

Political liberalism and the value of autonomy

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In a recent article in *Analysis*, Ben Colburn (2010) argues against the alleged necessity to take sides in a controversy in political philosophy. This controversy can be summarized in the following form:

- (1) The state ought to promote autonomy.
- (2) The state ought not in its action to promote any value.
- (3) Autonomy is a value.

With (3) in (1), we see that (1) and (2) are incompatible. Some autonomy-minded perfectionists endorse the first claim and deny the second.¹ In contrast, political liberals endorse the second claim and deny that the state ought to promote autonomy.² Colburn wants to endorse both claims. This, however, is to have one's cake and eat it, too.

In order to be able to endorse both claims, Colburn modifies two of the above statements:

- (2a): The state ought not in its action to promote any first-order value.
- (3a): Autonomy is a second-order value.

According to Colburn, with these modifications at hand, there is no conflict between the claim that the state ought not to promote any values and the idea that it ought to encourage autonomy. However, in the following, I will argue that Colburn's modifications fail to dissolve this tension between political liberalism and an autonomy-minded perfectionism.

1. A critique of 3a

First of all, let us focus on Colburn's notion of autonomy and his modified claim (3a). Colburn holds that there are two different notions of autonomy in the literature, one taking autonomy as a first-order and the other taking it as a second-order value. The former outlines autonomy as an ideal of a particular way of life, such as the Socratic ideal of a thoroughly self-reflective life. In contrast, second-order conceptions of autonomy do not specify any particular way of life for an individual to lead in order to be autonomous. Rather, they suggest that autonomy "is a value which consists in an agent deciding for herself what is a valuable

¹ Colburn names Raz (1986), Wall (1998) und Hurka (1993). He calls them "perfectionistic liberals".

² See, most important, Rawls (1993). Colburn also names Rawls's intellectual successors within political liberalism, such as Macedo.

life, and living her life in accordance with that decision.” (Colburn 2010: 247-48). This definition of autonomy includes a reference to the autonomous person’s values and hence an ineliminable second-order variable making autonomy a second-order value. Colburn concludes that autonomy in this sense is compatible with an anti-perfectionism that prohibits the state to promote first-order values.

The problem of this approach is its dependence on an irritating dichotomy between first- and second-order values. Admittedly, second-order conceptions of autonomy do not specify *any particular way of life* of the following sort: They are not claiming that in order to lead a valuable life, one must value playing the piano and therefore do so three times a day. However, perfectionist conceptions of value leave this room for personal decisions, too. For example, some perfectionists endorse Aristotelian ideas, such as developing one’s essential human capacities. Even in these conceptions there is a lot of room for personal evaluations. It is not at all fixed which capacities we should develop and how exactly we should do that. Therefore, we cannot sharply distinguish between those conceptions that specify any particular way of life and those that do not – instead, it is a matter of degree. It is just that those who think that autonomy is the core value seem to leave *more* room for personal evaluations than some other accounts.³

However, even though second-order autonomy accounts leave more room for individual choices, they nevertheless restrict the range of options for a good life. There is no categorical difference between those conceptions of the good that refer to second-order values (such as autonomy) and those that refer to first-order values. In order to see this, we should focus on a concrete question which reveals the differences between those philosophers who think that the state ought to promote autonomy and those who think that it should refrain from it: should state education promote the autonomy of children against their parent’s will?

Some parents intend to withdraw their children from public schools, because school education, through a confrontation with other values, is said to threaten their children’s (non-reflected) commitment to religious values.⁴ Should the state insist on a compulsory education and thereby try to make these children more autonomous? Those who subscribe to a political

³ Hurka is an example of someone who leaves comparably less room for individual evaluations. For example, within his perfectionist account, Hurka argues that even if one had forced Mozart to dedicate his life to music, his life would have been better than an autonomously chosen life of sun tanning. This is because Hurka thinks that “even if autonomy has some value, it cannot have so much as to outweigh all Mozart’s music.” (Hurka 1993: 149).

⁴ In political philosophy, the most prominent and widely discussed example deals with the aims of the Amish and the according decision of the Supreme Court, who found that Amish children could not be placed under compulsory education past 8th grade. See, for example, Galston (1995) and Macedo (1995).

liberalism (the “anti-perfectionists”) deny this, since they insist that autonomy is just one value among concurrent others, such as religious values.⁵ In contrast, those who think that the state should promote autonomy, insist that in order to live a good life, one must lead an autonomous life. According to them, the ability of living one’s *own* life instead of simply taking over one’s parent’s values should be promoted via state education.⁶ Raz states that “individuals should develop freely to find for themselves the form of the good which they wish to pursue in their life” (1986: 133). This, however, presupposes the ability to critically reflect about certain values, such as one’s parent’s values. The children might in the end still be committed to certain religious conceptions of the good, but they should have the opportunity to depart from them.

This debate shows that there is no sharp distinction between the so-called first- and second-order concepts of autonomy. Colburn claims that first-order conceptions of autonomy take autonomy to be an ideal of a particular way of life, such as the Socratic ideal of a thoroughly self-reflective life. However, so-called second-order conceptions also take autonomy to be an ideal of a particular way of life. The difference may just be the *amount* of reflection that is demanded in order to call someone autonomous (normally not as much as Socrates does and thus not a *thoroughly* self-reflective life).

2. *A critique of 2a*

It is time to bring Colburn’s second modification into play. So far, I raised some doubts concerning the plausibility of the distinction between first- and second-order values. Let us, for the sake of the argument, accept this distinction. Still, Colburn’s position depends upon the plausibility of (2a), that is the idea that the state ought not to promote any first-order values. However, this does not seem to be a claim that an anti-perfectionist would subscribe to. Anti-perfectionists think that it is too limited, since it allows for the promotion of some forms of autonomy (in Colburn’s words: the promotion of second-order autonomy). This, however, is something political liberals explicitly deny. According to them, the state should not aim at promoting any form of autonomy of its citizens or justify a compulsory education with the value of autonomy.⁷

⁵ Eg. Macedo 1995.

⁶ Eg. Raz 1988: 424. However, Raz and Macedo alike also fear that children who drop out of their religious communities are ill-prepared for life in the wider society (Macedo 1995: 489 and Raz 1988: 424). In this respect, there are no deep differences between these two approaches. The differences rather consist in the extent to which state education should (or is allowed) to make it more likely that these children do actually drop out.

⁷ Promoting autonomy may at best be a *side effect* of promoting certain liberal virtues (such as tolerance). See Rawls 1993: 199 and Macedo 1995: 471.

Yet, Colburn thinks that this rests on a misunderstanding: political liberals actually reject the promotion of *first-order* conceptions of autonomy. Colburn argues that Rawls has the state-promotion of first-order values as his target. In *Political Liberalism*, Rawls mentions the liberalism of Kant and Mill as an example of comprehensive doctrines of value which the state ought not to promote. Colburn thinks that Rawls is referring to first-order conceptions of value here.⁸

However, even if this was the correct description, it does not follow that Rawls is also committed to the claim that it is *only* first-order conceptions that the state should not promote. Political liberals can *also* insist that the state should not promote certain second-order conceptions. Colburn himself discusses this worry for his account: there is “a whole host of putative second-order values, the state promotion of which would be just as offensive to anti-perfectionist intuitions” (2010: 253). As examples of these cases, Colburn refers to conceptions of the good life that imply a lack of autonomy, such as the (alleged) second-order value of “following one’s parent’s values” (2010: 253). He tries to solve this problem by saying that “if the state should promote individual autonomy, then it certainly shouldn’t be in the business of trying to get people to do only what their parents consider valuable” (2010: 254).

Colburn concludes that the autonomy-minded anti-perfectionist could be and even *should* be an anti-perfectionist about a whole range of second-order values, just *not* on the value of autonomy. Unfortunately, within this argument he presupposes what had to be shown: that the anti-perfectionist really *is* autonomy-minded in the sense that his anti-perfectionism is compatible with or even relies on the value of autonomy. He has by no means shown that political liberals do not oppose promoting second-order autonomy, or that they should be in favour of promoting second-order autonomy. It would have been his task to show this, since the contributions of political liberals to the debate on whether or not the state should promote autonomy via education hint at another direction. Political liberals deny that the state may aim at promoting any form of autonomy via education and they do not explicitly or implicitly restrict their position to a form of second-order autonomy.

For example, Macedo discusses the attempt to justify a certain mandatory reading program, which interferes with some parent’s ability to teach their children their particular religious views, by referring to the ideal of “rational deliberation of ways of life.” Against this attempt, Macedo holds that this is an ideal these parents are fundamentally opposed to. According to

⁸ Colburn 2010: 253.

Macedo, instead of focusing on ideals, we should follow the approach suggested by Rawls. We should put aside ultimate ideals of human perfection and instead “attempt to justify at least the most basic matters of justice on grounds widely acceptable to reasonable people - and not only to those who share our particular view of the whole truth” (Macedo 2010: 477). Macedo argues with regard to Rawls’ political liberalism instead of endorsing the second-order value of autonomy.

Colburn needs to *argue* against these political liberals that the state may well promote second-order autonomy. There is at least a hint to a possible argument in his paper. Colburn thinks that every consistent anti-perfectionist position should allow or even call for the promotion of autonomy. This is because “the only credible motivation for first-order Anti-Perfectionism is either an explicit endorsement of or tacit reliance on the Autonomy Claim” (2010: 254).

However, if this is the crucial premise of his argument, it is rather weak. If religious parents argue against an enforced state-education of their children, do they thereby have to subscribe to the value of autonomy? Do they have to admit that a resentment of this form of state-intervention must rest on an endorsement of the value of autonomy? Not at all. They oppose a state intervention if it is justified by a reference to a value (autonomy) that they do not endorse or which they hold to be less important than other values (e.g. religious values). Therefore they might claim that this state action cannot be *justified* towards them.

3. *Modifying 2 again*

At this stage, we should point out that this is just the quarrel about ideals that political liberals want to avoid. Thus, they do not refer to the value of autonomy, but to the need of a *justification* for state action to everyone it concerns. If there is a reasonable pluralism concerning certain values (or their relative importance within a conception of the good life) in a pluralist society, a promotion of these values cannot be justified towards everyone. So let us modify (2) in this sense:

(2b): The state ought not in its action to promote values of which there is reasonable disagreement in a pluralist society.

This formulation is much closer to the spirit of anti-perfectionism than Colburn’s proposal. Colburn’s proposal might be welcomed by those who think that the state should endorse autonomy. Nevertheless, they will still be distinguishable from the political liberals who subscribe to (2b) and deny (1). And the latter do not get any reason to depart from their position by Colburn’s reformulation of the above argument. Thus the opposition between (1)

and (2b) still persists and cannot be eradicated that easily. One would have to argue against the very possibility of a *reasonable* disagreement concerning the value of autonomy. This, however, is a more ambitious project than the one undertaken by Colburn in his recent paper in *Analysis*.

References

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