

***IN DEFENSE OF THE NEUTRALITY OF THE POLITICAL CONCEPTION OF JUSTICE***

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## **Abstract**

I argue in defense of Rawls' anti-perfectionist theory of political neutrality, which I contend offers a more plausible account of legitimacy than the perfectionist alternative. Given the contestable nature of the good life, and the fact that citizens of liberal states possess autonomy to pursue different plans of life, Rawls claims that it is impossible to reach an agreement on a single conception of the good life except through the oppressive use of state power; but unjustified coercion is illegitimate in a liberal state. Hence, legitimacy requires state neutrality. Critics object the Rawlsian arguments for political neutrality. I discuss two of such objections; firstly, the asymmetry objection, claiming that Rawls treats reasonable disagreements about the good life and justice arbitrarily unequal. Secondly, the perfectionist valuable autonomy objection contending that valuable autonomous life depends on certain necessary conditions that justify state actions on the good life. I argue that the asymmetry objection does not undermine political neutrality, because the importance of fundamental matters of the constitution in public life may generate the need for a higher order agreement about the political life that is not available for matters about the good life. I also contend that the value autonomy criticism turns against perfectionism, because in making autonomy conditional on the good, perfectionists encourage unjustified coercive state actions that undermines the plausibility of liberal perfectionism.

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## Introduction

The debate about political neutrality centers on the roles conceptions of the good life should play in liberal political philosophy and in determining policies of liberal democratic states. Conceptions of the good life consist of moral, philosophical, ideological and religious ideals that constitute determinate scheme of a worthwhile life (Rawls, *Political Liberalism* 19). They differ from political ideals which consist of shared political values, such as rights and justice.

Jonathan Quong outlines two main questions along which the debate is framed: first, should liberal political philosophy be premised on some particular ideals of what constitutes a valuable human life or other metaphysical beliefs? Second, is it permissible for a liberal state to promote or discourage some ideals of the good life on grounds relating to their intrinsic value or on the basis of other metaphysical claims? (15). While these questions appear similar and can be easily conflated, they are actually different in many ways.

The first question is theoretical and bears on the fundamental nature of liberal philosophy. It mainly considers whether liberal philosophy should have distinctive features or whether it should be justified on the basis of any particular view of the good life in order to constitute a coherent philosophy. The second question deals with a more substantive issue about the legitimate reasons for state action. It inquires whether it is legitimate for laws and policies of liberal states to be justified on the basis of any particular way of life.

Variant responses to these questions generate different versions of liberalism (15). Given that liberalism emphasizes freedom and equality as fundamental values, any attempt to limit them would require justification. The leading versions of liberalism in this debate, perfectionism and

anti-perfectionism, purport to endorse states whose actions meet the requirement of liberal legitimacy.

Perfectionism, in general, holds that the legitimate responsibilities of the state is to directly promote valuable conceptions of the good life and to discourage the pursuit of a worthless life (Raz 133). It, therefore, responds affirmatively (in general) to both questions outlined above. But, some perfectionist liberals may seek to provide different answers to these questions. Some may be committed to the general perfectionist thesis, thereby affirming both questions. Comprehensive liberals, such as Joseph Raz, fall in this category. But some liberal perfectionists may respond affirmatively to the second question and negatively to the first question to yield political perfectionism. William Galston's view, according to Quong, represents this form of perfectionism (20).

Anti-perfectionism, on the contrary, represents political liberals' position that liberal states should not justify their laws and policies on the basis of any particular conceptions of the good life. It argues that neutrality between disputed conceptions of the good is a fundamental requirement for liberal states (Lecce 4). Hence, anti-perfectionists respond negatively to both questions.

There is a liberal view that does not admit any forms of perfectionism. This is called political anti-perfectionism. This view holds that liberal states must stay neutral between contested conceptions of the good life, as there is no particular liberal view of what constitutes human flourishing (Quong17). John Rawls and most most-political liberals belong to this group; and it is the Rawlsian version of political anti-perfectionism that my thesis defends. Note that the terms political neutrality, liberal neutrality and state neutrality refer to the same anti-perfectionist theory

of neutrality; hence, they are used interchangeably all through this paper. I will also interchange between political liberalism and anti-perfectionism, as they represent the same concept.

Rawls posits that non-neutral state actions would not gain legitimacy in liberal democratic states (*PL* 137). This is because freedoms of thought and reason obtainable in democratic societies motivate citizens to pursue a plurality of reasonable, but irreconcilable conceptions of the good life, such that no one of such ideals "...is affirmed by citizens in general. Nor should one expect that in foreseeable future one of them, or some other reasonable doctrines will ever be affirmed by all, or nearly all citizens" (*PL* xvi, 37). For this reason, legitimacy requires that government's exercise of political powers expressed through fundamental laws and policies of the liberal state are endorsed by all reasonable citizens to whom those laws apply (*PL* 137). If the state justifies its fundamental laws and policies on the basis of particular conceptions of the good life, then such exercise of political power would not obtain liberal legitimacy. Citizens whose conceptions of the good life are disfavored would be justified in not cooperating with the unfair political system; this would expose the state to political instability.

Thus, legitimacy necessarily requires a liberal state to be committed to the anti-perfectionist principle of neutrality as opposed to the perfectionist non-neutral conception of the state. It is important, however, to observe, at the outset, that political neutrality for Rawls does not entirely eliminate justification of all public policies on perfectionist reasons. Rawls thinks that the neutrality principle should apply mainly to the fundamental constitutional matters and questions of basic justice (*PL* 214); hence, non-constitutional essential policies may be justified on non-neutral grounds. Rawls' narrow view of political neutrality distinguishes his anti-perfectionism from the broad version of anti-perfectionism, which applies the principle of neutrality strictly to all political matters.

In my thesis, I focus on Rawls' narrow neutrality worked out in the principle of political conception of justice, and I argue that it presents a more plausible account of liberal legitimacy than perfectionist alternative. But, my focus on Rawls does not dismiss the plausibility of the broad view. In many ways, the narrow and broad views complement each other. Arguments supporting the former could as well be used to defend the latter. So, I do not intend to present the narrow view as a rival conception to the broad view; even though their differences present significant implications, it is not my particular intention to focus on those in this paper.

The thesis has four main parts. In the first part, I discuss the basic anti-perfectionist theory of political neutrality. The discussion presents important background into Rawls' conception of political neutrality, which provides the basis for the political liberals' theory of legitimacy. In this part, I also discuss two main Rawlsian arguments for political neutrality: the arguments from reasonable disagreement and that of autonomy. The argument from reasonable disagreement, however, raises the problem of asymmetry objection; that is, the idea that reasonable people disagree about the good life, but not about justice. I discuss Quong's innovative rebuttal of the asymmetrical objection along with a recent attempt by Timothy Fowler and Zofia Stemplowska to reinstate the the objection. I argue that the asymmetry objection does not undermine political neutrality, because the importance of certain fundamental matters of the constitution in public life, such as a unified national defense, may likely to generate the need for a higher order agreement on political matters in spite of extreme reasonable disagreements surrounding them; by contrast, I contend that matters about the good life may not produce similar need for any unanimous agreement. Hence, the asymmetry treatment about such disagreement is justifiable.

In the third part, I discuss perfectionism, which rivals political liberalism. I question the liberal commitment of perfectionists, such as Raz, whose theory of political legitimacy seemingly



conflicts with some tenets of liberalism. I also look at the moderate version of perfectionism that appears to reaffirm the perfectionist commitment to liberalism. In part four, I engage another critical objection to political liberalism, Raz's valuable autonomy objection. This criticism claims that the necessary conditions required for leading a valuable autonomous yield autonomy-based duties that justify state actions on the good life. I argue, contrary to Raz, that making autonomy conditional on the good undermines the individual's autonomy by implicitly encouraging unjustified coercive state action. I end part four with a rebuttal of moderate perfectionism, which I argue is flawed given the inherent inconsistency of liberal perfectionism. I conclude the thesis by reaffirming my claim that political neutrality represents a more plausible account of liberal theory of legitimacy than perfectionism, and I highlight the challenges that lie ahead

## 1. Anti-perfectionism and the Principle of Neutrality

Anti-perfectionism represents political liberals' position in the debate about the role conceptions of the good life should play in liberal political philosophy and policies of liberal states. Most anti-perfectionists hold that it is not the business of the state to promote the good life. Ideals of the good life such as religious beliefs, philosophical and moral doctrines, fall within the private lives of citizens, and so, should be excluded from the political sphere, the proper domain for state action. Government policies may be justified only on the basis of political conceptions that constitute publicly shared values (Quong 14). This claim commits anti-perfectionists to the principle of political neutrality.

Steven Wall describes political neutrality as an attempt to articulate principled constraints on legitimate state actions (10). Such constraints are often justified, among other reasons, on the fact of diversity that characterizes liberal democratic societies, which makes it normal for people to pursue conflicting, but reasonable forms of life. If the state were to channel its policies towards promoting one of such conflicting forms of life, it would then be disfavoring the others. So conceived, political neutrality attempts to position the liberal state impartially regarding citizens' adherence to particular ideals of the good life. It requires the state to act only on areas where citizens agree rather than acting on areas of disagreement. Commitment to political neutrality, hence, confers legitimacy on the state, because the state's exercise of political power would have been justified by nearly all reasonable citizens (*PL* 137).

While nearly all political liberals support the theory of political neutrality, they sometimes disagree about the specific sense and forms of neutrality (Cohen-Almagor 221). The questions of what neutrality means in practical terms and the scope of political neutrality constitute the main

bases of disagreements. These also explain why political liberals formulate the principles of neutrality differently. Three main formulations are outlined below:

The first is procedural neutrality principle. This holds that political decisions should not be justified by an appeal to any moral values (*PL* 192). Rather, government actions should conform to fair procedures without referring to intrinsic superiority of any ideals of the good life (Lamore 44). The problem with this formulation is the feasibility of procedural neutrality, because showing that something is justified may involve appealing to some forms of moral values (*PL* 191). This suggests that state actions are unlikely to be procedurally neutral, because the validity of a particular procedure requires it to be justified on the basis of some forms of moral considerations.

The second principle is the neutrality of effects. This asserts that the state should not do anything that makes it more likely that individuals accept any particular conceptions of the good life rather than the other, unless steps are taken to cancel, or to compensate for, the effects of policies that do this (Lecce 235). Most anti-perfectionists reject the neutrality of effect. They argue that it is an impracticable principle, as it is impossible for the basic structure of a just society to be free from exacting important effects and influence on which comprehensive doctrines endure over time (*PL* 193). If it is difficult to anticipate the precise practical impact of public policies on society, it may then be unreasonable to assume that the state would satisfy the neutrality of effects (Lecce 236).

The third is the neutrality of aim, which holds that the state should ensure equal opportunity for all citizens to pursue any conceptions of the good they freely affirm. It suggest that the state should not aim or intend to favor or disadvantage any particular ideal of the good life (235). Difficulty, however, comes with how to identify the aim of state officials; besides, as Janos Kis observes, there may be no clear way of combining the individuals' aims into a collective aim of

the legislature (5). This is why most anti-perfectionists, like Rawls, support a restricted version of the neutrality of aim, which Kis refers to as justificatory neutrality (5). Justificatory neutrality, hence, allows the pursuit of only permissible conceptions of the good life (those that respect the principles of justice) (*PL* 193).

Political conception of justice, therefore, maintains neutrality of aim in respect of controversial ideals of the good. For, it neither aims to justify nor to support any single comprehensive conceptions, but seeks agreement on political values that reasonable citizens can commonly endorse. Furthermore, since the restricted nature of political conception of justice allows for the pursuit of only permissible conceptions of the good, it conversely, disallows the pursuit of ideals that violate principles of justice; in other words, political conception of justice restrains the pursuit of ideals that go against liberal values of freedom, equality and tolerance. This is why the Rawlsian neutrality still affirms the superiority of certain substantive liberal values; and this does not entail a commitment to perfectionism, because those liberal values are supported on grounds of reasonableness rather than their intrinsic merits (193 - 194).

Another area where political liberals differ is about the scope of neutrality, in respect of the appropriate range of applying neutrality principle to state actions (Quong 273). This concern generates two perspectives on political neutrality: the narrow and the broad views. While the former asserts that neutrality should apply to only fundamental constitutional matters and questions of basic justice, the latter holds that both fundamental matters of the constitution and non-constitutional essential issues should be neutral to the good life (Quong 275). Despite these variant understandings of neutrality (which raise further questions, though outside the scope of this paper), most anti-perfectionists maintain a shared view on important questions. They agree, for example, that political neutrality offers a more plausible account of liberal theory of legitimacy

than perfectionist conceptions. They also agree on the central role of public reason in regulating public policies.

Public reason is a central value of political liberalism. It provides framework on which state actions can be justified, as it sets guidelines for citizens to abide when “debating and voting on fundamental political matters” (214). These guidelines constitute the norms of public reasoning (such as sincerity in public debate and appeal to only free standing political or nonsectarian ideals of the good life), and all reasonable citizens are expected to endorse the public reasoning in spite of their reasonable disagreements. Through public reason state actions can gain legitimacy.

Before proceeding further, I examine Rawls’ principle of neutrality, which articulates the political liberals’ theory of legitimacy as well as develops the main arguments for political neutrality.

### **1.1. The Rawlsian Account of Political Legitimacy**

Rawls’ theory of neutrality centers on the question of legitimacy. Political legitimacy principally deals with how the state secures moral rights to rule (Quong 9). For Rawls, political power is legitimate “...only when it is exercised in accordance with a constitution the essential of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason” (*PL* 137). The idea of freedom and equality suggest the required conditions for a legitimate liberal state. A liberal society is one that regards its adult citizens as people capable of articulating their plans of life, and able to respond to moral considerations. Citizens are seen as possessing moral capacities for a sense of justice and capacity for a conception of the good (two moral powers that define citizens’ autonomy) (19). Given their

possession of these capacities, citizens are considered equal; hence, the state offers them equal basic rights and liberties. So conceived, the idea of legitimacy that Rawls posits is one in which the essential matters of the constitution should be endorsed by all reasonable citizens bound by them.

What does Rawls mean by reasonable citizens? Briefly stated, reasonable citizens are citizens who accept two important points. Firstly, they accept that political society should be fair (139). Secondly, they accept that there exist burdens of judgment that yield the fact of reasonable disagreement (54).

It is important to highlight the implications of Rawls' theory of legitimacy. The theory indicates that legitimate state actions should be justified by the consent of all reasonable citizens. Since burdens of judgment inhibit unanimous agreement about the good life, it follows that state actions cannot be justified on the conceptions of the good life, as citizens are irreconcilably divided about them. Hence, Rawls writes: "...in discussing constitutional essentials and matters of basic justice we are not to appeal to comprehensive religious and philosophical doctrines [...] if these are in dispute. Otherwise, the political conceptions would not provide a public basis of justification" (225). How then can state actions be legitimate? Given that the controversial nature of the good life makes it inadequate for justifying state actions, the state is only able to seek legitimacy on the bases of political values which all reasonable citizens share and can reasonably endorse.

Consequently, the Rawlsian theory of legitimacy is a natural product of his principle of political neutrality. But what is the nature of Rawls' neutrality? This may be revealed through an examination of what Rawls refers to as the freestanding political conception of justice, which is distinct from the comprehensive conception.

## 1.2. The Freestanding Political Conception

Political conception of justice is Rawls' theory of justice, which seeks public justification of the principle of justice. It is neither based on any single ideal of what constitutes a valuable human life nor on any metaphysical doctrines. It rather aims to be neutral to controversial ideals of the good life. Put differently, political conception is Rawls' theory of justice, justice as fairness, conceived as political (as opposed to a comprehensive moral) conception (*PL* 157). This point would be clearer by understanding that Rawls has a single theory of justice, which he defends throughout his major texts, *A Theory of Justice* and *Political Liberalism*, for instance. In these works, the structure of justice as fairness remains the same, but Rawls continuously modified some of the presuppositions (xvi).

In *TJ*, Rawls presents justice as fairness as a liberal comprehensive doctrine that every citizen will endorse, but in *PL*, he offers it as a freestanding political conception, which is not a comprehensive doctrine (xvi, 6). How then does political conception of justice differ from comprehensive doctrines? The differences can be worked out through the distinction Rawls draws between political liberalism and comprehensive liberalism.

Political liberalism differs from comprehensive liberalism in the following way: firstly, political liberalism represents a justified political response to the fact of reasonable disagreement. Because reasonable citizens cannot agree about the notion of the good life, it requires the government not to justify its policies on contestable ideas of the good. Conversely, comprehensive liberalism, Quong suggests, affirms an objective liberal conception of what constitutes the good life, such as personal autonomy (19); while some comprehensive liberals, such as liberal

perfectionists, enjoin the state to promote such objective values, comprehensive anti-perfectionists insist that the existence of such liberal values requires the government to be neutral towards conceptions the good life (19).

Secondly, the main objective of political liberalism is “to work out a conception of justice for a constitutional democratic regime that the plurality of reasonable doctrines [...] might endorse” (*PL* xviii). It addresses a limited subject matter, that is, questions about the basic political and social institutions. It can only make claims about “justice, citizenship, state legitimacy or political obligation. It does not aim to provide a comprehensive account of how we ought to live in every aspect of our lives” (Quong 14). This is different from comprehensive liberalism whose conception “covers all recognized values and virtues within one rather precisely articulated system” (*PL* 13).

Thirdly, political liberalism does not offer political conception as truth, other than reasonable. This is because political conception of justice is a freestanding conception, which means that, it neither affirms any single comprehensive doctrines nor is it derived from any such doctrines. Thus political liberalism avoids making perfectionist or metaphysical judgments (Quong 14). On the contrary, comprehensive liberalism presents its doctrines as truth; and so makes absolute claims subject to extremism or dogmatism, as Percy Lehning affirms (162). The Enlightenment liberalism with representatives such as Immanuel Kant, John Stuart Mill, and *TJ*’s original formulation of justice as fairness, are examples of comprehensive liberalism (162). It may be appropriately, at this point, to inquire into reasons Rawls presents in support of neutrality of political conception of justice.



#### *1.4. Arguments for Political Neutrality*

Two main arguments support the Rawlsian anti-perfectionism. They are: the arguments from reasonable disagreement and autonomy. Even though Rawls does not seem to have presented these as direct defense of his principle of neutrality, they seem to clearly represent the reasons on which Rawls justifies political conception of justice. Besides, arguments from reasonable disagreement about the good life and autonomy consist of the main reasons why political liberals endorse political neutrality (Larmore 52).

The first argument from reasonable disagreement appeals to the existence of reasonable disputes over the conceptions of the good life. Reasonable disagreement results from obstacles that prevent reasonable citizens from reaching agreement on any single ideals of the good of life. These obstacles are what Rawls refers to as the burdens of judgment (PL 54). He outlines six of such obstacles that inhibit consensus on moral, religious and philosophical doctrines. Among them are: complex and conflicting scientific evidence, disagreements about the relative weight of considerations, vagueness of moral and political concepts, and the influence of our subjective life experiences and the limited range of values that social institutions promote (PL 56 - 57). If reasonable disagreement is a fact of modern democratic society, it would then be unreasonable for the state to justify its laws on any conceptions of the good life, because such laws would not gain unanimous endorsements by all reasonable citizens.

One may, however, wonder why burdens of judgment would produce reasonable disagreements about the good life, but not about the political life. In other words, the above argument seems to carry a tacit assumption that the burdens of judgment produce irreconcilable

disagreements about the good, but not about justice. Such worries raise the problem of asymmetry objection, which I evaluate in the second part of this paper.

The second argument, from autonomy, is based on the conception of citizens of liberal democratic society, as it is conceived in the political culture of the modern democratic state. That is, how citizens see themselves and how the state treats them in virtue of their nature. As noted earlier, the autonomy of citizens of liberal society is affirmed by their possession of moral powers of rationality and reasonability, which empower them to articulate their diverse plans of life. Preserving citizens' autonomy, Rawls argues, requires non-interference of the state in the individual's private life (78). Government's actions that promote any particular conception of the good, while discouraging others would be usurping citizens' autonomy to decide their life plans for themselves. Thus, the ideal of autonomy requires exclusion of conceptions of the good from the political domain, where state policies can be justified.

But, a valuable autonomous life may require the availability of a range of valuable options that can only be provided by the state (Raz 375). Preventing the government from promoting the good life may, therefore, inhibit the realization of valuable autonomy. This is one form of Raz's critique of the anti-perfectionist argument from autonomy. I consider this objection in the fourth part of this paper.

#### **1.4.1 Rawls' Political Legitimacy and Stability**

In light of the above arguments for political neutrality, Rawls maintains that a legitimate state should be neutral to disputable conceptions of the good, as non-neutrality of the state would mean that all reasonable citizens would not endorse the state's laws and policies. If a state acts

illegitimately by imposing its laws on citizens, then the state risks political instability (*PL* 38). Citizens who are disfavored by the illegitimate actions of the state would be morally justified in not cooperating with it; they may even be justified, according to Thomas Nagel, to destabilize the political order (35). This shows that a legitimate state is more likely to gain political stability than an illegitimate state. This does not, however, mean that legitimacy entails stability. For an illegitimate state could still be stable. This may be possible through the coercive power of the state or because citizens might endorse the illegitimate state, as it is in their best interest to do so (35); but would such a state be truly stable?

Such stability is based on what Rawls calls a *modus vivendi* pact; that is, a compromise-based agreement aimed at protecting rival interests. Such kind of stability, I think, is unreliable because once a particular party's interest is no longer satisfied or it emerges superior and with no need for the other, the agreement fails. Conversely, a legitimate state could also be unstable, if certain people choose to destabilize it. What this shows is that though legitimacy does not entail stability, a truly legitimate state is more likely to be stable than a non-legitimate one, because it is stable for the right reasons (38).

Stability for the right reason describes Rawls' view that genuine stability requires legitimate grounds for justification such as consent, liberty and equality. Because political stability is not simply determined by the state, but requires voluntary and consensual endorsement by reasonable citizens. Thus, Rawls argues that genuine stability must be consistent with justice, because stability attained through illegitimate means could easily degenerate into disorder (37). This explains why Rawls articulates his theory of legitimacy within the context of political conception of justice, which aims to realize a legitimate and stable liberal state.

Considering the fact that political liberals are divided on some aspects of political neutrality, two critical questions arise. First, is political liberalism internally consistent? Second, is political liberalism more attractive than the perfectionist alternative? I address the first question, in what follows; and I consider the second in part three.

## 2. The Asymmetry Objection

My main aim in this part is to discuss the asymmetry objection against antiperfectionist theory of neutrality along with recent attempts by political liberals to rebuff it. I argue that in spite of the penetrating challenge posed by the objection it does not undermine political neutrality.

The asymmetry objection challenges the anti-perfectionists' argument from reasonable disagreement, which asserts that the existence of burdens of judgment prevents reasonable citizens from reaching agreements on any particular conception of the good life. Given the fact of reasonable disagreements about the good life, political liberals conclude that they should be excluded from politics, and government should not justify state policies on the basis of the good life; such policies, they argue, would not meet the liberal standard of legitimacy. Critics question why burdens of judgment would affect disagreements about the good life, but not about justice. Fowler and Zofia, for instance, contend that political liberalism assumes an implicit asymmetry between disagreements about the good life and disagreements about justice (133). They insist that the Rawlsian theory of legitimacy treats these disagreements arbitrarily unequal, as if people disagree only about the good, but not about justice.

Similarly, Michael Sandel argues that Rawls assumes that "...despite our disagreement about morality and religion, we do not have, or on due reflection would not have, similar disagreement about justice" (1783). Justice and the good, critics maintain, are equally subject to reasonable disagreement. Hence: "There is no principled way to allow legitimate state action in pursuit of justice, but not in pursuit of the good" (Fowler and Stemplowska 133).

Evidence of extensive disagreements in liberal societies about political issues such as income distribution and tax fairness, health care, immigration, gay rights, etc., throws doubts on the asymmetry treatment between justice and the good life. For this reason, Fowler and Stemplowska maintain that without an independent justification of this asymmetry their objection would continue to undermine political liberalism (134).

It seems, to me, that the asymmetry objection clearly poses a critical threat to political liberalism. It challenges the internal consistency of anti-perfectionists' commitment to political neutrality. If the burdens of judgments apply equally to reasonable disagreements about the good and disagreements about justice, then the argument from reasonable disagreement fails; consequently, anti-perfectionists would have to justify why the good life, but not matters about justice should be excluded from the domains of state action.

The only option seemingly available for political liberals, Gerald Gaus suggests, is to accept that since reasonable disagreements affect both perfectionist reasons and all political liberals' principles of justice state actions on justice and the good are illegitimate. They may allow that only a limited number of liberal principles, those protecting basic individual rights and liberty, can be judged beyond reasonable dispute. But, this option leaves political liberals with unwanted consequence of endorsing a minimal state (Gaus qtd. in Quong 202).

Gaus' alternative, therefore, affirms the damaging threat the asymmetry objection presents to anti-perfectionists and all proponents of political liberalism. In Fowler and Stemplowska's words, the asymmetry objection: "Possess problem for political liberalism more generally [and] arises for any theorist committed to both substantive and not universally shared conception of justice and those attesting that state policy should not be based on contested conceptions of the good" (134). I now evaluate the recent attempt by Quong to rebuff the asymmetry objection, and

at the same time, I assess the more recent rejoinder posed by Fowler and Stemplowska, who try to reinstate the asymmetry against Quong's objection.

## 2.1. Quong's Defense

Quong's defense against the asymmetry objection does not consist a denial of the existence of reasonable disagreements about justice. He concedes that the burdens of judgments do not only cause reasonable disagreements about the good life, but they also affect disagreements about justice; however, Quong argues that reasonable citizens are more likely to settle disagreements about justice than they would about the good life. The reason is that reasonable citizens, who disagree about matters of justice, are by definition committed to certain liberal values that are not available when they disagree about the good life (205). Before arguing further, it may be helpful to address the question of what commitments reasonable citizens share and on what grounds would political liberals restrict these shared values to only the so-called reasonable citizens?

Reasonable citizens are citizens, who accept the values of political liberalism, and whose endorsements of these values confer legitimacy on political liberalism. They are committed to two important values: "first, they accept that political society is a fair system of social cooperation for mutual benefit between free and equal people. Second they accept the burdens of judgment and the fact of reasonable pluralism that arises as a result of the burdens of judgments" (Quong 38). Accepting these values commits reasonable citizens to the norms of public reasons (sincerity in public debate and appeal to only free standing political or nonsectarian ideals of the good life).

Reasonable citizens (like all liberal citizens) possess the capacity for a sense of justice and the capacity for a conception of the good (*PL* 19). These moral powers characterize them as free and equal members of political community and enhance their full participation in the fair system

of social cooperation for mutual benefit (Quong 38). By contrast, I think, unreasonable citizens consist of people who have no valid reasons to reject these principles of political liberalism, yet would not accept or endorse them. Their being unreasonable follows from the unreasonable rejection of these values that they actually see as reasonable. As Quong, rightly, remarks: “We [political liberals] do not want our political principles to be held hostage to their unreasonable demands” (37); this explains why these values are restricted only to reasonable citizens.

To establish why there is a critical difference between reasonable disagreement about the good life and justice, Quong distinguishes between two types of disagreements: foundational and justificatory disagreements.

Foundational disagreements occur when participants in a dispute “do not share any premises which can serve as a mutually accepted standard of justification” (204). People disagree not only about the issues involved, but also about the premises that could serve as justification for their disputes. Since such disagreements are based on ultimate convictions or principles, the disagreeing parties lack any standard of justification that could provide a common ground of agreement (204 – 205).

An example of foundational disagreement, Quong illustrates, is the dispute between Sara and Mike, who argue about the justice of recreational drugs. Mike appeals to divine commands in arguing against the morality of such drugs; Sara, an atheist, appeals to certain secular view that morality applies between individuals only, and so long as one’s action does not harm another it is morally right (205). This kind of disagreement is foundational, Quong argues, because it is grounded in ultimate convictions of the participants, who hold no common basis of justification. State policy applied on either of the disagreeing positions would not meet the liberal standard of legitimacy, because none of the disputants can be reasonably convinced to accept policy justified on the



position s/he rejects. Quong maintains that it is only through the unjustified coercive power of the state that the disfavored party would be made to accept such a policy (205). Foundational disagreements, therefore, describe disagreements about the good life.

Justificatory disagreement, on the other hand, corresponds to disagreements about justice. It is one in which: “Participants share premises that serve as mutually accepted standard of justification, but they nevertheless disagree about certain substantive conclusions” (204). Since participants are reasonable citizens, they are committed to substantive liberal values. Hence, they share a common fundamental normative framework that enhances mutual understanding (206). An example of such disagreements is Sara and Tony’s dispute over whether the government should coerce the Catholic Church to recruit women into the clergy. Tony claims that the government would be interfering with the fundamental rights of religious freedom by forcing the Catholic Church to ordain women. Sara, on the contrary, contends that the egalitarian reason for equality of opportunity is a more compelling reason why the state should force the Catholic Church to ordain women. Quong observes that even though Tony and Sara disagree strongly about what policy the state should adopt in this instance, they “share the same broad view of what counts as a good reason” (205). This is because they appeal to values that all reasonable citizens would accept. More so, they can each accept that each other’s argument represents a reasonable example of public justification, even though they may not take it to be the most reasonable argument (206).

What is significant about justificatory disagreements, Quong maintains, is that each disputant can still be expected to reasonably endorse any policy reached through a fair procedure such as voting, even if it favors the position each rejects (209). This feature is absent in foundational disagreements, because the parties are not committed to any shared value that can serve as bases for agreement.

A critic may ask: if parties to justificatory disagreements are able to settle their reasonable disagreements through a fair procedure, then, should it not also follow that participants in a foundation disagreement may also legitimately settle theirs through a fair procedure, which would then justify state actions on the good life? Quong objects to this consideration. He argues that a pure procedural reason for justification of state action is not appropriately liberal; and so, it cannot meet the liberal standard of legitimacy. His reason is based on Rawls' assertion that liberal legitimacy requires that justification appeals to substantive values of liberalism that all reasonable citizens should accept (*PL* 137). Quong insists that even if a policy based on perfectionist reason meets the second order impartiality through a pure procedure, it would not meet the first order impartiality required for liberal legitimacy (210).

The reason why fair procedural mechanism may work for justificatory disagreements, but not foundational disagreements stems from the idea that disputants, in the former, have a prior agreement on substantive liberal values. This commitment makes it possible to reasonably expect a person, who is disfavored by state policy based on a particular argument she rejects to endorse the policy. Though the person rejects the specific argument offered in defense of the policy, her commitment to the general principles that justify the policy provides good reasons for her to accept it. This condition confers first order impartiality to political liberalism and legitimizes state policies reached through fair procedure on justificatory disagreements (Quong 210). Conversely, this form of justification is not available for participants in disagreements about the good life. Since they do not share any substantive values, imposing state policy on them based on the values they reject, even through a fair procedure such as voting, would be illegitimate. This distinction, therefore, shows that even though reasonable disagreements exist about the good life and about justice, the

foundational and justificatory natures of such disagreements, respectively, suggest they are not affected equally by the burdens of judgment.

How convincing is Quong's argument? Is it successful in rebutting the asymmetry objection? A critical look into Fowler and Stemplowska's challenge may provide a reasonable ground for assessment.

## **2.2. Fowler and Stemplowska's Critique**

Fowler and Stemplowska's criticism rests on the claim that there exists an ambiguity in Quong's account of justificatory disagreement. This ambiguity, they argue, lies in Quong's failure to explain how wide or narrow a disagreement could be in order to qualify as justificatory, but not foundational disagreement (Fowler and Stemplowska 137). Thus, they attempt to disambiguate Quong's justificatory account of disagreement on the basis of two readings: the fine and the coarse accounts of justificatory disagreement. From these distinctions, Fowler and Stemplowska set up a dilemma for Quong, and argue that all justice based disagreements are not necessarily justificatory.

Fowler and Stemplowska assert that the coarse account of justificatory disagreement is one in which participants are only meant to agree on basic liberal values and not appeal to contested sectarian ideals of the good (137). Agreement on basic values entails that both parties recognize the general liberal principles, such as general freedom and general equality as valuable; but, they may disagree on specific political values, such as gender equality, religious freedom, privacy at work place and so on (137). The fine account of justificatory disagreement, on the other hand, requires that: "The parties must accept as values all the values offered by fellow citizens with whom they disagree over a given policy" (138). Agreement on general values is insufficient on

this reading. Based on these two readings, Fowler and Stemplowska set up a dilemma for justificatory disagreement.

They argue that, if Quong accepts the fine account, it would then imply that all disagreements about justice are not necessarily justificatory, because the account allows disputants to appeal to specific values, which are not shared by all reasonable citizens. Since specific values are based on personal convictions, it would follow that some justice based disagreements are foundational (138). The coarse account, on the other hand, suggests that in some disagreements about justice participants do not share common bases sufficient to generate the need to endorse whichever policy is adopted (138). Since the parties agree only on basic values (which are not strong enough), those disfavored by state policy may not have strong reasons to endorse it, as it is not based on “clearly identifiable values to which they are firmly committed” (138). They contend that if Quong insists that fair procedure is fair enough to generate legitimate policy on this account, “those subject to foundational disagreement (about the good) could adopt a similar approach [and claim that] just as long as they too agree on the most important values, they should be allowed to settle remaining disagreements on less important values in a procedural fair way” (138). Thus, Fowler and Stemplowska insist that if disagreement about justice can be foundational, as the fine reading indicates, then it is unjustified to treat disagreements about justice and good asymmetrically.

Similarly, if disagreement about justice is akin to the coarse reading, it would then be unjustified to base state policy on all matters of justice, given that parties to some justice based disagreements lack firm commitment strong enough to enable them endorse policies that go against their personal convictions (138). Thus, like state policy on the good life, policy based on disagreements about justice can as well be seen as unjustified coercive imposition on the

disfavored parties, according the coarse reading. Fowler and Stemplowska, therefore, insist that failure to accurately respond to these challenges reinstates the asymmetry objection (144).

A critical question that immediately follows the above criticism against Quong's solution to the asymmetry objection is: to what extent is Quong committed to the fine and the coarse reading? Put in a different phrase, how accurate do these interpretations represent Quong's account of justificatory disagreement? I consider this question in the next section.

### **2.3. Fowler and Stemplowska's Critique Considered**

It is important to observe that Fowler and Stemplowska's interpretations of Quong justificatory disagreement rely on the distinction between general and specific liberal values to which reasonable citizens, who disagree about justice, are committed. They seem to suggest that the general values are basic values of the coarse justificatory disagreement; and hence do not provide strong framework that would generate the need for each disputant to endorse any policy that goes against the values she is firmly committed to (138). Specific values are particular liberal values (of the fine account) that generate firm commitment; hence, they are similar to personal convictions. What Fowler and Stemplowska seem to suggest is that Quong's account of justificatory disagreement is committed to these values, and that participants in justificatory disagreement are supposed to accept them when engaging in reasonable dispute about justice (See Fowler and Stemplowska 137 - 138).

If these interpretations accurately represent Quong's account of justificatory disagreement, then he would rarely escape the dilemma, since being committed to either the fine or the coarse account would knock off his rebuttal of the asymmetry objection. But what features in Quong's account of justificatory disagreement align it to the coarse and the fine reading?

Fowler and Stemplowska claim that Quong's commitment to the coarse account derives from his assertion that parties to justificatory disagreement are bound by shared basic general liberal values that reasonable citizens endorse (137). This interpretation actually seems to correspond to Quong's description of what qualifies Tony and Sara's disagreement as justificatory. Recall that what qualifies their disagreement as justificatory, as Quong relates, is that they approach their dispute as reasonable citizens and without any appeal to sectarian values to justify their arguments (Quong 206). So, in spite of their deep disagreements, Sara and Tony share the same basic normative framework.

To this end, Quong seems to be evidently committed to the coarse account. However, the further claim Fowler and Stemplowska make that the coarse justificatory disagreement may not produce commitment that is strong enough to generate endorsement of policy that goes against disputant's firm convictions seems contentious. They do not apparently provide any good reasons why such commitment to values of the coarse justificatory disagreement is not strong enough to support such endorsement. They, instead, seem to assume that a disputant must be committed to specific values in order to accept policy that goes against her arguments. It is difficult to see how this conclusion follows. If the parties to a justificatory disagreement share a common fundamental framework that constitutes good reasons for argument, then it is difficult to see how such a commitment does not yield a robust need to support policy that goes against specific value each endorses.

What about the fine reading? Fowler and Stemplowska insist that what indicates that Quong also adopts the fine account of justificatory disagreement stems from his claim concerning Sara and Tony's argument, that is, that: "Sara can be reasonably be expected to endorse the argument she disagrees with (and rejects) because it is a plausible justification based on a clearly

identifiable political values to which Sara is firmly committed to” (Quong qtd. in Fowler and Stemplowska 138). For this reason, they maintain that: “Quong relies on the fact of Sara’s actual commitment to the values of specific freedom advocated by Tony – a value that goes beyond basic freedom” (138). This reading does not seem to correctly represent Quong’s claims, as far as I think. Fowler and Stemplowska seem to assume that, the fact that Sara is firmly committed to the political values on which Tony justifies his argument, it means she is committed to specific value of freedom that Tony argues for. Put differently, is it plausible to argue that Sara is committed to the specific value of freedom Tony argues for simply because Tony justifies his specific argument for religious freedom on certain political values Sara is committed to? Such a conclusion seems implausible; and it seems to be far from what Quong’s argument suggests.

What Quong actually says, on the contrary, is that Tony’s specific argument for liberty: “...is appealing to the value of liberty generally and to the right of religious liberty in particular” (208). The general value of liberty he appeals to is freestanding: “The justification for applying the right is not specific to any particular view of the world, but it is meant to apply to everyone, offering protection to everyone regardless of their religious beliefs” (208). Quong insists that this is the “...clearly identifiable political value to which Sara is firmly committed to” (209). And I think, since Sara is firmly committed to the general value of freedom on which Tony justifies his specific argument for religious freedom, it seems reasonable to suggest that Sara could plausibly endorse Tony’s argument (even though she disagrees with it), if state policy is eventually based on Tony’s position.

If my attempt to redeem Quong’s account of justificatory disagreement from what I perceive as wrong readings is successful, it would then follow that Quong is not committed to the fine account interpretation; consequently, Fowler and Stemplowska’s dilemma fails. Failure of the

dilemma means that the asymmetry objection is rebuttable and that anti-perfectionists can insist that the foundational and the justificatory natures of reasonable disagreements about the good and about justice, respectively, do provide good reasons why the good life should be excluded from political action.

How strong is Quong's rebuttal, from the political liberals' point of view? While Quong's innovative solution to the asymmetry objection seems plausible, the broad view of neutrality on which it rests may expose it to further challenges. As I highlighted earlier, the broad view of neutrality claims that political neutrality should apply to all state policies; that is, that both the constitutional structure and matters of non-constitutional essential should be neutral regarding citizens' conceptions of the good life. But, given that matters of non-constitutional essentials consist of :“issues that cannot be resolved without giving priority to one conception of the good over others” (Barry qtd. in Quong 283), Quong may have to explain why state actions should be based on such areas that are subject to controversy, but not on less contested conceptions of the good life. This kind of problem could expose his account to further criticisms that may attempt to reinstate the asymmetry objection.

The narrow view of neutrality may provide a much more robust response to this kind of challenge, given its moderate approach to understanding political neutrality. Because neutrality applies to only matters of constitutional essentials, on this account, that is, matters that are fundamental to the public life, even if they are subject to serious reasonable disagreements, the importance of this domain may necessitate reasons for a higher order agreement on them. This argument corresponds to Nagel's higher order unanimity argument in support of state neutrality.

Nagel asserts that though people may express serious reasonable disagreement about fundamental state policies, such as national defense, “a common standpoint can be found despite



extreme disagreement, because everyone recognizes that some unified policy is absolutely necessary” (164 - 165). A similar example relates to matters in the legislative structure, such as acts of the parliament. While reasonable citizens may disagree about some of those laws and decisions of the legislators, such disputes may not provide sufficient reasons to reject the system, given the necessity for a unified legislative system in the state. These two institutions (the national defense and the legislature) are examples of what Rawls refers to as matters of constitutional essentials (*PL* 227); and as Nagel argument suggests, they are more likely to generate need for a higher order agreement on political matters in spite of extreme reasonable disagreements surrounding them. Conversely, matters about the good life may not produce similar need for any unanimous agreement. Hence, the asymmetry treatment about such disagreements is justifiable.

### 3. Perfectionism and Legitimacy

I have been discussing the problem of asymmetry objection against political neutrality, and I have been contending that political liberalism is capable of responding compellingly to its robust challenge. In this part, I discuss about perfectionism, which offers a competing account of liberal theory of legitimacy. I critique the liberal commitment of perfectionism, given that some of its dominant representatives, such as Raz, posit seemingly non-liberal views about legitimacy. I also discuss about moderate perfectionism, which attempts to reaffirm the liberal commitment of perfectionism.

Perfectionism, according to Raz, asserts that: “There is no fundamental principled inhibition on government acting for any kind of moral reasons” (“Facing Up” 37). Raz argues that the state acts legitimately by justifying its laws and policies on particular conceptions of the good life; for, it is the valid duty of the state to promote valuable conceptions of the good and to discourage invalid and empty ones (*MF* 133). This assertion illustrates the sharp contrast between a perfectionist state and an anti-perfectionist state. A perfectionist state is committed to acting non-neutrally, by basing its judgments on conceptions of the good citizens hold. It maintains that the state acts rightly if it promotes valuable ideals of the good life and then discriminates against others deemed worthless.

Two presuppositions support the perfectionists’ claim. The first is the naturalness of perfectionism. Raz contends that the natural appeal of perfectionism follows from a logical point of view. He insists: “That an act is good or a state of affairs is good entails that there are good reasons to do it or bring it about” (“Facing Up” 37).

Joseph Chan also supports the claim about the naturalness of perfectionism. He argues that people naturally have interest in the quality of their lives; that they want to pursue good and fulfilling plans of life and would logically endorse the government that promotes their natural plans of life (6). Since the state is created to help citizens realize their interests, Chan maintains that it follows that the state acts rightly in enacting policies that promote the pursuit of valuable conceptions of the good citizens adhere to (6).

The second presupposition derives from the objective character of the perfectionist conception of the good. Thomas Hurka supports perfectionist view that certain state of affairs possesses intrinsic values, which is grounded in human nature (5). He maintains that goods such as knowledge, art, music, for instance, are intrinsically good, and their objective character grounds in the nature of human beings, who naturally value such goods (5).

The intrinsic and objective characters of the good, Hurka argues, are based on the idea that such goods are valuable in themselves apart from the pleasure they produce (6); hence, they generate self-regarding duties the individual ought to pursue. Similarly, the state has the other regarding duty to help the individual realize such valuable goods (6). If certain goods are intrinsically valuable, Hurka contends, it then follows that there are goods that are not intrinsically valuable. Citizens, therefore, have the duty not to pursue such intrinsically valueless goods; and likewise, the state has the duty to prevent the pursuit of such worthless ideals (17).

Even though the naturalness of perfectionism may seem logically appealing, I contend that problems arise when government gets involved in promoting conceptions of the good. Since what is good for a particular citizen, say, X may not be good for another citizen, Y, involving government in judging what conception of the good citizens should pursue may lead to partiality.

Assuming that X finds art good for herself, but despises pop music, which Y finds good. If the government were to promote art, while discouraging pop music on the grounds of the intrinsic value of the former, but not the latter, then the government would be treating some of its citizens unfairly. Since pop music is a valuable good, government's action against its pursuit may not meet the liberal standard of legitimacy without a reasonable justification; more so, the disfavored citizen would be morally justified to oppose such a policy that goes against her rational interest. This suggests that government's involvement in promoting or discouraging particular ways of life may challenge the claim that the perfectionist state always acts in the interest of all its citizens.

Since perfectionism allows the state to justify its actions on the basis of the good life, an anti-perfectionist could argue that such state actions would not secure legitimacy, because if they do not represent the interest of all reasonable citizens, then all reasonable citizens would not endorse them - which implies illegitimacy of the state. Perhaps, an examination of the perfectionist conception of political legitimacy may help in responding to this challenge. I will consider Raz's theory of legitimacy which is a dominant perfectionist view.

Raz offers two important arguments for determining the legitimacy of political authority. These are: the dependency thesis and the normal justification argument. The dependency thesis states: "All authoritative directives should be based on reasons which already independently apply to the subject of the directives and are relevant to their actions in the circumstances covered by the directives" (*MF* 47). It is reinforced by the normal justification argument, which holds that government cannot claim authority over its citizens except it can be demonstrated that in subjecting themselves to state authority, citizens are more likely to successfully act on reasons that apply to them than if they had to act according to their personal initiatives (53). These propositions also limit the authority of government in two ways: (i). they require the government to act where its

intervention is likely to lead to greater conformity than is likely if it did not intervene. (ii) The government should not intervene where it is more important that the subject should decide for themselves than they should get the right answer.

In acting according to dependent reason and in the light of the two considerations that limit government power, perfectionist state acts legitimately. Critical questions may follow from these considerations. First, how is (i) to be determined? That is, how does one know that a particular action of the state would correspond to the reasons which apply to all citizens' reasons? Given that different reasons may inform citizens' preferences, how can one determine that state actions aimed to promote say, pop music, but not art, corresponds to the reasons which apply to a citizen, who desires art but not pop music? Secondly, who decides (ii)? That is, who decides when it is important for the subjects to decide for themselves? Furthermore, why should there be limitations regarding when citizens should choose to act for themselves? It seems that in both (i) and (ii), the state takes the lead in making the ultimate decisions about citizens' plans of life.

If the state were to almost always decide the reasons that apply to their subjects, then, it follows that the citizens do not really have any choice but to accept what the state decides for them. This seems to suggest that citizens may play little or no roles (save passive acceptance of state decisions) in shaping the legitimacy of a perfectionist state.

In view of the seemingly state-centered basis of perfectionist justification of political authority, a perfectionist state seems likely to invade the individual's autonomy, because the state commands unlimited power that may impact adversely on citizens' lives. Moreover, since perfectionism allows the state to favor particular conceptions of the good, it may further encourage intolerance of differences and inequality, which also poses a threat to the individual's liberty. It becomes critical, in view of these concerns, to inquire if a perfectionist state is ever compatible

with liberalism, as it seems to undermine fundamental ideals of liberalism. These problems may, however, be dispelled on examining Chan's moderate perfectionism, which presents a more decent and less radical view of perfectionism.

### **3.1. Moderate Perfectionism**

While it is the case that some perfectionist states are not liberals in character and that perfectionism may be attractive to non-liberal systems such as Marxism (Cohen-Almagor 223), it may not follow that perfectionism is incompatible with liberalism. Contemporary liberal perfectionists actually distinguish between two forms of perfectionism: the extreme and the moderate perfectionism, and they reject the former (Chan 14). Chan describes extreme perfectionism as the form of perfectionism, which asserts that: "The state may adopt a comprehensive doctrine as the basis of state policy and promote the good life in accordance with the requirement of that comprehensive doctrine" (14). In rejecting this view, Chan insists that "the state ought not to base its judgment on beliefs which cannot be rationally defended or which are highly counter-intuitive" (14). He, hence, indicates that ideal liberal perfectionism is not radical in nature.

Raz also seems to reject extreme perfectionism, though his views appear to reflect a radical perfectionist outlook. However, Raz observes that; "The pursuit of full-blooded perfectionist policies, even of those which are entirely sound and justified, is likely, in many countries if not all, to backfire by arousing popular resistance leading to civil strife" (MF 429). He seems to imply that extreme perfectionist policies would consist of the unjustified and unsound perfectionist views, which would likely meet popular resistance and result in political instability.

The question of why the justified form of perfectionism would also lead to similar consequences, as Raz remarks, remains looming. But, as Chan argues, moderate perfectionism is very different from the extreme perfectionist view. It respects citizens' autonomy, tolerates differences; and so, it is compatible with the values of liberalism (17).

Briefly described, moderate perfectionism, according to Chan, holds that: "those ways of life that are roughly speaking 'good enough' the state need not discriminate between them" (14). So the state is duty-bound to disfavor the views that are not good enough. What then constitutes the 'good enough' ways of life? To better understand what the 'good enough' ways life entail, I examine how moderate perfectionists conceive and judge about the idea of good life.

Chan outlines four kinds of judgments that describe the conception of the good life. These are:

(A). Specific judgment on the agency of goods, which refers to judgment about virtues or dispositions making up the good life, for example reason, justice, courage, etc.

(B). Specific judgment on prudential goods consisting of values that contribute to one's good life, such as, aesthetic experience, friendship, knowledge, etc.

(C). Local comparative judgments on particular ways of life, which involves judgments about the good that does not involve comprehensive ranking, but makes only specific judgments about particular ways of life. Examples are judgments about the choice of doing philosophy against the choice of doing dangerous recreational drugs.

(D). Comprehensive doctrines that involve comprehensive ranking of ways of life such as ranking of agency and prudential goods and using that as standard for assessing ways of life (13).

The first three of these forms of judgments (A – C) seem less controversial in comparison to the fourth, D. This is because agency and prudential goods are generally regarded as desirable for their own sake, even though people may disagree about their relative weights (12). Comprehensive doctrines, on the contrary, seem untenable because they are extremely difficult to establish. There seems to be no good reasons to rank comprehensively various agency or prudential goods in the abstract. For instance, it is very difficult to say that aesthetic experience as a value is more important than football, or that monogamous marriage is more valuable than polygamous marriage (13). While judgments on A – C can be reached in a way that appeals to the judgments about shared interests of all citizens, given their less controversial nature, judgments about d can only be reached through disfavoring the interests of some citizens. Chan claims that moderate perfectionism is consistent with A - C types of judgments, while extreme perfectionism makes type D kind of judgment (14).

Just as the moderate perfectionist state makes judgment on the basis of what appeals to the interest of citizens, its means of implementing laws and policies are also respectful of citizens. Moderate perfectionism employs non-coercive measures such as education, subsidies, tax exemption, etc., to promote the good life (16). Thus, it is less intrusive to people's lives, since the state does not coerce citizens, but encourages them to lead a good life. Again, unlike extreme perfectionism that insists that state policies should be justified in terms of their contribution to intrinsic value of the good life, moderate perfectionism “allows that there are other values that the state needs to care about, such as the peace and harmony of community, equality and justice” (15). It does not restrict the state to acting only on intrinsic grounds, but allows extrinsic reasons of public good to also drive state policies.



Another distinguishing aspect of the moderate version of perfectionism is the multicentered as opposed to state-centered view of the role of the state in relation to pursuing perfectionist goods. State centeredness of perfectionism is implied by the non-neutrality thesis, which assumes that “the state should always be the primary and direct agent responsible for the promoting the good life” (15). But moderate perfectionism takes a multicentered viewpoint and does not give such major preference to the state. Instead it allows that individuals and voluntary organizations take the main lead in promoting valuable goods (16). Active role of the state may only be needed if these groups are ineffective or really need state’s assistance (16).

Chan seems to suggest that a mitigated perfectionist view, that is moderate perfectionism, would respond to practical concerns that present real challenges to perfectionism. One such concern is the idea that perfectionism would cause more harm than good to citizens (16). With the moderate understanding, a perfectionist state could help citizens realize their conceptions of the good life by promoting the less controversial aspects of the good, while leaving the disputable ones for each citizen to pursue. In so doing, perfectionism becomes consistent with liberalism.

Thus, Chan contends that in its moderate version, a perfectionist state does “not violate citizens’ autonomy but promotes it, as it provides them good opportunity to realize their conceptions of the good” (18). He further suggests that the state would also not be indifferent to citizens’ life plans, like the anti-perfectionist’s neutral state would. Consequently, perfectionism can be very well compatible with liberalism, and a liberal state may legitimately adopt perfectionism, in Chan’s view.

In attempting to mitigate perfectionism from extremism, I think, moderate perfectionism faces serious challenges. It seems to be modelled more like a liberally neutral conception than a perfectionist one. A critic may question what really distinguishes a moderate perfectionist state

from an anti-perfectionist state? A stronger critique is that moderate perfectionism is at best an indirect form of anti-perfectionism. So moderate perfectionist could as embrace anti-perfectionism and dump perfectionism.

One way the moderate perfectionist could respond to this objection, as Chan attempts, is to claim that moderate perfectionism remains consistent with the essential commitments of perfectionism in the sense that, while the mitigated views, such as the multicentered nature of the state, is sensitive to the problems of extreme perfectionism, its approach illustrates a “cautious attitude toward the suitability of the state as a promoter of the good life, not a total rejection of it as required by liberal neutrality” (Chan 16). In this light, proponents could further argue that the motivation for moderate perfectionist state action would ground on the intrinsic value of the good life, while anti-perfectionism, if at all it would encourage state pursuit of the good life, would do so (as Rawls’ narrow neutrality view does) on the ground of reasonability as opposed to intrinsic value.

Since moderate perfectionism apparently mitigates perfectionism from extremism, perfectionists may further claim that it could be presented as a viable liberal conception that can rival with anti-perfectionism. I consider this issue in the last section of part four, where I argue that moderate perfectionism may present only a seeming hope for liberal perfectionism, because it is also marred by the same flaws inherent in perfectionism.

## 4. Valuable Autonomy Objection

In this concluding part, I engage Raz's valuable autonomy critique against political liberalism. I argue that his attempt to make autonomy conditional on the good further undermines the plausibility of perfectionists' commitment to liberalism.

It will be recalled that Rawls' argument from autonomy claims that the autonomy of citizens, which is expressed in their freedom to articulate and pursue their personal convictions requires a neutral state. Liberal perfectionists protest against this assertion. George Sher questions why priority should be given to autonomy above other values. He contends: "Even if promoting other values invariably undermines autonomy, why must government always resolve the dilemma in autonomy's favor?" (57). Raz reacts differently. He does not seem to deny the importance of autonomy, which is a central value to his type of liberal perfectionism. However, Raz challenges anti-perfectionists' individualistic conception of autonomy, which he claims disregards certain necessary conditions required for a valuable autonomous life. Raz argues that those conditions yield autonomy-based duties that justify government's involvement in promoting valuable conceptions of the good life (*MF* 417). In subsequent discussion, I focus on Raz's critique of Rawls' argument from autonomy, as it offers the most influential perfectionist account of autonomy.

### 4.1. Personal Autonomy

Raz describes autonomy as a personal ideal, consisting in "the vision of people controlling, to some degree, their own destiny, fashioning it through successive decisions throughout their lives" (*MF* 369). The idea of the individual's role in fashioning the individual's life plan indicates

the liberal dimension of Raz's theory. The individual being 'part author' to her autonomy critically distinguishes his view of autonomy from the individualist liberal conception, which perceives the individual as a self-creator possessing limitless autonomy (*MF* 246). The individual does not possess absolute autonomy, in Raz's account, because autonomy is a matter of degree; other external factors such as social environments also contribute toward personal autonomy.

Raz articulates a detailed description of three core conditions required for autonomy:

- i. Innate mental abilities such as cognitive powers needed to absorb, remember and use information.
- ii. Independent conditions, which require freedom from coercion and manipulation, two autonomy invading factors.
- iii. Availability of adequate range of valuable options (372-70).

I give a particular attention to the third condition as it is significant in Raz's critique of anti-perfectionism.

Raz contends that a person cannot be autonomous unless the person has access to an adequate range of valuable options to choose from. "To be autonomous and to have an autonomous life", Raz argues, "a person must have options which enable him to sustain through his life activities which, taken together, exercise all the capacities human beings have an innate drive to exercise, as well as to decline to develop any of them" (374).

Raz further asserts that the conditions of autonomy require the individual to use her personal autonomy valuably, because autonomy is only meaningful if it is valuable (379). Valuable autonomy is one that is exercised in the pursuit of good projects such as to: "...adopt personal

projects, develop relationship and accept commitment to causes, through which their personal integrity and self-respect are made concrete” (154). Conversely, autonomous activities exercised in non-valuable projects, even if successful, for example, a successful gambling, is worthless (298). Furthermore, valuable autonomy requires a choice between good options (379). Raz seems to suggest that choosing between good and evil things does not add any value to one’s choice, because having evil options for the sake of rejecting them might have value as a moral test, but the non-availability of evil options would rarely reduce a person’s options sufficiently to affect his autonomy. For this reason, he insists that autonomy is only valuable if exercised in pursuit of the good (381).

Since autonomy requires the availability of adequate range of good options, Raz maintains that it is more fitting for the government (than any single individual) to make them available. His reasoning seems to be that government acts legitimately by acting on citizens’ interests; and since it is in the interest of citizens to pursue only valuable autonomous projects, the state is, therefore, justified to create valuable conditions for autonomy and to eliminate worthless options.

This substantive and thick conception of personal of autonomy (seemingly lacking in Rawls’s idea of autonomy) is one way Raz challenges the Rawlsian anti-perfectionism.

However, Rawls could concede that the autonomous life could be aided by the Razian conditions of autonomy, which Rawls does not in fact deny. As Jeremy Waldron observes, the Razian conditions of autonomy actually improve on Rawls’ account of moral powers individuals need to form their plans of life and pursue their conceptions of the good life (1106). But, Rawls would reject the idea that autonomy is conditional on the good. In Rawls’s view the individual’s capacity to articulate and pursue her plans of life is justified by the inalienable right and liberty individuals possess. Rawls asserts: “Each person possesses an inviolability founded on justice that

even the welfare of society as a whole cannot override” (*TJ* 4). Conditioning autonomy on the good would entail an unjustified trade-off among persons, which “requires lesser life prospects for some, simply for the sake of a greater sum of advantages enjoyed by others” (Lehning 17). I think, Rawls would be correct in this argument, because prioritizing the good over individual’s rights exposes Raz to the flaws inherent in utilitarianism (See *TJ* 20 -21).

Rawls would further rebuff Raz’s insistence that valuable autonomy necessarily requires government involvement in promoting it. Take a social good of education, for illustration, which is valuable for developing individuals’ mental capacities necessary for living autonomous life; is it the case that only the state can offer and promote good education? Rawls would surely respond in the negative, because he clearly observes that private associations such as churches, scientific societies and clubs do promote valuable ways of life (*PL* 220). Besides, the best run schools are arguably provided by private organizations. If it is the case that only the state is capable of promoting valuable goods, then Raz’s argument will go through. But it would be counter intuitive to think that it would succeed.

Another important aspect of Raz’s theory is the non-individualistic conception of personal autonomy. The non-individualistic view derives from his claim that personal autonomy is a matter of degree (*MF* 369). Raz argues that the projects and comprehensive goals individuals embark upon are not options they would create for themselves; rather, they are socially constituted projects (247).

In a more radical assertion, Raz claims that there is no such a thing as rights to personal autonomy (247). His argument seems to stem from his view that conditions needed to make autonomy possible are socially constituted. Since legitimate government action is one that

promotes collective interests, autonomy is, therefore, a collective good. Raz asserts: “Assuming that the interest of one person cannot justify holding many to be subject to potentially burdensome duties...it follows that there is no right to personal autonomy” (247). Thus, autonomy is not right based, but duty based (247). This Razian liberal anti-individualism or what I will call, liberal collectivism, also poses a strong challenge to Rawls’ seemingly liberal individualism.

Rawls may well grant that the kind of autonomy that matters for politics is indeed collective rather than individual-based autonomy. Individual autonomy, or what Rawls calls ethical autonomy, which is expressed in the individual’s capacity to form moral convictions, give assent to religious beliefs, choose sexual preferences, etc., is a private matter. Rawls argues that ethical autonomy should be left to the individual to decide for herself (*PL* 78). Political autonomy, on the contrary, which concerns how the individual relates in the public domain through contribution to the political life of the state is collective-based; here the individual is fully autonomous by virtue of “possessing moral powers [and] having the normal capacities to be a cooperating member of society over a complete life” (79).

In light of Rawls’ idea of autonomy, it is doubtful that he is committed to moral individualism, since his ideal of autonomy takes the collective dimension of the person seriously, while also respecting the individual’s space. Why Rawls might not have developed a thick conception of ethical autonomy, akin to Raz’s, I argue, stems from the private nature of personal morality. Encouraging government’s actions on this domain entails an endorsement of coercive interference on the individual’s private life (Waldron 1149). Raz’s seeming insensitivity to this concern leaves a critical question about his commitment to liberalism’s ideal of respect for individual’s liberty.

## 4.2. Valuable Autonomy Objection Considered

I now consider the main implications of Raz's conception of autonomy, which I argue render perfectionism an implausible model of liberalism.

A central problem with Raz's idea of autonomy is that it apparently endorses extreme perfectionism - a view that Chan condemns because it undermines the individual's autonomy (Chan 15). Raz is committed to this type of perfectionism because of his attempt to make autonomy conditional on the good. In making autonomy conditional on the good, and arguing that: "Autonomy is only possible if various collective goods are available" (247), Raz, I contend, denies the individual liberty to pursue the individual's plans of life; this view can hardly depict liberalism, which Raz claims committed to. For liberalism recognizes the inviolable rights and liberties of individuals to decide the course of their lives as long as their conceptions of the good life do not violate the rights of others (*PL* 193); and I agree with Rawls when he insists that such moral powers of the individual cannot be compromised by even the welfare of society as a whole (*TJ* 4). Since sane adult citizens possess moral capacities to decide for themselves what forms of life to lead, it would be an intrusion on their independence to condition their autonomy on the bases of socially defined goods.

Furthermore, Raz's claim would imply that if a person pursues a project, say professional cricket, in Sokotoland, where the game of cricket is total unknown, or at best is viewed as a meaningless sport, the individual's life is not autonomous. The non-autonomous life of the cricket player would follow from Raz's believe that: "A person's wellbeing depends to a large extent on success in socially defined and determined pursuits and activities" (*MF* 309). Since cricket is not a socially valuable project in Sokotoland, the cricket player's pursuit is worthless and therefore



her life is not autonomous. I argue that Raz's view is flawed, because it undermines the creative capacity of the individual. Assuming the cricket player's talents were recognized and supported by society, for instance, she would be developing a world class game in Sokotoland that might eventually position her society as a cricket playing nation.

Even if it is the case that autonomy is conditional on the good, is it the duty of a liberal state to promote it? Raz thinks it is. He contends that the state has a positive responsibility to enable individuals to lead valuable autonomous lives and discourage the pursuit of worthless ones (133). The problem, however, is that government's involvement in promoting the good life would encourage coercive imposition of contestable ways of life on citizens; such an unjustified coercion undermines citizens autonomy and goes against the values of liberalism.

Raz seems to recognize the strength of the above problem. Thus, he concedes that direct coercion can actually invade autonomy, because it reduces the individual's options (420); nonetheless, he believes the government does not always have to use coercion to promote the good (161). He states: "Not all perfectionist action is a coercive imposition of a style of life. Much of it could be encouraging and facilitating action of the desired kind, or discouraging undesired modes of behavior [...] taxing one kind of leisure activity more heavily than others..." (161). I think, on the contrary, that indirect coercive state intervention has similar effects as direct coercion. It also intrudes on individual's life.

In taxing cricket, for example, while subsidizing football, the government aims at discouraging people from playing the former, while persuading them to pursue the latter. This has the effect of altering the individual's plans of life, and like direct coercion, through incentives the government indirectly decides for citizens what forms of life they should lead. I, therefore, agree with Waldron in his assertion that: "...when a decision is made to subsidize an activity, one group

of people is deciding a moral issue that ought to essentially to be decided by other people acting on their own” (1149). Given that for Raz the individual pursues a valuable project if and only if the pursuit of that project is directed toward socially acceptable good, and since the government, ultimately, defines what constitutes valuable good, permitting government to promote the good life (either by means of direct or indirect coercion) encourages an assault on autonomy.

Raz may protest that it is neither the government that defines nor judges what constitutes valuable options. He argues: “The fact that state considers anything to be of value is not reason for anything. Only its being valuable or valueless is a reason” (*MF* 412). Besides, Raz would insist that legitimate government’s action must be based on dependent reasons, that is, on reasons that apply to the citizens (43); hence, the state is not in fact making the actual valuation. But, what if the citizens’ judgments are mistaken? In this likely case, I think, the government would rarely be acting on good reasons. Moreover, the government could also be mistaken or could misjudge good reasons of the people.

Is there any principled way of guiding against possibilities of such erroneous judgments? I hardly think Raz provides any solution to this problem. Instead, Raz argues: “There is no way of acting politically or otherwise in pursuit of ideals except by relying on the judgment of some people as to which ideals are valid and imposing it on others who disagree” (158). But on what liberal grounds should I rely on the reasons a state official offers, for instance, for imposing her judgments on my personal life when there are clear possibilities that such judgments could be wrong? Raz does not appear to provide any further help in this regard.

Assuming, however, that the government could be justified in encouraging citizens to lead valuable autonomous lives by means of coercion; is the government also justified to use coercion

in discouraging socially unacceptable and repugnant forms of life, for example, offensive consensual sexual relationship? Raz responds in the negative. His reasons are:

First, it violates the condition of independence and expresses a relation of domination and an attitude of disrespect for the coerced individual. Second, coercion by criminal penalties is a global and indiscriminate invasion of autonomy. There is no practical way of ensuring that coercion will restrict the victims' choice of repugnant options but will not interfere with other choices (*MF* 418).

This response is rather unconvincing. I would have expected that Raz would go ahead to affirm that the government would be justified to use coercive means to discourage homosexuality, for instance, if majority of citizens judge it to be a repugnant form of sexual expression. Swift and Mulhall also seem to express a similar surprise at Raz's response to this question. They argue that this assertion: "...seems to go against the whole thrust of his [Raz's] position. If people derive no wellbeing from bad choices, what is it about autonomy that means we should respect the individuals' bad autonomous choice?" (280). Besides, I wonder what happened to Raz's initial strong claim that there is no principled reason why government should not act on contestable conceptions of the moral life ('Facing Up' 37).

This questionable Razian inconsistency appears as a subtle evasion of the logical implication of his argument. But why should Raz be evasive? Two possible reasons might explain this. The first is that Raz seems apprehensive about the use of coercion, because he sees direct

coercion as a blunt invasion of personal autonomy (*MF* 378). The second reason is that Raz wants to remain committed to liberalism. If he follows his argument from autonomy to its logical conclusion, then he would be unequivocally supporting that homosexual relationship, for instance, should be punishable by law. Such a position would clearly pose him against the values of toleration central to liberalism.

Nevertheless, I insist that Raz's attempt to make autonomy conditional on the good goes against his apprehension of the use of coercion, because making autonomy conditional on the good logically justifies government's use of direct or indirect coercion to determine the individual's life pursuits. Consequently, Raz has to choose between accepting the claim that autonomy is not conditional on the good, and hence, it is not the business of government to promote the good life or he must accept the illiberal implication of his perfectionist argument for autonomy. Attempting to evade the inferences from his perfectionist position rather affirms that liberal perfectionism is not a plausible liberal position, otherwise, Raz would stay committed to its implications.

Since Raz's model of liberal perfectionism has failed, would Chan's moderate view redeem liberal perfectionism? This possibility may rekindle only a seeming hope for liberal perfectionism.

### **4.3. A Final Rebuttal**

I conclude by arguing that the moderate version of perfectionism may unlikely mitigate the inherent flaws within liberal perfectionism. It will be recalled that moderate perfectionism, as Chan presents it, is different from extreme perfectionism as it claims to respect citizens' autonomy. As Chan confidently asserts: "Moderate perfectionism is more respectful of personal autonomy. It does not reduce the individual capacity for making choices but rather enhances it..." (17).

Appearance may, however, be deceptive. Moderate perfectionism in effect faces similar flaws as Raz's extreme view.

Given the naturalness of perfectionism expressed in Raz's claim that there is no principled reason to limit government action on the good life ('Facing UP' 37, and given the fact that Chan also endorses this naturalness (Chan 6), I doubt that Chan's moderate view is able prevent arbitrary government's actions on the individual's private life. Since naturally, perfectionism permits no constraint on state actions, I wonder if there is any principled reason why the moderate view would not likely descend into the extreme view. Chan does not seem to provide any hope either; his model of perfectionism does not offer any principled procedures, such as public reason, that could constitute objective basis of justifying state policies. Given the absence reasonable framework for legitimizing state actions, moderate perfectionism hardly seems a plausible model of liberal theory of legitimacy. State laws and policies enforced under such a principle would either be illegitimate or government would use coercive powers to impose them on citizens. This reveals that Chan's moderate perfectionism shares a similar defect with Raz's extreme view; that is, both perspectives are marred by the same flaws inherent in liberal perfectionism.

My reason for arguing that political liberalism represents a more plausible account of liberal theory of legitimacy is that it offers a principled framework that can regulate government actions. The idea of political neutrality, which I have been defending, provides this principled constraint. This follows because political neutrality attempts to articulate principled limits on permissible state actions. Such constraints, I have argued, are necessary, because citizens of liberal democratic societies are committed to a diversity of conflicting ways of life; hence, state actions justified on any particular way of life would be biased towards the others. Thus, political neutrality

tries to develop a shared basis on which state actions could be legitimately justified to all reasonable citizens.

The main challenge, however, rests on the question of the scope and the practical application of the principle of neutrality; these have generated different political liberals' interpretations of the principle of neutrality. The narrow and broad views are products of these differing understandings of the scope of neutrality. As I have also argued, despite these challenges, political liberals maintain a shared view on important questions. One of such points of agreement is the idea of public reason, which most political liberals unanimously agree offers a credible framework for regulating state actions. The weight of this unanimity on public reason distinguishes anti-perfectionists from liberal perfectionists, who do not offer any principled basis for political legitimacy. What they seem to provide is principled argument for unconstrained government actions, which, I have argued, yields illiberal implications.

## Conclusion

I have argued that political neutrality is a more plausible theory of liberal of legitimacy than the perfectionist alternative. This position has been challenged in no little. The asymmetrical objection and the valuable autonomy criticisms reveal clear limitations in political liberals' assertions. Borrowing Kant's famous phrase, through such penetrating objections, liberal perfectionists awakened anti-perfectionists from their dogmatic slumber; their reliance on the fact of reasonable disagreement about the good life and the thin conception of individual autonomy were shown to be unsatisfactory. But, my argument has also demonstrated not only that the Rawlsian political liberalism does not ignore the challenges confronting political liberalism, but it is also capable of providing reasonable and compelling responses to them.

The challenge that lies ahead, however, is the conflict between the narrow and broad view of political neutrality. The question of how narrow or comprehensive political neutrality should apply to state actions is one that still begs for answers. Though this problem is outside the scope of my thesis, I tried to show that limiting neutrality to matters of constitutional essentials seems more reasonable, given that the importance of the constitutional structure in public life may necessitate a higher order need for a unanimous agreement. But this may not solve the problem. The idea that there might be issues that neither fall within the fundamental constitutional matters nor fall within the non-constitutional essentials seems critical. Questions like where to categorize serious problems that might matter for both the political and the personal life, such as abortion, seem unanswered. Similarly, the likelihood that matters that reasonably fall within the non-constitutional essentials, school curriculum, for example, could come up to the level of constitutional important issues through a bill on education, as Chan observes (7), reveals another dimension to this problem. Thus, the absence of a clear-dividing line between the narrow and broad

domains of political neutrality raises the question of how political neutrality might be re-construed to meet these critical challenges.



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