position, in bullying you, oppressing you, even torturing you in the name of your 'true self'.[65] Clearly, no liberal society could live with such illiberalism, yet precisely this tendency, says Berlin, 'is at the heart of all political theories of self-realization'.[66] The question is: do those writers whom Johnston cites as defenders of autonomy in the strong sense – namely John Stuart Mill and Joseph Raz – really defend an essentialist account of the self in Berlin's sense?

In the case of Mill, it is true that he defends liberty of thought and expression in terms of a search for objective truth, at one point even suggesting that the progressive uncovering of such truths through the free play of ideas would result in a 'gradual narrowing of the bounds of diversity'.[67] For defenders of pluralism, this looks ominous and appears to play to Johnston's fears. For Johnston, value is not an objective fact somehow inhering in things, but rather resides in some aspect of the agent and his or her conception of the good life and this is illustrated by the fact that there is conflict over values. The idea that personal autonomy might be important in discovering the 'correct' value of things is therefore misguided. There are, however, problems with Johnston's account.

First, it is clear that Mill is not just concerned with the *discovery* of objective truth. He is also concerned with the *way* these truths come to be held by individuals. Were such truths to be discovered and simply taught by rote from generation to generation, then they would be deprived of their vitality and would no longer actively inform one's character and conduct. Even if objective truths existed it would still be important that people develop the capacity to grasp

[65] This claim can be resisted. One might hold the view that self-realization can only be achieved through one's own efforts. Berlin, of course, seeks to make a historical point rather than a philosophical one.

[66] Berlin, 'Two Concepts of Liberty', p. 134.

[67] John Stuart Mill, 'On Liberty' (1859), reprinted in Harold B. Acton, ed., *Utilitarianism, On Liberty, and Considerations on Representative Government* (London: Dent/Everyman, 1972), pp. 63–170, at p. 103.

these truths for themselves, for only under these circumstances will these truths retain their 'vital effect on character and conduct'.[68] It is reasonable to conclude that Mill's claim concerning the capacity to identify and evaluate truth is independent of his claim that there may be objective truths to be discovered, and that the former is of greater importance than the latter since it is this capacity that defends the individual, and hence society at large, against the unwarranted imposition of possibly erroneous truths. Despotic paternalism in the name of objective truth would therefore be ruled out by this argument.

Secondly, Mill himself argues that in respect to society, politics, religion and morals (those fields which Berlin refers to as 'ideological') 'truth depends on a balance to be struck between two sets of conflicting reasons'.[69] 'Truth', on this account, is always in question for it is always possible that a stronger argument will overturn what we at present take to be truth. Recognizing this should properly breed a suspicion towards the claims of any one person or group to know once and for all what is 'truly' in the interests of everyone else. The consequence of Mill's position here, as Berlin himself recognises, is that in the ideological fields there can be 'no single, universally visible, truth' applicable to all human beings.[70]

Berlin also recognizes the role that personal experience plays in Mill's argument.[71] This is important in defending Mill because it shows that he does not place us under the despotism of reason at the expense of the affections. Mill himself exemplifies this. In his response to his mental crisis and against the excessive rationality of the Benthamite creed, 'the cultivation of the feelings became one of the cardinal points' of his work.[72] Reason is important, but it is not everything and a life of reason alone would be one-sided.[73] Thus Mill rejects the Kantian notion of autonomy as duty in accordance with an abstract and putatively rational moral law and does not, as Kant did, equate autonomy with rationality. Raz, like Mill, is also careful to point out that persons who have personal autonomy 'are not merely rational agents', nor does the autonomous life 'necessitate any high degree of self-awareness or rationality'.[74]

Johnston sees in personal autonomy a requirement that individuals constantly subject their lives to critical appraisal, and quite rightly objects to this on the

[68] Mill, 'On Liberty', p. 112.

[69] Mill, 'On Liberty', p. 96.

[70] Isaiah Berlin, 'John Stuart Mill and the Ends of Life' (1959), reprinted in Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 173–206, at p. 188.

[71] Berlin, 'John Stuart Mill and the Ends of Life', p. 188.

[72] John Stuart Mill, 'Autobiography' (1873), in John M. Robson and Jack Stillinger, eds, *The Collected Works of John Stuart Mill, Vol.1* (Toronto and London: University of Toronto Press and Routledge & Kegan Paul, 1981), pp. 1–290, at p. 147.

[73] Mill implies this in 'Utilitarianism' (1862), where judging between higher and lower pleasures requires that one has experienced both kinds (Acton, ed., *Utilitarianism, On Liberty, and Considerations on Representative Government*, pp. 1–61, at pp. 8–9).

[74] Raz, *The Morality of Freedom*, pp. 154, 381; see also Raz's 'The Duties of Well-Being', in Joseph Raz, *Ethics in the Public Domain* (Oxford: Oxford University Press, 1994), pp. 3–28, at p. 5.

grounds that 'the lack of desire to be in the habit of critically appraising alternative values and alternative paths of life may itself be integral to a person's project or conception of himself as a person'.[75] But Raz agrees. To illustrate the point, he tells the story of a woman who is trapped on a desert island and who is hounded every hour of every day by a fierce animal.[76] In order to remain alive, the woman must constantly tax to the limit her mental and physical powers. The story shows that a life of constant reflection and critical scrutiny is an impoverished life all the same, precluding many of the goods that any life, autonomous or otherwise, might properly contain, such as relaxation, going with the flow, and so on. Some goods, such as love, might even be irreparably damaged if subjected to constant scrutiny.[77] As Raz puts it, 'autonomous persons are those who *can* shape their life and determine its course'.[78] It does not follow that they *must* do so, or that they must do so *constantly*. Some people might find living the autonomous life stressful and may retreat from making choices.[79] But provided that the decision is made in accordance with reasons that you endorse, and not because I have made your life so difficult that you have retired hurt, then this is compatible with the autonomous life.

Nor is it the case, as Johnston claims, that personal autonomy requires that all one's goals and projects be unified.[80] On the contrary, Raz explicitly acknowledges that the autonomous life 'may consist of diverse and heterogeneous pursuits'.[81] It is difficult then to sustain the claim that personal autonomy invites despotism in the name of the imposition of a rational or unified self, or even in the form of a self that is constantly and critically reflecting upon its goals and values.

More importantly, a state that really does value personal autonomy and seeks to promote it as a good will in fact have good reason *not* to act despotically towards its citizens, for it would actually *undermine* autonomy if it did so. For this reason, departures from neutrality in the direction of liberal autonomy are not equivalent to departures from neutrality in the direction of, say, a dogmatic theological good.[82] If there is an Enlightenment project associated with the history of liberalism it may be understood as manifesting itself in the belief that it really is better that individuals be capable of critically assessing their plans, projects, beliefs and so on rather than simply bending to the will of an authority just because it is an authority. On this reading of liberalism, the counter-concept

[75] Johnston, *The Idea of a Liberal Theory*, p. 93–4.

[76] Raz, *The Morality of Freedom*, p. 374.

[77] This adapts an argument by Susan Mendus, 'Some Mistakes about Impartiality', *Political Studies*, 44 (1996), 319–27, p. 322.

[78] Raz, *The Morality of Freedom*, p. 154, emphasis added.

[79] James Griffin, *Well-Being: Its Meaning, Measurement, and Moral Importance* (Oxford: Clarendon Press, 1986), pp. 58, 82, 114, 137, 145, 236; Hayek, *The Constitution of Liberty*, p. 18.

[80] Johnston, *The Idea of a Liberal Theory*, p. 75.

[81] Raz, *The Morality of Freedom*, p. 371.

[82] As Brian Barry's notes in his 'How Not to Defend Liberal Institutions' in Brian Barry, *Liberty and Justice: Essays in Political Theory, Vol.2* (Oxford: Clarendon Press, 1991), pp. 23–39, at p. 38.

to autonomy is not *heteronomy* but rather *immaturity* as Kant outlines this in his important essay 'What is Enlightenment?':

> If I have a book to have understanding in place of me, a spiritual adviser to have a conscience for me, a doctor to judge my diet for me, and so on, I need not make any efforts at all. I need not think so long as I can pay; others will soon enough take the tiresome job over for me.[83]

This, Kant believed, is a recipe for despotism, for where immaturity prevails 'it is all too easy for others to set themselves up as [our] guardians'.[84] On this point Mill and Kant agree.[85] For both of these writers, immaturity actually facilitates despotism whilst personal autonomy is an important defence against it. It is this thought that underlies the liberal defence of freedom of thought, speech and association. Access to knowledge, the capacity to evaluate it, and the opportunity where necessary to participate in its production – these are amongst the cornerstones of liberal autonomy, and also of liberal democracy.

Autonomy and Stability

We have addressed Johnston's fears; let us now consider Rawls's. As we have seen, Rawls now takes it to be the case that 'the problem of stability is fundamental to political philosophy'. Given this concern, he fears that a state that pursues a conception of the good will have to use coercion to do so and this, he believes, would destabilize and fragment society. Now, clearly, liberal democratic states can and do use coercive means in order to implement policies that have been agreed amongst democratically elected representatives. Even in the most legitimate of democratic states there will be those who disagree with certain policies and who are prepared (perhaps for personal gain, perhaps for principled reasons) to ignore or transgress against them, and the state will legitimately employ coercive means to secure compliance. This is a fact of political life in liberal democratic states and would presumably be a fact of political life even if the state were neutral amongst conceptions of the good. It would be surprising to find that modern liberal democratic states characterized by Rawls's 'fact of pluralism' did not contain intolerant conceptions of the good for whom even a rigorously observed neutrality on the part of the state would be an affront.

But bearing Rawls's comments concerning the burdens of judgement in mind, we should acknowledge that the idea of coercion itself may be problematic, both in terms of what it is and of when it is considered appropriate. For example, coercion may be understood as a particular form of power-relation where

[83] Immanuel Kant, 'An Answer to the Question: "What is Enlightenment?"' in Hans Reiss, ed, *Kant: Political Writings*, 2nd edn (Cambridge: Cambridge University Press, 1991), pp. 54–60, at p. 54.

[84] Kant, 'What is Enlightenment?' p. 54. Notice that we cannot press Kant's argument into service on behalf of the mature against the immature in the way Berlin fears, for it is precisely this move that Kant rules out.

[85] See also Raz, *The Morality of Freedom*, p. 156.

compliance on the part of the 'victim' is secured by structuring a given situation so that the costs of non-compliance outweigh those of compliance. Now, it is true that non-payment of taxes is, by law, a punishable offence and so it might be concluded that payment of taxes is secured by means of coercion. But if, for example, one believes that it is one's duty to the community to pay one's taxes, or that paying taxes is a requirement of social justice, then one's behaviour is not contingent upon the threat of punishment and one is not therefore coerced. The point is that what counts as coercion may itself be the subject of controversy, and this controversy may itself indicate a lack of agreement over what constitutes the proper scope or subject of justice itself. Such conflicts of value are not restricted to the spaces between rival conceptions of the good either, but may also be internal to them.[86] It does not then follow that supporters of discrete conceptions of the good will themselves always be agreed upon what constitutes a coercive imposition.

Rawls claims that 'political power is always coercive power'.[87] But if, as Raz insists, coercion is 'evil' precisely because it invades personal autonomy, then the state that wishes to promote personal autonomy as a good will, *contra* Rawls, have good reason to seek *non-coercive* means to achieve this goal.[88] Whilst it would be foolish to deny that states can and do act coercively, it is worth remembering that there are many other ways in which states can pursue their objectives, and legislation can be permissive rather than prescriptive.[89] A state that wishes to promote autonomy amongst its citizens may consider, for example, devolving decision making to various sub-state associations where this enhances and is compatible with the aims of promoting autonomy.[90] If Raz is right that coercion represents an invasion of autonomy then the pursuit of autonomy as a good leads to a presumption *against* the use of coercion precisely because of the *kind* of good it is. Such a presumption will not rule out, and may even generate, controversy around what constitutes a coercive imposition and when such an imposition would be appropriate, but this is to be expected in any open, democratic polity. Indeed, given the burdens of judgement it is reasonable to expect this to be so.

[86] On this point, see Kymlicka, *Liberalism, Community and Culture*, pp. 168–9; Susan Mendus, 'Human Rights and Political Theory', *Political Studies*, 43 (1995), Special Issue on 'Politics and Human Rights' edited by David Beetham, 10–24, pp. 18–24; Amy Gutman, 'The Challenge of Multiculturalism in Political Ethics', *Philosophy and Public Affairs*, 22 (1993), 171–206, pp. 175–6; Charles Taylor, *The Ethics of Authenticity* (Cambridge, Mass.: Harvard University Press, 1991), p. 72.

[87] Rawls, *Political Liberalism*, p. 68.

[88] Raz, *The Morality of Freedom*, pp. 155–6, 377.

[89] Raz, *The Morality of Freedom*, pp. 25–6, 161; Hayek, *The Constitution of Liberty*, p. 144; Frazer and Lacey, 'Politics and the Public', p. 244; cf. Jeremy Waldron, 'Autonomy and Perfectionism in Raz's *Morality of Freedom*', *Southern California Law Review*, 62 (1989), 1098–152, pp. 1138–41.

[90] Paul Q. Hirst, *Associative Democracy* (London: Polity Press, 1994), pp. 49–56, 58.

CONCLUSION

I have argued that autonomy ought to be understood, not as a neutral background assumption of liberal theory, but as a *partially comprehensive conception of the good* in its own right. I have also argued that protecting and promoting autonomy need not lead to either a despotic paternalism, as Johnston fears, or to the destabilization and fragmentation of society, as Rawls fears. I realize that the stance I have taken in this article is largely negative in that I have not explicitly defended personal autonomy as a good against possible rivals and I accept that many of my arguments could conceivably be enlisted on behalf of conceptions of the good other than that of personal autonomy. All I will say here concerning this issue is that I think it unavoidable that states pursue some conception of the good and so the question is what *kind* of good is it that liberalism ought properly to be defending? Once again, conceptions of the good are not all alike; if autonomy is a good it is one that specifies a set of capacities without, for example, bending the exercise of these capacities towards 'a place that has somehow been prepared for humanity in advance'.[91] As such, it is an open-ended conception of the good rather than a closed one.

Finally, the goods of liberalism are worth defending, but the assumption that the good of autonomy is already embedded in the public culture of liberal democratic regimes, and the subsequent attempt to neutralize it by representing it as a background feature of these regimes, smacks of a complacency that has, in the wake of the collapse of the communist states, come to be associated with a misplaced and misguided liberal triumphalism. History has not ended but has moved on, and liberalism faces many challenges both from without and within. Yet liberalism – as radicals such as Chantal Mouffe and others have come to recognize – contains much that is worth defending.[92] Acknowledging and publicly defending the good of the good of autonomy restores political liberalism to the status of a political enterprise.

[91] Richard Rorty, 'Solidarity or Objectivity?' in his *Objectivity, Relativism, and Truth: Philosophical Papers, Volume 1* (Cambridge: Cambridge University Press, 1991), pp. 21–34, at p. 28.

[92] Chantal Mouffe, 'Democratic Politics Today', in Chantal Mouffe, ed., *Dimensions of Radical Democracy* (London: Verso, 1992), pp. 1–14. See also Stuart Hall and David Held, 'Citizens and Citizenship' in Stuart Hall and Martin Jacques, eds, *New Times: The Changing Face of Politics in the 1990s* (London: Lawrence & Wishart, 1989), pp. 173–88, at pp. 184–8. Of course, liberalism for these writers also contains much that is to be rejected.