

SYMPOSIUM
POLITICAL LIBERALISM VS. LIBERAL PERFECTIONISM



LIBERALISM WITHOUT PERFECTION
REPLIES TO GAUS, COLBURN, CHAN, BOCCHIOLA

BY JONATHAN QUONG

*Liberalism Without Perfection: Replies to Gaus, Colburn, Chan, and Bocchiola**

Jonathan Quong

I am very grateful to the contributors to this symposium for their thoughtful and challenging comments on my book: it's flattering to be the subject of such generous philosophical attention. Each contributor has given me a lot to think about, and though I make an effort to respond to each essay here, I don't claim that the replies I offer are comprehensive or adequately address the full range of issues raised by the different contributors.¹

I

Reply to Gaus

As Gaus says at the outset of his contribution, we share a belief in the importance of the public reason project, though he is too generous in describing us as simply fellow participants in this project: Gaus is the leading philosopher of public reason in the world today, and along with many others, I have been heavily influenced by his incredible body of work. But, as he goes on to say, some of our disagreements are sharp precisely because we agree about the importance of the project. Most importantly, he worries that that the version of political liberalism I develop and defend in my book is just another form of sectarianism—another theory that ultimately favours the imposition of a controversial set of values, or judgements about value trade-offs, by some members of the political community on others, even

* For comments on a previous draft, I am very grateful to Tom Porter, Zofia Stemplowska, and Rebecca Stone.

¹ All parenthetical page references in the main text refer to the contributions in this symposium. All other references are in the footnotes.

though the latter group cannot endorse these values or trade-offs. If this is true, then how is my account of political liberalism fundamentally different than the perfectionist theories I criticize and reject? As Gaus puts it, ‘It looks like Quong’s political liberalism is not an opponent of sectarianism, but of perfectionist sectarianism, willing to replace it with a Rawlsian sectarianism. Isn’t the Church of Perfection simply replaced with that of High Rawlsianism?’ (p. 9).

Although Gaus presents this worry as a single query, I think it’s helpful to separate the worry into two, related, objections. The first objection is something like this: my account of political liberalism assumes that a certain set of liberal values or ideals are the shared basis from which to begin the project of public reason, and thus my account of political liberalism is, like any perfectionist theory, sectarian in the sense that it begins with a set of commitments whose normative authority is taken as prior to, or beyond the reach of, the test of public reason. Let’s call this *the tu quoque objection*. It purports to show that one of the main objections against perfectionist theories applies with equal force to my own theory. The second objection makes a more specific allegation that follows from the tu quoque objection, namely, that my version of political liberalism favours a sect of left liberals or High Rawlsians. As Gaus puts it, ‘Quong’s liberal exclusionary view systematically favors the moral attitudes of those on the left while discriminating against those on the right’ (p. 12). Let’s call this *the political bias objection*. Below I address each objection in turn.

In my book, I make the following suggestion: the overlapping consensus should represent the first stage, not the final stage, in the justificatory structure of political liberalism. On this view, we do not begin with what Rawls calls a freestanding conception of justice,² and then subsequently check to see if that conception can be the subject of an overlapping consensus amongst reasonable persons or comprehensive doctrines. Doing so, I argue, would either make the overlapping consensus superfluous (since reasonable people would by definition accept the conclusions of the freestanding conception), or else it would allow those who hold illiberal or unreasonable doctrines to reject the liberal conclusions of the freestanding conception. Instead, I suggest that the overlapping consensus represents the first stage in the justificatory process. We begin by identifying the common ground that reasonable citizens would share in an ideal, well-ordered liberal

² For Rawls’s description of what it means for a view to be freestanding see John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), 12-13.

society regardless of their other differences. These shared values or commitments—freedom, equality, fairness, and acceptance of the fact of reasonable pluralism—represent the overlapping consensus. We use these shared values or commitments to construct a freestanding argument for a general liberal conception of justice, and then citizens use that general liberal conception to develop their own more specific conceptions of justice.

On this revisionary account of political liberalism, the core ideas of freedom, equality, fairness, and reasonable pluralism are assumed to ground a commitment to public reason and a liberal conception of justice, but the core ideas are not themselves subject to any test of public justification, nor do we check to see if these values can be the subject of an overlapping consensus amongst *real* citizens here and now. Moreover, I also suggest that reasonable persons, by definition, must give deliberative priority to the requirements of political justice derived by appeal to these ideas.

In what sense, then, is my account of political liberalism vulnerable to the *tu quoque* objection? It might seem that my theory allows a ‘liberal sect’—those who endorse the political values of freedom, equality, and fairness—to impose rules on members of the population who reject these values. Isn’t this structurally indistinguishable from perfectionism, which allows members of the perfectionist sect—those who endorse the correct theory of human flourishing—to impose rules on members of the population who reject these values? The answer is yes: my account of political liberalism shares this structural similarity with perfectionism. But I don’t think this is anything to be embarrassed about. As Gaus admits, any set of moral or political principles is bound to be sectarian—in the sense just described—with regard to *some* members of the community (p. 9). Psychopaths will not endorse any moral principles, Nazis or other racists will not endorse the value of equality, and so on. Should we liberals be troubled by the fact that our conceptions of justice are sectarian with regard to these groups? The answer is clearly no. The mere fact that my view of political liberalism is sectarian in one sense—that it rests on values not endorsed by all members of the political community—is not sufficient to think it is relevantly similar to perfectionist theories. The important difference between political liberalism and perfectionism is that the latter, but not the former, is sectarian with regard to some *reasonable* members of the political community. All reasonable people will endorse the political ideas of freedom, equality, and fairness, and will be willing to comply with the requirements of public reason and a political conception of justice, but any particular claims about human flourishing or

the good life will be rejected by some reasonable persons. Perfectionist theories are thus sectarian with regard to some reasonable persons who embrace the core political values and are committed to living with others on fair terms. For political liberals, this is what makes perfectionism *objectionably* sectarian, and thus for the tu quoque objection to succeed, it would have to show that my account of political liberalism is sectarian in this objectionable sense—that it fails to be justifiable to some people whom we should identify as reasonable, and thus people to whom our political principles ought to be justifiable.

In §3 of his contribution, Gaus presses an argument that I understand to be a version of this charge. He says that while it might appear ‘that everyone who is committed to the moral life is part of...[Quong’s] liberal sect...I do not think that the rest of the analysis bears this out. In the end, I believe that the liberal sect excludes a great many good-willed and sensible people. Quong’s liberal sect, I fear, is just another illiberal sect’ (p. 10). Gaus thinks this is true because my account doesn’t merely require that all reasonable persons endorse the political values of freedom, equality, and fairness—my account states that ‘*this group must also hold that these basic liberal norms, along with the idea of shared public reason, are sufficient for justification*’ (p. 11). That is, my account requires that reasonable persons consult *only* the political values in determining what political rules are justified, and reasonable people must accord the conclusions of this process of public justification deliberative priority over their other comprehensive or nonpublic beliefs. Gaus’s worry is that a person who endorses the relevant political values, but *also* wants to consult her nonpublic beliefs in deciding what rules are justified, is thus excluded from the constituency of public reason on my account. As he says:

Surely we have now excluded large swaths of the population on the grounds that they are “unreasonable” and hold “unjust” views. And this, even if they are good willed, wish to live with others on mutually acceptable terms, and concur that the argument from the original position gives us pro tanto reasons! Can Quong plausibly criticize perfectionists for being sectarian while deeming unreasonable and unjust anyone who thinks that her views on moral philosophy or religion are relevant to whether the conclusions of the rather austere freestanding Rawlsian argument are acceptable? (p. 12)

Whether we find this charge troubling depends on how we understand the role of public reason in political philosophy. Suppose, following Gaus, we were to expand the constituency of public reason—the group of people the theory deems reasonable—to include those who endorse the political

values, but who do not accord any deliberative priority to the political conception of justice, and simply balance reasons of justice against their comprehensive or nonpublic reasons when deciding whether a given rule is justifiable. Let's call people who fit this description All Things Considered Reasoners (ATCRs). Gaus's suggestion, I think, is that only if ATCRs are included in the constituency of public reason can political liberalism avoid being objectionably sectarian in the manner of perfectionist theories.

But I think there are decisive reasons to resist the proposal that ATCRs be included in the constituency of public reason. No theory can include ATCRs in the constituency of public reason—the constituency of people to whom our political rules and principles must be justified—and yet also guarantee that the content of the theory will remain suitably *liberal*. Consider an ATCR named Anna. Anna endorses the core political values of freedom, equality, and fairness, but she doesn't place too much weight on these political values in comparison to the values of her religious doctrine. Suppose that any plausible balance of the political values yields a right against religious discrimination in employment with an exception, let's suppose, for jobs within religious associations. The right in question thus forbids religious discrimination when hiring employees in non-religious contexts such as shops, factories, government agencies, and so on. Anna accepts that this is what is entailed when we consider the political values alone. But when she consults the full set of her views, including her religious doctrine, she arrives at the all things considered judgment that the right against such discrimination is not justified, because the requirements of her religion take precedence on this matter, and those requirements direct Anna to discriminate against non-believers when making employment decisions.

If Anna is included in the constituency of public reason, then our theory will no longer be able to deliver what I take is uncontroversially accepted as a liberal right. And of course the story about Anna can be repeated with regard to any liberal right: it is always possible, in principle, to imagine an ATCR who, though endorsing the political values, does not accord those values sufficient weight in her deliberations such that she will not endorse basic rights prohibiting murder, theft, rape, assault, employment discrimination, and so on. This is why I exclude ATCRs from the constituency of public reason, and instead restrict that constituency to those who are willing to accord deliberative priority to the political values.

I appreciate why this move might seem troubling to some political and justificatory liberals. It might look as if I'm just assuming what needs to be shown, namely, that particular liberal rights and principles are justifiable and have deliberative priority for the members of our political community. This is a charge that has also been levelled against Rawls by many of his critics. But I think this charge makes sense only if we adopt a substantially different view of the place of public reason or public justification within the larger justificatory structure of political liberalism. On my view (and also, I believe, on the best interpretation of Rawls's view) public reason is not a foundational principle of moral or political philosophy. That is, we do not begin with a commitment to public justification, and then only accept or endorse subsequent principles once we are satisfied they meet the test of public reason. Rather, we begin with certain fairly substantive commitments—to the idea of persons as free and equal, to a view of society as a fair system of social cooperation, and to the fact of reasonable pluralism—and these commitments lead us to understand that a certain subset of our moral rules must meet the test of public reason if they are to have normative authority over those whom they purport to bind.

But the person who finds my exclusion of ATCRs from the constituency of public justification troubling must have, I think, a different conception of public reason's role in mind. To find the exclusion of such persons troubling, I think the critic must accord public justification a more fundamental or foundational role: he must believe that the point of moral or political philosophy is to show how that all our moral or political claims can be justified to some independently defined constituency of persons (defined independently of the substantive commitments that are to be justified). But I don't think this is the best way to conceptualize public reason's place within moral and political philosophy. We ought to care about what can be justified to some idealized constituency of persons—the constituency of public reason—only if that constituency has been defined in a way that makes normative sense: there's no reason to believe we should get normatively authoritative rules out of a constituency that has been defined in non-normative terms. For this reason, among others, political and justificatory liberals should not be troubled by the restriction of the constituency of public reason to those who endorse and are willing to accord deliberative priority to core liberal ideals.

But Gaus also presses a second, related, complaint: the political bias objection. He thinks that, by restricting the constituency of public reason in

the way I do, my theory ‘does not simply exclude the marginal: it is essentially a sect of the left’ (p. 13). He supports this claim by drawing on Jonathan Haidt’s work, which purports to show that left-leaning liberal people tend to endorse one, restricted, set of values or ideals: (1) liberty/oppression and (2) care/harm. People with more conservative political views, on the other hand, tend to rely on a wider set of moral ideals or intuitions which, in addition to those already mentioned, include: (3) fairness/cheating, (4) loyalty/betrayal, (5) authority/subversion, and (6) sanctity/degradation. Because people with more conservative views tend to rely on some additional ideals that are not modeled in the Rawlsian original position (4-6 from the list above), and are not included in my list of fundamental liberal ideas, my approach ‘systematically favors the moral attitudes of those on the left while discriminating against those on the right’ (p. 12).

To understand the force of this objection, we need to know how to measure the charge of bias. To know when some theory or set of principles is biased or discriminatory, we need some benchmark or baseline; a standard from which departures can (absent further justification) be described as biased or discriminatory. So what’s the standard? It cannot be the existing political views of conservative citizens, since then people with more liberal views could, with equal plausibility, complain that this standard discriminates against them. Perhaps the benchmark should be some mid-point between the existing political views of liberals and conservatives? But this would, as Rawls says, make our theory ‘political in the wrong way’.³ Political liberalism is not just a compromise point among existing positions in the political landscape.

So how do we know that my account discriminates against people with more conservative moral and political views? I think for the charge of bias to be plausible, the critic must have in mind the view of public reason that I described and rejected above: the view that accords foundational importance to the process of justifying values or principles to a constituency of persons who are identified independently of any substantive normative commitments. If rules must be justified to all existing members of our political community as we find them (or some moderately idealized version of all existing members), then maybe my account of political liberalism is biased against some existing members of our political community. But, as I indicated in the earlier discussion of ATCRs, I don’t think this is the right

³ Rawls, *Political Liberalism*, 40.

way to conceptualize the public reason project. The political rules that govern our shared public life ought to be justified by appeal to reasons that all reasonable persons can share. But all reasonable persons do not share, for example, the same beliefs about degradation and sanctity. The fact that some members of our political community find the idea of homosexuality degrading is not a reason we should take into account when deciding if some people can be exempt from laws that prohibit discriminating against job applicants on the basis of sexual orientation. If, as I believe, public reasons must be reasons that all citizens can—at some level of idealization—share, then the fact that the constituency of public reason is defined in a way that precludes appeal to certain political values or ideas more associated with conservative political viewpoints is not evidence of morally troubling bias.⁴

Of course there's much more that needs to be said in response to Gaus's important challenge. All I can do here is conclude by emphasizing that I don't think there's a coherent and morally attractive alternative to my, admittedly, sectarian form of political liberalism. We can have a theory of public reason that won't be sectarian, but then we can't be sure it will be a liberal theory. Insofar as the public reason project is a distinctively liberal project, a certain amount of sectarianism is both unavoidable and, indeed, desirable.

II

Reply to Colburn

Ben Colburn's incisive and challenging essay builds on his important work on autonomy and liberalism. Colburn aims to defend the coherence of comprehensive liberalism from an alleged dilemma that it faces, a dilemma that Colburn reconstructs by combining two arguments from my book.

To begin, it will be helpful to clarify some of the relevant terms. *Comprehensive liberals* are those who answer 'yes' to the following question: must liberal political philosophy be based in some particular ideal of what constitutes a valuable or worthwhile human life, or other metaphysical

⁴ It's true that Gaus and I disagree about whether public reasons must be shared reasons, but engaging in this debate is beyond the scope of this reply. For my position on this issue, see *Liberalism Without Perfection*, 261-73, and "What is the Point of Public Reason?" *Philosophical Studies* (forthcoming).

beliefs? Comprehensive liberals believe there is a particular view of the good life, usually one that gives personal autonomy a central role, which grounds or justifies our liberal principles and rights. Comprehensive liberals can be either *perfectionists* or *antiperfectionists*, that is, they can answer either ‘yes’ or ‘no’ to the following further question: is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value, or on the basis of other metaphysical claims? *Comprehensive perfectionists* answer yes: the state may permissibly aim to promote the good life and discourage citizens from making disvaluable choices. *Comprehensive antiperfectionists*, on the other hand, believe that there is a distinct view of the good life that grounds a form of liberalism where the state is required to remain neutral between competing conceptions of the good life or human flourishing.

In chapter 1 of my book, I suggest that comprehensive antiperfectionism is, ultimately, an unstable philosophical position. I deploy several arguments in support of this conclusion, but the one Colburn focuses on here is the claim that even if autonomy is, as many comprehensive liberals insist, of preeminent importance in leading a flourishing life, this ‘doesn’t preclude the liberal state also pursuing other perfectionist values, so long as it does so in a way that doesn’t damage autonomy’ (p. 19). If this claim is true, this leads to what Colburn calls, ‘The Antiperfectionist’s Dilemma: The comprehensive antiperfectionist liberal cannot sustain her comprehensive commitment to autonomy without violating her commitment to antiperfectionism’ (p. 19).

On Colburn’s reconstruction, this represents the first horn of a dilemma for the comprehensive liberal: it rules out comprehensive antiperfectionism as a viable position. The second horn of the dilemma then arises as a result of a different argument I mount against comprehensive perfectionists, in particular against the position of Joseph Raz. I claim that Raz’s conception of personal autonomy cannot ground a principled prohibition against coercive forms of perfectionism while also allowing the non-coercive perfectionist policies that such philosophers usually favour (taxes, subsidies, and other incentive schemes designed to induce people to make valuable lifestyle choices). If the perfectionist wants to permit such non-coercive forms of perfectionism, she will have to countenance some forms of coercive perfectionism as well, thus threatening to undermine the liberal credentials of her theory. My argument, roughly, is this: incentive schemes aimed at inducing people to make better choices can threaten individual

autonomy (as defined by Raz) in the same way coercion can because such policies can be forms of manipulation. If this claim is sound, then this gives us what Colburn calls, ‘The Perfectionist’s Dilemma: No comprehensive position can consistently be both liberal (by ruling out coercive perfectionism) and perfectionist (by permitting non-coercive manipulation)’ (p. 22).

Colburn then puts these two dilemmas together to yield ‘The Master Dilemma: No theory can consistently be both comprehensive (by retaining its commitment to autonomy) and liberal (by ruling out coercive perfectionism)’ (p. 23). His aim is to show there is a way out of this master dilemma; that liberals can consistently ground their liberalism in the comprehensive value of autonomy while rejecting coercive perfectionism.

Before I consider Colburn’s solution to the master dilemma, there is a preliminary point I’d like to make. The master dilemma is not one I present in the book: Colburn derives this dilemma by combining two separate arguments I make at different points. Of course that is not, in itself, any sort of objection to Colburn’s reconstruction: if two arguments in the book entail the master dilemma, then that’s what they entail, and if the master dilemma is true, then that would be very important, since it would show political liberalism’s only plausible rival within the liberal tradition is untenable. But the master dilemma—as Colburn formulates it—is too strong, because it derives a very general dilemma from a more restricted argument. The argument I present against Raz’s liberal perfectionism in chapter 2 is exactly that: an argument that purports to show that Raz’s account of autonomy cannot ground a principled prohibition on coercive perfectionism while also allowing for various forms of non-coercive perfectionism. As Colburn notes (p. 22), I did not say that it was impossible to construct a different version of autonomy-based liberalism that might evade the charge I press against Raz’s position, and I think it’s clear that there’s conceptual space for such arguments. One could, for example, simply define the value of individual autonomy in such a way that it can only be threatened or diminished by coercion. Whether this conception would be plausible is a separate question, but it would clearly evade the charge I press against Raz’s view. So it’s not that I doubt there is conceptual space for such arguments, and that’s partly why I am reluctant to claim ownership the master dilemma; it cannot, strictly speaking, be derived from the two arguments I present, since the second argument identified by Colburn does not purport to be exhaustive.

I'm also reluctant to endorse the master dilemma since it might create the misleading impression that comprehensive liberalism, including a commitment to the importance of individual autonomy, can play no part in political liberalism. But this isn't the case. Here's what I say about comprehensive liberalism in the book:

Political liberalism, by definition, entails a rejection of comprehensive liberalism, but it is important to be clear regarding the precise point at which comprehensive and political liberals diverge. Comprehensive liberals claim that there is a particular conception of the good life, usually one based on an ideal of personal autonomy, and that this ideal can justify fundamental liberal principles or practices. About this claim political liberalism can remain silent. Whether or not a given comprehensive doctrine supports or justifies liberal principles is something for the adherents of that doctrine to work out for themselves, and is not an issue on which political liberalism must speak as a theory. Political liberalism parts company with comprehensive liberalism when the strong claim is made that the only way to successfully justify liberal principles is via reference to some particular liberal view regarding human flourishing. This is what many comprehensive liberals affirm and political liberals deny. Political liberalism thus has no aspiration to disprove the weaker claim that liberal principles can be justified by appealing to certain views about human flourishing.⁵

So I don't want to deny that one can coherently be a comprehensive liberal in the weak sense, that is, to believe that certain key liberal principles, for example, the right to freedom of expression, can be justified by appeal to claims about the good life. What I doubt, however, is that we can get a version of liberalism that is resolutely antiperfectionist purely via this method—that is, the method of appealing to particular claims about human flourishing—without also relying on the sorts of arguments that political liberals make; in particular, the claim that state action must be publicly justifiable in order to be legitimate.

But even though I don't endorse the master dilemma exactly as Colburn has presented it, this doesn't do that much to reduce the disagreement between us. Colburn believes that 'Raz's conception of autonomy – or one extremely like it,' (p. 23) has the resources to justify a version of liberalism that precludes coercive perfectionism, but I disagree. Colburn's argument in support of his conclusion is as follows (p. 26):

⁵ *Liberalism Without Perfection*, 22. For similar remarks see *Ibid.*, 316.

1. Successful coercion always diminishes an individual's responsibility for how her life goes;
2. Actions that diminish an individual's responsibility for how her life goes undermine her autonomy;
3. Coercive perfectionism constitutes successfully coercing an individual for no third-party reasons;
4. A comprehensive commitment to autonomy precludes actions that undermine an individual's autonomy for no third-party reasons;
5. (from 1 & 2) Successful coercion always undermines an individual's autonomy;
6. (from 3 & 5) Coercive perfectionism always undermines an individual's autonomy for no third party reasons;

Hence

7. (from 4 & 6) A comprehensive commitment to autonomy precludes coercive perfectionism.

I have some doubts about whether the version of autonomy Colburn offers is actually very similar to the one Raz presents, but I won't pursue this exegetical question here. Instead I want to raise some worries about premises 1 and 4 above, both of which strike me as false.

Let's start with the first premise. Here are three apparent counterexamples:

- Albert is about to cross a bridge that he does not know is unsafe, and the only way Betty can stop him—and thereby save him from serious harm—is to use coercion. It seems to me that if Betty successfully uses coercion in this instance, she does not diminish Albert's responsibility for his own life in any morally salient way.⁶

⁶ Colburn might protest that Albert's *explanatory* responsibility is clearly diminished in this example (see p. 24), that is, Albert's causal role in what happens is diminished. In response I would make two points. To begin, I don't think we should care about mere causal responsibility. An act which alters the causal roles played by different agents, but leaves all evaluative forms of responsibility unchanged would have no interest for moral and political philosophy: explanatory responsibility is only interesting insofar as it affects some form of evaluative responsibility. I thus ignore the issue of explanatory responsibility in the main text. Second, setting the first point aside, the second counterexample appears to be a case of coercion without any diminution of Carl's explanatory responsibility.

- The government tells Carl, ‘if you murder anyone, we will imprison you for forty years,’ but Carl never had any intention to murder anyone. On one plausible view of coercion—what Scott A. Anderson calls the enforcement approach—Carl is subject to coercion, but I would deny that his responsibility for how his life goes is diminished in any way.⁷
- Dina decides to recklessly go cliff-diving in a dangerous area. She is not an experienced diver, and Eric (a very experienced diver) realizes she is very likely to suffer life-threatening injuries if she jumps off this particular cliff, but she refuses to listen to his pleadings that she refrain from jumping: she wants the thrill and decides Eric is being unduly cautious. Eric uses coercion to prevent her from jumping which, as a matter of fact, saves Dina’s life. She goes on to live a flourishing, autonomous life, comprised of many responsible choices. Eric’s single act of coercion does not, I submit, diminish Dina’s *overall* responsibility for how her own life goes.

Let’s consider how someone might respond to these purported counterexamples. With regard to the first case, I think the most plausible response is to concede this is an instance of coercion that does not diminish individual responsibility in any morally salient way, but then modify Colburn’s first premise to accommodate such cases. The modified premise would be something like this: successful coercion always diminishes an individual’s responsibility for how her life goes, unless the subject of the coercion would, if suitably informed and competent, consent to, or subsequently endorse, the act of coercion. This modified premise will not rule out all coercive perfectionism, but it seems as if it will preclude (in conjunction with the other premises of the argument) the most important cases: coercive perfectionism imposed against the informed and competent wishes of the subject.

But this conclusion may be too hasty, depending on how ‘suitably informed and competent’ is defined. Some perfectionists might insist that

⁷ Scott A. Anderson, “The Enforcement Approach to Coercion,” *Journal of Ethics and Social Philosophy* 5 (2010): 1-31. We could also imagine a variant of this case where a person intends to perform an action that he is also coerced into performing: e.g. a Nazi soldier who kills a Jewish family may wholeheartedly intend to perform this act regardless of the fact he is also threatened with punishment by his commanding officer if he refuses to perform this act.

suitably informed and competent people would, by definition, make correct choices about the good life, and would endorse perfectionist coercion aimed at those who fail to make correct choices about the good life. If this were true, Colburn's argument would not preclude coercive perfectionism.

This implication can probably be resisted by tweaking the premise: we replace the phrase 'suitably informed and competent' with 'minimally informed and competent', and then we can insist that minimally informed and competent people will disagree about perfectionist claims, and thus coercive perfectionism will always diminish individuals' responsibility for how their lives go. But notice that even with these modifications in place, Colburn's argument no longer precludes coercive perfectionism in cases where the state correctly believes people are not minimally informed or competent.

In any case, these modifications don't address our second and third cases: both Carl and Dina are minimally informed and competent. I think the best way for a proponent of Colburn's argument to deal with the second example is to define coercion in a specific way (or to limit the scope of the argument to this different conception of coercion). On this alternative conception, a person is only coerced when the threat made by the coercer puts pressure on the will of the subject, that is, when the threat is one of the essential reasons why the subject of the threat chooses to act as he does. Let's call this the *pressure definition* of coercion.

There are at least two problems with this solution to the second counterexample. First, it ties Colburn's argument to a specific and controversial conception of what coercion is, one which I believe is ill-suited to political philosophy. But setting this aside, there's a second, more important, worry. If something only counts as coercive when the threat puts pressure on the will of the subject of the threat, then the victory Colburn's argument delivers for autonomy-based liberalism looks hollow. Even if it precludes "coercive" state perfectionism, it will not preclude many liberty-limiting actions undertaken for perfectionist reasons. Suppose the government suppresses information about the harmlessness of certain recreational drugs for perfectionist reasons: if people found out these drugs were harmless, they would want to do what they currently don't want to do, namely, take the drugs recreationally, even though this would be, on the state's view, a disvaluable lifestyle choice. This is not coercive on the pressure definition, but it looks like a case of liberty-limiting perfectionism that ought to trouble liberals. More generally, even if a state used the threat

of criminal punishment as part of a prohibition against a range of activities, and did so for perfectionist reasons, this does not necessarily make what the state does “coercive” according to the pressure definition. If all the citizens comply with the law out of a sense of civic duty—that is, because they believe they are morally required to obey the law even when they disagree with it—and not out of any fear of punishment, then this is not coercive on the pressure definition, and not precluded by this interpretation of Colburn’s argument.

What about Dina, the reckless cliff jumper? I assume a proponent of Colburn’s argument will be tempted to insist that Eric does diminish Dina’s responsibility for her own life. But I think this is an odd position to take, insofar as responsibility is valuable because of the way it’s embedded in a theory of personal autonomy. If Eric doesn’t coerce Dina, she dies, and will never be responsible or autonomous again. If he coerces her, she goes on to live an autonomous life filled with responsible decisions. It seems clear that by coercing Dina, Eric increases her overall responsibility and autonomy, when compared to the scenario where he does not coerce her. And if this form of coercion doesn’t diminish responsibility, then there are all kinds of coercive perfectionist policies the state can pursue provided those policies can be shown to increase individual responsibility in the long-run.

There seem two ways to resist this conclusion. One would be to insist on a conception of responsibility that is non-diachronic, that is, one where there is no way to measure a person’s global degree of responsibility: all we can do is examine a particular time-slice and ask whether a person’s responsibility has been diminished relative to some counterfactual version of that time-slice. This is a possible view of responsibility, but it strikes me as implausible. The second response would be to concede that Eric does increase Dina’s overall or global responsibility across her whole life, but that this is morally irrelevant. The moral salience of individual responsibility is such that it operates like a side-constraint: any act that diminishes an individual’s responsibility at t_1 for non-third party reasons is impermissible, no matter how much this act increases the subject’s responsibility for her own life over the long-term. Again, this is a possible view, but it doesn’t look very plausible, and seems particularly difficult to defend if one cares about responsibility because of the role it plays in promoting and sustaining valuable, autonomous lives.

Given what I’ve said above, it should be clear why I also think premise 4 is false. I cannot see why a comprehensive commitment to autonomy, on its

own, grounds a general prohibition against acts that diminish an individual's autonomy, if 'diminish' is defined to include actions that only diminish a person's local autonomy, while increasing her global autonomy. If what we care about is helping people lead autonomous, flourishing, lives, shouldn't we care about promoting people's autonomy across the whole of their lives, rather than one single moment of their life? How can someone whose aim is to ensure Dina has a flourishing, self-authored life believe Eric is prohibited from temporarily diminishing her autonomy, even though the alternative means she will never be autonomous again?

In sum, although Colburn mounts an impressive defence of an autonomy-based liberalism that aims to prohibit coercive perfectionism, I think his argument faces a serious (I believe fatal) dilemma. On the one hand, we can admit that coercion can sometimes increase, rather than diminish, a person's overall or global responsibility and autonomy, in which case a wide range of coercive forms of state perfectionism are not prohibited by the argument. Or else responsibility and autonomy can be construed in some non-diachronic sense; the value of these ideals could be construed as side-constraints on coercion, but this view seems very implausible when these ideals are considered important because of their constitutive role in a flourishing, individual life.

III

Reply to Chan

Joseph Chan is an innovative and leading proponent of liberal perfectionism, and in his insightful contribution to this volume he aims to rebut one of the main objections I press against liberal perfectionism, namely, that a perfectionist state will not be *legitimate*. A legitimate state is widely thought to be an entity that has the moral right to issue and coercively enforce directives against the population living within its territory with regard to a wide range of issues.

The most influential and plausible account of legitimacy to which liberal perfectionists can appeal is Joseph Raz's service conception of authority and its associated normal justification thesis. According to this thesis, 'the normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with

reasons which apply to him...if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons that apply to him directly'.⁸ Put simply, we ought to do what we have most reason to do, and if we can best do this by following the directives of some alleged authority, rather than by trying to figure things out for ourselves, then the alleged authority can be a legitimate authority.⁹ If, as many perfectionists plausibly insist, the reasons that apply to each of us often have to do with the importance of leading a flourishing or valuable life, then it's clearly possible that a liberal perfectionist state can be legitimate. If, for example, in some domains the best way to comply with the reasons that apply to us is to follow the perfectionist commands of the state rather than reason things through for ourselves, then the state's perfectionist commands can be legitimate.

Raz's service conception grounds the legitimacy of a purported authority in the normative force of practical reason. That is, a purported authority is a legitimate authority when, and because, complying with its directives is the best way to do what you have most reason to do. My objection to Raz's service conception, and indeed to all practical reason approaches to legitimate authority, is simple: the fact that Albert ought to do what Betty has directed him to do doesn't suffice to tell us anything about whether Betty has the moral right to issue and enforce that directive. Albert might have most reason to go on a trip to Peru, or get his hair cut, or become an endocrinologist, but it seems unlikely that anyone has the legitimate authority to command Albert to do these things simply because he ought to do them, let alone enforce these commands.

Legitimate authority, I suggest, is not grounded in an account of *all* the reasons that apply to us: reasons of comedy, love, financial gain, aesthetic beauty, and so on. But legitimate authority can be grounded in a particular sub-set of reasons: duties of justice. Whether or not Betty has the moral right to issue and enforce commands over Albert depends *not* on whether this is the best way for Albert to comply with all the reasons that apply to him, but rather can depend on whether this would be the best way for Albert to comply with the duties of justice he owes to others. Absent consent or some other possible ground of legitimate authority, only if Albert

⁸ Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), 53.

⁹ Raz's account of legitimate authority also includes an autonomy or independence condition. But Chan's objection to my view does not depend on this further condition, and so I will follow him here in setting it aside.

is already (i.e. prior to any claims about legitimate authority) under a duty of justice with regard to some domain or possible set of actions, could it be the case that Betty has the moral right to issue and enforce directives over Albert with regard to that domain. I thus offer, as an alternative to Raz's normal justification thesis, the *duty-based conception of legitimate authority*: 'one way to establish that a person has legitimate authority over another person involves showing the alleged subject is likely better to fulfil the duties of justice he is under if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to directly fulfil the duties he is under himself'.¹⁰ The liberal perfectionist state is unlikely to be legitimate, on this account, since we are not under duties of justice to promote distinctive perfectionist policies.

Chan offers two main objections, and I'll address each one in turn. First, he suggests that '[f]or a person to have authority...she has to be widely recognized as having *de facto* authority to command others' (p. 35). He draws on arguments made by Scott Hershovitz and Andrei Marmor, among others, in support of the view that legitimate authorities are those that are recognized as such: 'as Hershovitz and Marmor separately suggest, the institutional or practice-based perspective on authority takes a two-step approach to the question of legitimate authority. First, we have to determine whether a putative authority does possess *de facto* authority conferred by some institutional norms or rules of practice. Second, we ask whether these norms or rules can be justified to the participants in those institutions or practices' (p. 36). If this account is correct, this undermines one of the central examples I use in support of the duty-based conception of legitimate authority: a case where a doctor happens to be present at the scene of an accident and, I suggest, has the legitimate authority to issue commands to you, since following the doctor's commands is the best way for you to fulfil your duties of justice to the victims of the accident.¹¹ Because there is no widely accepted practice or institution that accords the doctor authority in this example, Chan doubts the doctor is a legitimate authority over you. More generally, if *de facto* authority is a necessary condition for legitimate authority, this renders the duty-based conception false, since the duty-based conception does not include this condition in its account of a legitimate authority.

¹⁰ *Liberalism Without Perfection*, 128.

¹¹ Chan also uses the appeal to *de facto* authority to cast doubt on the some of the counterexamples I press against Raz's normal justification thesis.

Unlike Chan, I believe the doctor at the scene of the accident does have authority over you, regardless of whether there is an existing social practice or institution that grants him *de facto* authority. The doctor, *ex hypothesi*, has a degree of medical expertise that you lack, and as a result you are more likely to successfully help the victims of the accident by following his directives than you are if you try and work things out for yourself. Under these conditions, I am puzzled as to how you could plausibly deny the doctor has the moral right to direct your behaviour: you owe a duty of justice to the victims, and if you refuse to follow the doctor's directives, you will be significantly decreasing your ability to fulfil that duty. About this case Chan says the following:

If a person has authority over me, then presumably within certain limits, he has the right to command me and I am obligated to obey him, even if the content of his command is highly controversial or mistaken. No authority in this sense exists in the surgeon case. My obligation to comply with the surgeon's instruction is confined to a narrowly defined *ad hoc* task, namely to save the victims; my compliance is conditional upon the successful execution of the task. If I reasonably disagree with the instruction or seriously doubt whether my compliance would lead to the successful execution of the task, the force of my obligation will quickly weaken; and if the surgeon's instruction is in fact mistaken, then certainly I have no obligation to comply (p. 33).

But nothing Chan says here, as far as I can see, undermines the argument in favour of the doctor's authority. The doctor's alleged authority is restricted to the task at hand, but this does not show that he is not a legitimate authority. The domain of a legitimate authority is always restricted to some set of actions or area of behaviour: employers' authority over employees is limited to behaviour that is relevant to their terms of employment; a captain's authority over his officers is limited to the periods when the officers are on duty; and a state's authority over its citizens does not extend to certain domains (e.g. no state can command two people to have sex). I also believe it is misleading to speak of the potential that you may 'reasonably' disagree with the doctor's commands. You have no medical expertise, and so if the doctor says 'we must do X to save these victims,' it's not clear in what sense your disagreement with this directive would be reasonable. Of course, if the doctor is intoxicated or otherwise clearly incompetent, his authority dissipates, but that is no challenge to the duty-based conception, since it would then no longer be true that you can best fulfil your duties of justice by following the doctor's directives. It's also not

true that if some particular directive issued by the doctor is mistaken, then he lacks authority to issue that particular directive. So long as it remains true that, on the whole, you can best fulfil your duties of justice to the victims by following the doctor's orders, then it does not matter if one particular order is, as a matter of fact, mistaken. Similarly, if the best way to fulfil my duties of distributive justice to my fellow citizens is to follow the directives of the government regarding how much tax to pay, it does not matter if the government's directives regarding taxation are objectively mistaken; the question is whether I can best fulfil my duties by following some agent's directives, not whether those directives are objectively or maximally correct.

But my disagreement with Chan is broader and deeper than the disagreement over this particular example. I do not believe that *de facto* authority is a necessary condition for legitimate authority, provided the term legitimate authority is used the way I use it in my book, that is, to describe the moral right of one agent to issue and enforce commands over some other person or group. Whether *de facto* authority exists is an empirical question that is settled, presumably, by looking to existing patterns of behaviour, practices, and beliefs. But the empirical fact that some person is not recognized as an authority is often going to be irrelevant to the moral question of whether that person has the moral right to issue and enforce commands. Suppose, for example, that we live in a society where there is a widespread norm that accords doctors authority in emergency situations of the sort described in the example above, but with a twist. We live in an ethnically homogenous society, one that is also racist. As a result, when foreign doctors from different ethnic groups visit our country, they are not accorded the same *de facto* authority in emergency medical situations. If *de facto* authority is a necessary condition for legitimate authority, then the foreign doctors lack the moral right to issue commands to you in emergency medical situations. This seems an unacceptable result. The more general problem is this. If *de facto* authority is a necessary condition for legitimate authority, then the alleged subjects of an authority can, simply by wrongfully disregarding the alleged authority's claims to authority, make it the case that the alleged authority is not legitimate. If A has the moral right to rule over some group B, it seems perverse to suppose B can deprive A of this moral right by wrongfully refusing to recognize A's authority, thereby depriving A of her *de facto* authority.

All this is not to deny that *de facto* authority can *sometimes* be a necessary condition for legitimate authority. Imagine, for example, two different

institutions claim authority to tax my income and distribute it in accordance with the requirements of distributive justice (this is something I can't do very successfully on my own, since I lack the relevant information and coordination capacities). Suppose both institutions hold broadly the same, correct, view of distributive justice, however only one of these institutions has *de facto* authority in my society, whereas the other is not perceived by anyone to be an authority. Let's also suppose neither institution has any other claim (apart from its capacity to effectively establish a just distribution) to be a legitimate authority. Clearly, the institution with the *de facto* authority is the one that is likely to be the legitimate authority on the duty-based conception, since only if many others regard the institution as legitimate will it have the requisite coordination and distribution capacities to successfully implement a conception of distributive justice. Thus, it's often going to be true, particularly when coordination and reciprocal obligations are involved, that an alleged authority will need to have *de facto* authority in order for it to be the case that complying with the alleged authority's demands is the best way to fulfil one's duties of justice. But this is a contingent fact—it's not an essential property of legitimate authority. Whether you can best fulfil your duties of justice by following the directives of an alleged authority will sometimes depend simply on whether you (or a group to which you belong) choose to follow the directives of the alleged authority.

I therefore deny that *de facto* authority is a necessary condition for legitimate authority. To maintain otherwise is to allow a very special sort of empirical premise to play a decisive role in any argument about a putative authority's actual authority. It's a special empirical premise because it is the alleged subjects of authority who can sometimes make the premise true or false. On this issue I am in agreement with a point made by G.A. Cohen. Cohen is considering the case of someone who argues that justice requires a lower rate of income tax on wealthier citizens by appeal, in part, to the empirical premise that wealthy people will not work as hard and be as productive at a higher rate of tax (and thus the least-advantaged will be worse off if the higher rate is imposed). Cohen imagines this argument—including the appeal to the empirical premise about what wealthy people will do at the different tax rates—being made by a wealthy person, and says the following: 'a person who makes, or helps to make, one of its [an argument's] premises true can be asked to justify the fact that it is true. And sometimes he will be unable to provide a satisfying explanation'.¹² Cohen concludes that

¹² G.A. Cohen, *Rescuing Justice and Equality* (Cambridge: Harvard University Press, 2008), 39.

when that someone cannot provide a satisfactory explanation of why she has chosen (perhaps in conjunction with others) to behave in a manner that makes the empirical premise true, this undermines the argument which the premise supports.¹³ The fact that the subjects of an alleged authority refuse to recognize the alleged authority as an authority cannot be the sort of fact, on its own, that can justify the conclusion that the alleged authority is not a legitimate authority, precisely because the subjects may not be able to justify their refusal to recognize the alleged authority as legitimate.¹⁴

Chan's second objection focuses on whether my duty-based conception in fact precludes perfectionist policies. Chan says:

Other than the goal of achieving justice, institutions may advance the economy, provide education, secure national defence, protect the environment, or promote the good life. If institutions pursue these goals in a just way (i.e. without violating procedural or substantive principles of justice), then Rawls would tell us that people who live under these institutions have the natural duty to support and comply with them. Therefore, Rawls's idea of the natural duty of justice does not have any implication as to whether perfectionist state action is legitimate or not. Rawls may reject perfectionist state action on other grounds, but the duty of natural justice is not one of them (p. 40).¹⁵

I have two brief things to say in response. First, although I do appeal to Rawls's natural duty of justice in the course of developing my position, I do not purport to be engaged in Rawls exegesis—to be explicating what Rawls would say regarding the implications of his natural duty of justice. The duty-based conception of legitimacy that I propose is my own, and indeed, its structure is deliberately similar to Raz' normal justification thesis, except I have replaced the reference to reasons with duties of justice. Unlike Rawls's natural duty of justice, the duty-based conception tells us that following the alleged authority's directives must be a better way for us to fulfil our duties of justice in order for the alleged authority's directives to be legitimate, not

¹³ More precisely, Cohen claims the argument fails the interpersonal test, one which Cohen believes is required if we want to live in a justificatory community with others. See *Ibid.*, 44.

¹⁴ Note that the second part of the two step approach to determining whether an authority is legitimate that Chan describes—where 'we ask whether these norms or rules can be justified to the participants in those institutions or practices'—does nothing to defuse this objection since this requirement only applies to rules or practices that ground *de facto* authority, they do not apply to rules or practices that *fail* to ground *de facto* authority.

¹⁵ As an aside, I do not concede that the objectives (apart from promoting the good) listed by Chan in the first sentence of the quoted passage are not, as the sentence seems to imply, part of a conception of justice.

merely that the alleged authority is doing various things in a just way. As Chan rightly notes, I do leave open the possibility that there may be other ways of grounding legitimate authority under certain circumstances.¹⁶ However, I do not believe these alternative possible arguments (e.g. consent or associative obligations) are likely to do much to explain political legitimacy under normal conditions, and I certainly do not think any of these alternative arguments can successfully ground the legitimacy of any realistic perfectionist state, though I don't try and establish either of these conclusions in the book, partly because I would have simply been rehearsing arguments from the literature on political legitimacy that are already well-worn.

Second, I deny that the state can pursue distinctively perfectionist policies in a just manner. To pursue perfectionist policies, the state requires resources. Can the use of these resources to fund perfectionist policies be consistent with the requirements of justice? Why not, as I ask at several points in the book, simply ensure that each citizen has his or her fair share of resources, and then allow each person to use his or her share to pursue the good life? Why does the state need some portion of each person's resources in order to pursue perfectionist policies? In chapter 3, I suggest that it will be very difficult for the perfectionist to answer this question in a manner that avoids the charge of paternalism, and paternalism is, at least with regard to adult citizens, presumptively wrong. In chapter 4, I offer reasons to doubt that there is a distinctive account of perfectionist justice—that is, an account of what constitutes a fair share of resources justified directly by appeal to perfectionist considerations—that can be plausible, suitably responsibility-sensitive, and yet also differ from the major existing non-perfectionist accounts of distributive justice. I don't say these arguments are decisive, but I do think they provide us with strong reasons to doubt that perfectionist policies can be pursued by the state in a just way.

¹⁶ As I say in the book, the duty-based conception is meant to provide a way of explaining cases of legitimate authority when consent cannot be the basis of legitimacy. *Liberalism Without Perfection*, 128.

IV

Reply to Bocchiola

I am grateful to Michele Bocchiola for his careful and thought-provoking essay, and for giving me the chance to say something further about a difficult issue: the containment of unreasonable doctrines, particularly as applied to the case of children's education.

Unreasonable citizens are those who explicitly deny at least one of the following ideas: that citizens are free and equal; that society is a fair system of social cooperation for mutual benefit; or the fact of reasonable pluralism (or else fail to accord these ideas deliberative priority). In chapter 10 of my book, I make two main claims about unreasonable citizens. First, I argue that although such persons are rightfully excluded from the constituency of public justification, they are nevertheless entitled to the same package of rights and liberties as any other citizen. Second, I argue that there can be circumstances where a liberal democratic state may permissibly pursue a policy of containment to restrict the spread of unreasonable doctrines. Policies of containment are those whose primary intention is to undermine or restrict the spread of ideas that reject the fundamental political values. I argue that the importance of achieving 'stability for the right reasons' can sometimes be sufficient to justify policies of containment even in cases where these policies constitute an infringement of the rights of some citizens. In particular, I suggest that the liberal state might permissibly infringe the rights parents have to make important educational decisions for their children if parents choose to educate their children in a manner that promotes the spread of unreasonable ideas, even if the education provided does not disadvantage the children according to certain metrics of advantage (e.g. test scores, employment opportunities, etc...).

As I emphasize in the book, the argument in favor of containment is pitched at the level of principle; as a matter of moral and political principle, I maintain the state can sometimes be justified in taking steps to restrict the spread of unreasonable doctrines. But in practice, there are powerful reasons to worry about the exercise of state power to suppress or prohibit the expression of certain ideas, and nothing I say here, or in the book, is meant to minimize the very real dangers of state power being wrongly exercised or abused.¹⁷

¹⁷ See *Liberalism Without Perfection*, 305.

Bocchiola raises several different worries about my position on containment, and I will try and say something about each of his points. First, he asks an important question about the criteria for the application of a policy of containment. He notes that I identify two conditions that are relevant for containment. One condition requires the existence of ‘certain unreasonable doctrines—endorsed by some of the members of a given society—[which] deny liberal values,’ and the second condition states that ‘the spreading of these ideals [the unreasonable doctrines] constitutes a real threat to the stability of such a society’ (p. 46). The question is this: are these jointly necessary conditions for containment to be permissible, or can containment be permissible if only the first condition is met? He worries that the former answer may make my position too ineffective in combating the spread of unreasonable doctrines, whereas the latter answer may make my position too vague and too broad (p. 46-7).

I envision the application of a policy of containment as follows. The first condition is a necessary one for any instance of containment to be justifiable. If this condition is met, then whether any given policy of containment is justifiable depends on a variety of further considerations, one of which is the extent to which a given group poses a threat to stability. The greater the threat to normative stability posed by some unreasonable group, other things being equal, the more vigorous the state can be in pursuing a policy of containment. So, if the threat to stability is serious, the state may be justified in infringing non-trivial individual rights (e.g. parents’ rights to make educational decisions for their children), whereas if the threat to stability is very low, the argument for containment may not be weighty enough to justify infringing individual rights.

We can now consider some of the cases that Bocchiola raises. Would my proposed policy of containment apply to a school where all the female teachers voluntarily cover their heads as part of a broader doctrine that requires more modesty from women than men? I don’t think so. It’s not clear that this belief conflicts with the idea of citizens as free and equal. It conflicts with a much broader social idea: that the same principles of modesty should apply to men and women, but denying this idea seems perfectly compatible with a belief that men and women are equal citizens

with the same set of civic rights and duties, and so I do not see the idea of containment as applicable in a case like this.¹⁸

Another case Bocchiola asks us to consider is one where a school is clearly teaching unreasonable beliefs—for example, that racial discrimination and slavery are acceptable—but the number of students influenced is a tiny fraction of the population and it never gets any bigger (p. 47). Here it seems the threat to stability is negligible, bordering on non-existent, and hence it might look like containment cannot be a weighty enough reason to justify closing down the school and thereby infringing the rights of the parents to make educational choices for their children. I don't think this is actually a difficult case, at least not as Bocchiola describes it. The school is teaching material that directly contradicts basic principles of political justice (e.g. that racial discrimination and slavery are acceptable), and no school can be allowed to teach falsehoods about the nature of political rights and duties. Because parents do not have a right to teach their children falsehoods about key features of political justice—the right to make educational choices for children does not protect such choices—we don't need a policy of containment to justify the requirement that the school's teaching curriculum be altered or else the school shut down: teaching the fundamental rights and duties of citizenship is something that is owed to every child to help them develop and exercise their two moral powers.

But we could modify Bocchiola's example to make it more difficult. Suppose the school is not teaching anything false about political justice, but it is nevertheless teaching children 'that nonbelievers are of less moral worth, even lesser beings, than members of their own community. The students are taught that the wider society in which they live is not a valuable moral project, but rather an undesirable compromise with heretics, one that is only tolerated until the political situation becomes more favourable'.¹⁹ Although these claims do not, strictly speaking, involve any falsehoods about political justice—the students are not told anything false about the *content* of political justice, that is, they are not anything false about what people's political rights and duties are—they are nevertheless unreasonable because they stand in tension with the fundamental political ideas of a liberal

¹⁸ This is not to deny that there may be more extreme cases of gendered norms of modesty—for example ones which state that women are not permitted in public, or not permitted to hold jobs where they will have to interact with men—which do threaten the idea that women are equal citizens.

¹⁹ *Liberalism Without Perfection*, 302.

democratic society. But suppose we keep the other premise from Bocchiola's example: the number of students who are taught these views represent a tiny fraction of the population, and this fraction never increases.

Should the state pursue a policy of containment in a case like this, perhaps by closing the school down even though (let's assume) the children are otherwise being given a perfectly acceptable educational experience? Whether the costs (an infringement of the parents' rights to make educational choices,²⁰ the psychological costs to the children of closing their school, and the difficulty of ensuring the children are all given an adequate education elsewhere²¹) are worth paying in light of the fact that the threat to stability is negligible is not something that looks amenable to philosophical judgement from an armchair. Public officials on the ground would need to exercise their judgement based on their best understanding of the facts of the particular case. This might seem to provide support for Bocchiola's worry that the criteria for applying the policy of containment are too vague, but I am less troubled by this concern. It seems unavoidable that certain political principles or doctrines are vague, and lack precise criteria of application. That does not mean the principles or doctrines are mistaken or ought to be rejected; it may simply mean they can only be applied once a great deal of contextual information is available, and contextual judgement is required to decide the relative weight of different considerations.

Let's suppose that a suitably informed committee of public officials decide that the school should not be shut down: the threat to stability is so small that it cannot justify closing down the school. This might well be the right decision in the circumstances, but this does not mean there are no tools of containment remaining that the state can use to try and restrict the spread of unreasonable doctrines. The state may, for example, attempt to combat the spread of unreasonable doctrines via informational campaigns about racial equality, or by commemorating civil rights leaders who have fought for racial justice, or by denouncing and rebutting those who deny the fact of reasonable pluralism. These are all more moderate mechanisms of

²⁰ My view as to whether the parents' rights are actually infringed is more complex than I have the space to explain here, and depends on the extent to which the aims of parents are at least partially reasonable. See *Ibid.*, 302, 311.

²¹ And as Bocchiola rightly notes, a related risk of the school being shut down is that the parents might choose to home-school their children, with the result that the children are educated in an environment where they will be exposed to a much greater extent to unreasonable views, and which might further jeopardize the development and exercise of their two moral powers.

containment where the state can use its expressive capacities to promote fundamental political ideas without infringing any individual rights, and political liberals should endorse such forms of state expression when used to promote key public or political values.²²

But Bocchiola worries that some reasonable religious citizens might object to the state's promotion of political values. In particular, teaching children the ideas of freedom, equality, fairness, and reasonable pluralism may unintentionally undermine some beliefs that are central to reasonable religious doctrines; by exposing children to other views and teaching them that such views are at least reasonable and entitled to political protection, children may come to doubt the more conservative or orthodox doctrines espoused by their parents (pp. 44, 49). My response to this worry is unoriginal: I think Rawls is right when he says '[t]he unavoidable consequences of reasonable requirements for children's education may have to be accepted, often with regret. I would hope the exposition of political liberalism in these lectures provides a sufficient reply to the objection'.²³ Political liberalism does not, and should not, aspire to achieve neutrality of effect or outcome with regard to the different reasonable comprehensive doctrines that might exist within a given society. The most it can and should aim at is justificatory neutrality: the reasons for state action should be public and must not depend on claims about the good life over which reasonable persons are assumed to disagree. Even if it is true that certain ways of life are less likely to flourish and succeed in a society where children are taught the fundamental political ideals of a liberal democratic society, this is not a sufficient reason to refrain from teaching those ideals. Our liberal society is not a mechanism of compromise to ensure that everyone's doctrine gains the same number of adherents. It is, rather, a justificatory community grounded in certain shared political ideals that form the basis of public reason, and the state may permissibly promote those ideas since they constitute the normative framework of our shared political life.²⁴

Bocchiola raises one final worry about the policy of containment when applied to education, namely, that it might be vulnerable to the charge of paternalism. I define paternalism as any act where:

²² Corey Brettschneider argues in favour of the state using its expressive capacities in this way to combat hate speech in his book, *When the State Speaks, What Should it Say? How Democracies Can Protect Expression and Promote Equality* (Princeton: Princeton University Press, 2012).

²³ Rawls, *Political Liberalism*, 200.

²⁴ See *Ibid.*, 190-95.

1. Agent A attempts to improve the welfare, good, happiness, needs, interests, or values of agent B with regard to a particular decision or situation that B faces.
2. A's act is motivated by a negative judgement about B's ability (assuming B has the relevant information) to make the right decision or manage the particular situation in a way that will effectively advance B's welfare, good, happiness, needs, interests, or values.²⁵

Bocchiola's worry is this: when the state takes steps to contain the spread of unreasonable doctrines, surely it makes a negative judgement about the ability of citizens to make the right decision and reject unreasonable or hateful doctrines (pp. 49-50)? Isn't the state acting paternalistically by trying to protect liberal citizens from the spread of these ideas, when it could instead trust citizens to reject these unreasonable doctrines without any help from the state? I think this is an important objection, and I take the charge of paternalism to be a serious one. But two points seem sufficient to defuse the worry. First, although I do claim, in chapter 3, that paternalistic policies are presumptively wrong, this claim is restricted to policies aimed at sane adults,²⁶ and so is not applicable to policies of containment aimed at the education of children. Second, and more importantly, even when a policy of containment is aimed at adults, its rationale is not to protect people from themselves—from their own inability to sensibly reject unreasonable doctrines. Rather, the aim of containment is to protect our liberal democratic society as a whole from the potentially destabilizing spread of unreasonable doctrines, and more specifically to protect vulnerable members of our political community who might be the victims of discrimination or other injustices if unreasonable doctrines were to become more prevalent.²⁷ In other words, containment policies are justified by the aim of protecting most of us, or some sub-set of us, from those who might adopt and act upon unreasonable doctrines. Such policies do not aim to protect certain people from themselves, and so they are not paternalistic.

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²⁵ *Liberalism Without Perfection*, 80.

²⁶ *Ibid.*, 86, 101.

²⁷ *Ibid.*, 300.