Liberal Neutrality and Personal Autonomy

Why a neutral state cannot guarantee the freedom of individuals.

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Master Thesis – Political Philosophy
Leiden, June 2013
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words: 19.823

Preface and acknowledgments

Finally, after more then half a year of hard work, this thesis is finished. I have found it an enormous challenge to write about the subjects it addresses. Liberal neutrality and personal autonomy are both subjects which are much discussed already within political philosophy. To contribute to this philosophical debate, about which many great books and articles have been written, was easier said than it was done. Reading the articles and writing this thesis have been a valuable experience for me and I'm very pleased with the result.

I wouldn't have been able to complete this thesis without the support, encouragement and motivation of friends, family and others. I would especially like to thank my supervisor Paul Nieuwenburg for his critical remarks on my research proposal and on the first draft of this thesis. More importantly, without his help throughout the entire process I would never have been able to present this thesis to you in its present form. I would also like to thank the second reader for his extensive and helpful remarks on my research proposal.

Finally, I would like to thank my girlfriend Tahnee Dikken for her support, encouragement and especially her patience during the last seven months. I have bored her almost daily with my modest contemplations about oppressed women, freedom and nonneutral policies. Although not being interested in political philosophy at all, she managed to help me very much and to keep me motivated to actually write this thesis.

Thijs Beumers
Leiden, 8th of June 2012

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Chapter one: Introduction

Citizens of western liberal states have a large range of effectively enforced rights. They can live their lives free and according to their own will. Children and adolescents are educated, artists and writers are supposed to be free to express their opinions, and religious groups are supposed to be free to practice and spread their religion within society. Liberal states protect these rights and they refrain from imposing values and beliefs on citizens. They are indifferent about how these rights are used. Whether a citizen wants to be a devout Christian with a strong sense of community or an atheist urban liberal is unimportant.

Within these liberal states there are however also orthodox and traditional social groups. Some of these cultures consider women subordinate to men. Within their social environment women from these social groups are treated unequally. Women may formally have equal rights and opportunities within liberal states; but not all women decide to use their rights. Some women deliberately choose to live their lives in accordance with their traditional values and beliefs. Such traditions can demand that their freedom and opportunities are restricted. These women therefore decide for example only to do domestic work, to raise the children, and to be obedient to their husbands or fathers.

These women are a challenge for liberalism. The fundamental principles underlying many liberal theories are equality of rights for all citizens and neutrality of the state about the way in which these rights are used. This equality and neutrality should ensure that people are free to choose to live their lives in accordance with their own conception of a meaningful and good life. Within these theories the choice of these women from traditional social groups is thus perfectly justified. Proponents of liberal neutrality defend the argument that these women *have* inalienable civil rights, but they however may decide to not *use* their rights. They can decide to live their lives not freely and autonomously.

I find this consequence of liberal neutrality slightly paradoxical. On the one hand equality in rights and state neutrality should enable people to be free and autonomous; it can on the other hand lead to a society in which some people are evidently not autonomous or free. I think that this consequence of liberal neutrality is problematic. In this thesis I will defend the following claim:

The freedom of individuals is insufficiently protected within a state which is neutral towards the different conceptions of the good life in society.

This is a controversial claim to defend, because it implies that a state should not always be neutral. Theories of liberal neutrality are a response to centuries of religious violence, oppression of minorities and brutal tyrannies. With an appeal to the (one and only true) good terrible injustices have been inflicted by states on people who held different ideas about the good life. The recognition that societies are plural and that states should not enforce a particular conception of the good has undoubtedly been a blessing for many minority groups. A defense of any comprehensive political doctrine must thus be wary not to pave the way for all sorts of paternalism and oppression.

I do however not wish to defend such a comprehensive political doctrine in this thesis. I will also not try to formulate specific policies which might be necessary to effectively guarantee the freedom of individuals. The goals of my thesis are more modest. My main aim will be to show that states, in order to protect the freedom of their citizens, should protect their personal autonomy. I further think that this is not possible if the state is neutral about the different conceptions of the good life within society.

In this thesis women from traditional cultures, as described previously, will form the central example. In chapter 5, I will use their case to support the claim that a neutral state does not succeed to guarantee the autonomy of individuals. Also in other parts of this thesis many references to it will be made. I would like to stress that I aim to defend the claim that the freedom of *individuals* in general is not guaranteed in a neutral state, and not the claim that just the autonomy of *women* is insufficiently protected. The problem that these women pose to the neutral state merely forms a telling and contemporary example. It is however not unlikely that similar examples of the failure of neutral states to guarantee personal autonomy of individuals exist. I would secondly like to stress that I will not argue that certain social groups need additional or group-related rights to promote their personal autonomy. Such an argument has been made by Kymlicka (1995) and Young (1989) for example. I will defend the claim that *every* individual in society has an equal right to personal autonomy, regardless whether they are for example women, members of a religious minority or homosexuals. States are obliged to foster the personal autonomy of all their citizens.

I will proceed my argument as follows. In the next chapter I will firstly explain my position in two major debates. I will describe the difference between teleological and deontological theories. I will secondly discuss the difference between objective and subjective theories about the good. I will then make my own position in these debate explicit.

In chapter three I will defend a particular conception of freedom. I believe that being free entails more than simply having the possibility to fulfill one's desires. I will argue that, based on earlier literature, more is needed for individuals to be truly free. My main argument will be that individuals should also have personal autonomy.

In chapter four I will discuss the concept of liberal neutrality. The concept has been explained in surprisingly many ways. I will firstly discuss the scope of issues about which the state should be neutral. Should a state only be neutral about the good or also about the right or controversial empirical claims? I will secondly discuss how the state should be neutral. I will explain the distinction between neutrality of effects, neutrality of justification and neutrality of intention. I will argue that neutrality of effects is an indefensible concept of neutrality. Subsequently, I think it is not fair to criticize proponents of liberal neutrality on the fact that a neutral state will not have neutral effects on society. I think that neutrality of justification is a more viable approach. Finally, I will discuss some different arguments in favor of neutrality.

In chapter five I will defend the claim that liberal neutrality is not the best way to guarantee the freedom and personal autonomy of individuals. I will firstly discuss the theories of some authors, most notably Ronald Dworkin, which hold that out of respect of individuals' autonomy the state should remain neutral. I will argue that respecting the autonomy of individuals demands more than a neutral state can provide. I will support this claim by analyzing the case of women from traditional societies. I will secondly argue that it is not impossible for a state to promote and foster the autonomy of individuals.

I will end this thesis with a brief conclusion of the major arguments. I will also discuss some limitations of this thesis and some questions and problems that it does not address.

Chapter two: Two debates in Political Philosophy

In this chapter I will discuss two important debates within political philosophy to which this thesis is related. I believe that making my position within these debates explicit is crucial for a better understanding of the following chapters.

2.1. The Right and the Good

Within political philosophy a fundamental distinction is made between theories about the right and theories about the good. Sidgwick (1907, p. 105) argued that this distinction was the major difference between modern and classical philosophy. Rawls (1971) later argued that the right should have priority over the good. In this section I will try to place this thesis in this larger philosophical debate.

Sidgwick distinguishes between imperative and attractive theories. Imperative theories try to define what right human conduct should entail. Proponents of these theories defend the claim that there are moral dictates, which prescribe certain rules independently from any empirical considerations. Within these theories universal obligations and rights are formulated, to which individuals have to comply in their everyday pursuit of a good life. These theories are a product of modern political philosophy and focus on equal human rights and obligations. Attractive theories on the other hand try to formulate a conception of the good. Instead of providing moral obligations and rights, proponents of these theories argue that a certain concept of the good life is worth pursuing for all individuals. Ancient Greek philosophers tried to define such an ultimate good life and tried to defend a certain concept of human flourishing. Utilitarianism is a modern example of an attractive theory. Within this theory the good is defined as the minimization of pain and the maximization of pleasure (Sidgwick 1907, p. 105-107).

In *a Theory of Justice* (1971) Rawls argues that the right should be prior to the good. He distinguishes between deontological and teleological theories. Deontological theories either define what is right independently from any conception of the good or hold that the right is not derived from a particular conception of the good. A deontological theory defines moral obligations and rights for individuals which are always prior to their own conceptions of the good. It defines, so to say, the boundaries within which individuals are free to live in accordance with their conceptions of

the good. Teleological theories on the other hand hold that the good is prior to the right. Rights are dependent on a conception of the good. Instead of defining the boundaries within which the different conceptions of the good in society might be pursued by individuals, rights serve to maximize the good. They are legitimate to the extent that they effectively promote this good. A law that doesn't serve the ultimate good, is not legitimated and must be replaced (Rawls 1971, p. 30-33).

Rawls fears that teleological theories do not take individuals seriously as separate moral beings, but as mere means to a higher end. Within these theories it is justified that an individual's happiness is sacrificed in order to achieve or to maximize this higher good. The ends of individuals can be made subordinate to the ends of society or some conception of the good. Deontological theories on the other hand provide individuals with unalienable rights and the possibility to follow their own plans in life. Their goals in life are not treated as means to an end, and their personal goals cannot be sacrificed in order to promote the good of society (Rawls 1971, p. 29). Rawls defends a deontological theory of justice. He argues that the state should not make policies based on claims about the superiority of a certain conception of the good. Although he is wary about using the term neutrality, within his theory the state has to refrain for basing policies on the good. A state should formulate what is right independently of it. It should decide what the boundaries are within which the good might be pursued by individuals, regardless of the conception of the good that a person holds (Rawls 1988, p. 260-264).

The theory I will defend would clearly qualify as a teleological theory according to Rawls. I will argue in favor of an ideal of the human flourishing: namely the ideal that people should have personal autonomy. The state should actively pursue policies which help people to govern their own life. Rights and obligation are, in that sense, legitimate to the extent that they improve the personal autonomy of people. I do not think that arguing in favor of this ideal of personal autonomy means that the distinctiveness of individuals has to be jeopardized. I will defend this claim extensively in chapter 5.1. For now I merely wish to clarify my own position.

2.2. The Good: objective or subjective?

It is secondly important to discuss another distinction between two groups of theories, which are concerned with the question what a good life entails. The two groups differ in their opinion on the question whether the good is entirely dependent on the subjective wants, desires and goals of

individuals or not.

Subjective theories about the good hold that what is good for individuals is ultimately dependent on their states of mind. What is good for individuals is solely determined on the basis of their own judgment about it. There are many different ways in which these theories are worked out. It is, for example, possible to consider a person's life good if he enjoys pleasurable experiences. According to such theories, a person's life becomes better, if his senses are stimulated positively. Such a theory would be very hedonistic[1]. Less extreme subjective theories are however also defensible. For example the theory that a person's life becomes better if his desires are fulfilled. Not the pleasurable experiences of a person are crucial to determine his well-being, but the actual achievement of a person's goals in life. Other theories hold that a person's life can also be considered better if desires are fulfilled which a person would have, if he was better informed or more rational. Although worked out very differently, all these theories share that the well-being of individuals ultimately depends on their own judgment about it (Sher 1997, p. 6-8; Arneson 1999, p. 115-117). I would also like to stress that these theories are not necessarily skeptical about our ability to know about the good. They do not argue that we cannot know about the good, but simply that the good is dependent on individuals' own judgment about it and that what is good can be different for every individual (R. Dworkin 1978, p. 142-143).

Proponents of objective theories about the good argue that some things in life, some values or some personal traits are inherently good to have as humans, regardless whether individuals actually desire to have them (Sher 1997, p. 6-8). This category of theories is extremely broad and houses many different, and often incompatible, theories. What these inherently good things for individuals are, can be, and has been, interpreted in tremendously many ways. Some will argue that traditional family values or historical social institutions are inherently valuable and good for individuals, while others will argue that the absence of pain and the maximization of welfare are inherently valuable. Arneson (2003, p. 37) defends a list of objectively worthwhile and good things in life which include: meaningful work, intellectual achievement and good relationships with friends and family.

1 Hedonistic theories have been criticized fiercely, most notably by Nozick (1974, p. 42-43). He argues that if a theory holds that only pleasurable experiences are necessary to have a good life, it would lead to very counterintuitive conclusions. He asks us to imagine a machine which brings people in very deep sleep, but at the same time gives these sleeping people a maximum of pleasurable experiences. According to hedonistic theories, people who are hooked to such a machine would have a perfect life. However, being in such a vegetative state all day, however pleasurable, doesn't seems to grasp our intuitions about a truly good life. For that reason, not many will defend that experiences are central to well-being, but the actual fulfillment of desires in the 'real' world.

These objective theories will also differ in the extent that they consider the actual desires, values and goals of individuals of importance. Not many will argue that what a good life entails, is entirely independent from the actual desires and goals of individuals. It would be very hard to defend the claim that Peter's life objectively cannot become any better, while none of his actual desires and goals are fulfilled or achieved. He has everything that is considered objectively good, but is at the same time frustrated and depressed about his failure to achieve his subjective desires and goals. For this reason proponents of objective theories will have to take the subjective desires of individuals very seriously. This also means that these theories do not necessarily have to hold that only one way of life is ultimately the best. Proponents of objective theories can either consider two or more incommensurable ways of life objectively valuable or can defend the view that the good is partly dependent on the subjective desires and goals of individuals (Arneson 1999, p. 115-117; Sher 1997, p. 6-8).

Subjectivists about the good have a strong motive to defend liberal neutrality. If an individual's well-being is ultimately dependent on his own desires, it would be logical to argue that the state should refrain as much as possible from influencing them. A person himself will know best what desires and goals he wishes to pursue. A state isn't capable of, or is ineffective in, promoting certain goals and desires in society. Everybody desires different things and therefore the state remain neutral. It doesn't however automatically follow that subjectivists are neutralists. Similarly it doesn't follow that objectivists will always be in favor of nonneutral policies and laws. Although arguing that some things in life are objectively valuable, they can for example find that imposing these things will be ineffective. Or they can think that neutrality is favorable for another reason, for example a stable society (Sher 1997, p. 8-10).

I favor an objectivist theory of the good. I believe that personal autonomy is objectively valuable, regardless whether individuals actually desire to be autonomous. This doesn't mean that I find the subjective wants and desires of individuals of no importance. On the contrary, people undeniably have different ideas about what a worthwhile life is and undeniably pursue different goals. I think it is crucial for an individual's well-being that he can follow his own life plan and can fulfill his subjective wants. The concept of personal autonomy I will defend leaves enough room for individuals to have, and fulfill, such desires and goals. I do however think that desires and goals

formed in an autonomous way are inherently better than those which are accepted blindly or which are the result of social pressure.

Chapter three: True Freedom

3.1. Two intuitions

In this chapter I will try to define when an individual can be considered free. Freedom is a controversial and a much discussed concept within political philosophy. Freedom appears to be a quite straightforward concept. Based on our intuitions we seem capable of determining whether somebody is evidently free or not. For example: A slave is clearly not a free man. However clear our initial intuitions about freedom might be, it has proven extremely hard to define the concept of freedom in an uncontroversial and meaningful way within political philosophy. A lot of ink has been spilled on the many nuances and aspects of the concept of freedom. It has proven even harder to define the sufficient and necessary conditions of it. In this chapter I will however try to defend a particular set of such conditions.

A basic intuition seems to be that a person is free if he is capable of doing what he wants and is not restricted in the fulfillment of his desires. A woman is free for example if she can decide freely whom she wants to marry and whom not. By contrast, a woman who is forced by her family to marry a man they find suitable for her is not free. A woman is thus free, if she can do what she desires.

Being capable of doing what one desires, doesn't seem to capture all our intuitions about freedom. The woman in the example of the prearranged marriage might actually not feel forced to marry this man. Because she wants to live in accordance with the dictates of her culture, her actual desire might be to marry this family-chosen man. She is most probably formed and conditioned by her social environment and therefore she might not feel forced or deprived of her freedom at all. Is this woman free? Based on the earlier intuition our answer must be yes. In this case she is namely free to do what she desires. But this answer doesn't seem to be totally satisfying. Shouldn't we ask to what extent this is what she “truly” desires? Or to what extent this desire was the result of social pressure and indoctrination? Did she really have, and could she comprehend that she in fact had, a choice?

These questions are about personal autonomy. We do not only demand that people can do what they want, but we also want to know whether their desires are “truly” and “genuinely” theirs. People

should to some extent be able to govern their own lives and their desires should not be completely determined by external factors, however "happy" people might be in such situations.

In the following sections I will develop these intuitions in greater detail in order to define certain conditions of freedom in the last section. I think it is undeniable that individuals not only need the freedom to do what they want, but also to some extent need to have control over their own lives.

3.2. Personal autonomy and freedom

It is useful to discuss a distinction which has been made in the literature between the concept of personal autonomy and the concept of freedom.

Gerald Dworkin argues that there is a difference between freedom and personal autonomy. He sees freedom as the ability to fulfill a desire in a certain situation. In a temporal state of affairs in the world some external forces can make the achievement of a desire either possible or impossible for an individual. If it is possible for an individual to fulfill his desire he is free and if he is not capable of doing so he is not free. Dworkin defines freedom as the freedom to act in the world. Personal autonomy on the other hand is a capability of individuals. It entails the ability to be self-governing. It is the cognitive ability to govern one's desires in accordance with one's own higher ideals and values. An individual can be autonomous independently of his freedom to act in the world. Dworkin uses Odysseus as an example. Odysseus wanted to hear the song of the Sirens without being lured in their trap. He tied himself to the ship and ordered his men not to release him during the songs of the Sirens. Although being heavily restricted in his freedom during this time, his choice to listen to Sirens' songs and being tied to the ship were both autonomous choices (G. Dworkin 1981, p. 210-211).

Christman and Anderson also argue that there is a difference between personal autonomy and freedom. They see freedom as a triadic relation between an *agent* who is *free* to satisfy a certain *desire*[2]. Freedom is measured by looking at the possibility that a person has to act in the world. If a person is constrained in the fulfillment of many of his desires, he is considered not (or not very) free. If he is however free to fulfill most of his desires, he is free (or freer). Personal autonomy on the other hand is a person's capability to form desires autonomously. They both disagree with

2 This triadic relation between an agent, an obstacle and his desire has been firstly formulated by MacCallum in his famous article *Negative and Positive freedom* (1967). It not only provides a very helpful insight in the concept of freedom, but also in the different ways that freedom has be defined.

Dworkin that personal autonomy is a trait of individuals, but argue that it is a trait of individuals' desires. A desire is formed autonomously if it is critically reflected on and endorsed by a person's higher goals and beliefs. The extent to which a person is autonomous depends on the amount of autonomously formed desires he has. An individual is never fully autonomous or entirely not autonomous, but he is always autonomous to a higher or lower degree. (Christman 1991, p. 2-4; Anderson 2008, p. 7-9).

I think that the distinction made by Dworkin, Christman and Anderson is clarifying. Personal autonomy is clearly different from freedom of action. For the sake of clarity it is very important to keep both concepts apart. I also agree with the claim that freedom is not a sufficient condition for personal autonomy. As mentioned in the previous chapter, personal autonomy entails more than doing what one wants. Christman (1991, p. 22) and Dworkin (1981, p. 211) however also argue that freedom is not a necessary condition of personal autonomy either. They believe that it is possible that a person lacks freedom, but is still autonomous. I have serious doubts about that claim and will return to this specific issue in section 3.7.

3.3. Moral autonomy and personal autonomy

Within the literature an important second distinction is made between personal autonomy and moral autonomy. Although the concepts are related and to some extent overlap, most authors stress their differences (Raz 1986, p. 370; Christman 1988, p. 114-116).

Moral autonomy is a concept connected with Kantian ethics. A person is morally autonomous if he acts rightly and is motivated by these moral laws independently of any empirical inclinations and desires. It is a rational capability to reflect on the different ends of all people in society and to construct a system of rights in which all these different pursuits of good life are regulated. According to Kant, this was only possible if people could abstract from their own conceptions of the good and their own personal traits, desires and wishes. Rawls' veil of ignorance is derived from this concept of moral autonomy (Waldron 2005, p 307-314).

Personal autonomy is on the other hand the capability to govern one's own desires. It is the ability to govern one's own life based on one's own values and beliefs. It holds that a person who drifts through life without any guidance from a general life plan is not autonomous. Also personal autonomy requires that an individual can abstract from his desires and can critically reflect on them.

He should reflect whether his desires are coherent with his goals, values and ideals in life. This is however an individual process. It is concerned with one's own life and is not a way of thinking about moral law for society (Waldron 2005, p. 307-308, 314-320).

Moral autonomy and personal autonomy share the idea that individuals should abstract from their desires and inclinations and critically reflect on them in the light of a higher ideal (Waldron 2005, p. 317-319). The reason why this reflection is needed is however fundamentally different. Moral autonomy is concerned with the establishment of moral law and personal autonomy with the government of one's own life. In the following chapters I will be exclusively concerned with personal autonomy. The central topic of this thesis is the ability of individuals to govern their own life. Although moral autonomy is a related and interesting subject, it goes beyond the scope of this thesis to discuss this difficult it fully.

3.4. The authenticity of desires

In his famous article Frankfurt defended the claim that what distinguishes humans from other species is their capability of living their lives guided by their free will. Based on Frankfurt's work Gerald Dworkin (1976, p. 23) later defended this concept of free will as personal autonomy. It provides a theoretical defense of the intuition that a human life consists in more than simply satisfying desires and pursuing urges (Frankfurt 1971, p. 5-8).

Central in these concepts is the authenticity of desires. People do not only have desires to do something, but they also have desires about their desires to do something. A person can have an urge to smoke cigarettes for instance, but he could also have a desire not to be addicted to nicotine anymore. He might consider such dependence on nicotine a weakness of his will or find the health risks of smoking too troublesome. The latter is a desire about a desire: it is an evaluation of a person's current desire in the light of his higher ideals and values. It is a reflection on a desire based on how a person sees himself (Frankfurt 1971, p. 10, G. Dworkin 1976, p. 23-24).

An individual has personal autonomy if he has this capability to critically reflect on his desires. An autonomous agent critically evaluates his desires in the light of his own values, goals and ideals. He deliberates on the question whether his desires are authentic and serve his goals in life (G. Dworkin 1976, p. 24-25 and 1981, p. 212). In other words, an autonomous individual tries to find out if his desires are his own or the result of unwanted external forces. Based on this judgment he either

affirms or rejects a desire. Frankfurt describes this as a process of evaluating first-order desires and inclinations based on second-order values, ideals and goals in life. It is a hierarchical structure[3]. Somebody who fails to do this is not autonomous or a "wanton". He is only driven by his first-order inclinations, urges and desires. He fails to reflect on them or is indifferent of their source. He drifts through life without meaning (Frankfurt 1971, p. 10-14).

It is not necessary that a person succeeds in removing externally imposed desires. Dworkin acknowledges that desires are formed through influences of people's social environment, family and education. People undeniably have a personal history of externally imposed desires. What is essential is whether a person can affirm these desires later as his own. He should be able to identify with his current desires, regardless of their origins (G. Dworkin 1976, p. 23-24). It is also possible that a person considers a desire incoherent with his second-order goals and values, but is unable to alter them. Dworkin gives an example of a robbed man. He has an externally imposed desire to hand over the money to the robber, because he would otherwise get killed. It is impossible to alter this desire, but this man is still autonomous (G. Dworkin 1981, p. 210-211). Frankfurt gives a similar example of an unwilling drugs addict. A drugs addict might be unable to alter his overwhelming desire for drugs. But if he is still able to consider his desire for drugs as unwanted and incoherent with his plans in life, he should still be considered autonomous (Frankfurt 1971, p. 10-14).

3.5. Are desires hierarchical?

The 'hierarchical' structure of first-order desires and inclination, and second-order values and beliefs has been criticized within the literature. Thalberg for instance thinks that the role of second-order values, beliefs and goals is overestimated. The robbed man for example will not be frustrated over the fact that he has an externally imposed desire to hand over the money, but simply over the fact that he feels coerced to act. He thinks that a better conception of coercion needs to be formulated and that second-order desires are unnecessary to explain when a person is autonomous or not (Thalberg 1978, p. 215-218).

3. The term hierarchical is borrowed from other literature on this subject, most notably Christman (1988). The term is however somewhat misleading. It implies that the second-order values, beliefs and goals are superior, or more important, than first-order urges and desires. I however do not want to give that impression. First-order desires, and their fulfillment are extremely important in a person's life. They are however less abstract than a person's values and beliefs and in that sense 'lower' desires. I will discuss it more extensively in section 3.5. I owe this insight to Nieuwenburg.

Friedman too is critical about the 'hierarchical' concept of autonomy. She thinks this hierarchy is not as definite as Dworkin seems to defend. She argues that frustration about a first-order desire can lead to a complete alteration of one's second-order beliefs and values. A woman who is extremely frustrated over doing the dishes and cleaning up the mess of her lazy husband, can, because of these frustrations, decide to alter her second order values and ideals about traditional family roles entirely. Friedman pleas for a bottom-up approach, in which the importance of second-order values and beliefs are diminished and more weight is given to first-order desires. Central to her concept of personal autonomy is the argument that all second-order and first-order desires, values and beliefs of an individual should be coherent with each other (Friedman 1986, p. 29-33).

I find both these lines of critique strong, but not compelling enough to abandon the 'hierarchical' structure. It is true that first-order desires can have a large impact on one's life and should not be underestimated. Sometimes frustrations about some seemingly straightforward desires or inclinations can have radical effects on someone's higher-order values and beliefs. It would also sometimes be unnecessarily complicated to render an unwanted situation of coercion, such as a robbery, in terms of first-order desires and second-order goals in life. I do however think that the concept of personal autonomy is in its essence captured by Dworkin and Frankfurt. An autonomous person governs[4] his desires based on his own conception of a fulfilling and worthwhile life.

3.6. The regress problem

Another line of critique against Dworkin's and Frankfurt's concepts is more compelling and problematic. Many have argued that these second-order values and beliefs are just as vulnerable as the first-order desires and inclination for unwanted external influences. It might be very well possible that a person's second-order beliefs and values are the result of social conditioning or indoctrination as well. A much used example is that of a contented slave. It is not unlikely that somebody, who has been a slave for a long time, finds his first-order desires, for example to be obedient and to serve his master unconditionally, completely coherent with his second-order beliefs and values. He might have come to terms with his slavery or has been indoctrinated to believe that this is simply his role in life. A less extreme case would be that of women from very traditional cultures, whose first-order values are that they have to be obedient and subservient to their husbands. These can however be completely coherent with their second-order religious values and

4 Again: the question whether somebody has personal autonomy as soon as he aims to govern his desires or only when he actually succeeds in doing so will be discussed in section 3.7.

traditional ideas about family roles. In both cases it can be doubted whether these values and ideas about slavery and the woman's place in society are formed autonomously (Christman 1987, p. 283-286; Thalberg 1978, p. 219-225).

A person's second-order desires need to be formed autonomously as well or the hierarchical concept would be radically incomplete (Christman 1991, 6-8). It is possible to put second-order values under the same scrutiny as first-order desires. Individuals could critically reflect on their second-order values and beliefs based on some higher third-order ideals. But these third-order ideals would face the same problem. Or as Anderson puts it: “If the authority or authenticity of any given desire of order “n” is established by appeal to a desire “n+1” there seems to be no non-arbitrary stopping-point to the regress (Anderson 2008, p. 10)”. This has been called the regress problem.

There are two ways in which this regress problem has been dealt with in the literature. This also forms the difference between Dworkin's and Frankfurt's theory about autonomy (Anderson 2008, p. 11). Some have defended a structural approach to this problem. Frankfurt argues that an individual's second-order values are autonomous if he endorses them wholeheartedly. If a person doesn't have any doubts about his second-order values and sees no reason to change them, these second-order values should be considered autonomous (Anderson 2008, p. 13-15) Friedman defends a similar concept of autonomy. Although she is critical about the difference between second-order and first-order desires, she considers an individual autonomous if he considers all his desires to be coherent with each other (Friedman 1986, p. 29-33). Both Friedman and Frankfurt make the question whether somebody is autonomous thus entirely dependent on the subjective states of mind of people. As long as somebody considers his second-order desires to be truly authentic and as long as he can endorse them wholeheartedly, he should be considered autonomous.

I agree with both Christman (1987, p. 286-287) and Anderson (2008. 13-15) that this doesn't solve the regress problem at all. A subservient housewife or a contented slave can be indoctrinated to such an extent, or be so dramatically uninformed, that they wholeheartedly endorse their first-order desires and second-order values and beliefs. The structural approach is too neutral about the reasons of endorsement and is too subjective. An individual's own judgment about his autonomy, however unconditionally defended by himself, is not sufficient to consider him autonomous.

The second approach is more appealing. Dworkin argues that autonomy not only requires authenticity of desires, but also that the process of deciding whether a desire is authentic is done independently: “The full formula for autonomy is then authenticity plus procedural independence. A person is autonomous if he identifies with his desires, goals and values, and such identification is not itself influenced in ways which make the process of identification in some way alien to himself (Dworkin 1981 p. 212)”. Christman (1987, p. 287-292) argues that the process of critical reflection should be free of illegitimate external influences.

These accounts of procedural independence don't judge which particular desires are autonomous and which are not, but demand that desires are endorsed in a specific way. They are not concerned with the content of a desire, but with the conditions under which desires are endorsed. Some ways in which a desire is endorsed are considered not autonomous (Christman 1987, p. 292). The usual suspects are brainwashing, indoctrination and threat. It might however be harder to formulate the more subtle forms of illegitimate external influences. There can be a thin line between fatherly advice about a woman's choice of partner and a prearranged marriage for example. It however provides an objective ground on which it can be judged whether a desire is autonomous or not. Some reasons for endorsing a desire will simply not do for personal autonomy. Defenders of procedural independence make some minimal demands of rationality in the process of endorsing desires (Sher 1997, p. 52-56).

I find this demand of procedural independence a promising solution. Firstly because it leaves plenty of room for individuals to have different goals, values and desires in life. It also solves the regress problem by making some demands about the formation and endorsement of desires. It demands some rationality of the endorsement and considers some reasons for holding a desire not in line with autonomy. A contented slave and a subservient woman will have to hold their desires for truly their own reasons. All forms of indoctrination and keeping them uniformed will make them less autonomous. Independence is thus a crucial requirement of personal autonomy.

3.7. Freedom as necessary condition of autonomy

The discussion up on this point was focused on the requirements of autonomy that are internal to individuals. Christman and Dworkin consider individuals autonomous if they can critically reflect on their desires in the light of their own values and beliefs independently from any illegitimate influences. After this process of identification it is however not required that a person can actually

effectively alter his desires. To put it differently, actual freedom of action is not a necessary condition of personal autonomy (G. Dworkin 1981, p. 210-211; Christman 1991, p. 22-24; Sher 1997, p. 48-51).

Oshana is critical of these purely internal accounts of personal autonomy. She argues that somebody is truly autonomous if he is in control of his own life. This also means that a person should have control over the external factors that reduce the control over his life. She defends the claim that a person is truly autonomous if he is not forced to act in the interests of others. It is therefore necessary that individuals have the immediate possibility to alter their desires if their personal goals and values require this (Oshana 1998, p. 94-95). She gives an example of a woman who decides, in accordance with the internal requirements of autonomy, to lead a subservient life. She can have decided that she is not capable of managing her own affairs and that being dependent on her man is, all things considered, the best option. Oshana argues that this woman is not autonomous. She lacks the power to decide for herself. She thus cannot take immediate control over her own goals and plans (Oshana 1998, p. 89-91). The same would be true for the drugs addict, who lacks the capability to control his own desire for narcotics.

A person can also be incapable to live in accordance with his own goals in life because of external conditions. Somebody can be constantly incapable of fulfilling a desire or achieving a goal. A woman who lives her entire life in extreme poverty and who has to spend all her energy in surviving, will not be capable of fulfilling other goals in life she might have. In order to be autonomous, a person must be able to effectively act upon his desires. Haworth also points at the risk of lacking the possibility to effectively pursue a desire. It can lead to the famous effect of the sour grapes, as formulated by Jon Elster. Instead of being frustrated about the inability to fulfill a certain desire, a person can also choose to stop having this desire or goal. This will make him feel more happy, but leads to an alteration of his desires in accordance with his situation (Haworth 1991, p. 134-138).

Raz too sees the availability of an adequate range of options as an indispensable condition of personal autonomy. A person can only be autonomous if he can choose between different options which are not all totally trivial or all have enormous effects on a person's life. He should be able to choose between various and sufficiently different options. A person should be able to pursue multiple goals in his life and should be able to alter them to something completely different. He

further argues that these options should be morally acceptable. A person is not autonomous if he has to choose between a bad option and good option. For example, if a person has an option between marrying a woman or letting her get killed, he is not autonomous (Raz 1986, p. 373-381).

I think Oshana, Haworth and Raz point to a weakness of the internal accounts of autonomy. Autonomy seems to require that individuals to some extent have effective control over their lives. I do not agree with Oshana that this control over one's life needs to be immediate and absolute. This would mean that very few people could be considered autonomous. It leads to very counterintuitive conclusions. Students for example would not be autonomous, because they are obliged to hand in papers and to do other school projects. They thus cannot take immediate control over their life plans. Many students will however consider their education beneficial for their personal autonomy. It enables them to critically reflect on their goals and values in life. I therefore not entirely agree with the claim that deliberately giving up control over one's ability to make autonomous decisions always means giving up autonomy. A woman who decides to lead a subservient life or a man who decides to join a very restrictive religious group do not automatically lack autonomy. Raz points at the crucial criterion for deciding whether somebody is autonomous, namely the possibility of changing one's goals in life later. A decision must not be completely irreversible. If somebody chooses a way of life this should not mean that all other options are from that moment on unavailable. A person should always, or at least after a reasonable amount of time, have an adequate range of morally good options open to him. He should be able to alter his plans in life and start to pursue equally reasonable goals. A certain degree of freedom of action is thus a necessary condition of personal autonomy.

3.8. An account of freedom

What does freedom require? I have argued that freedom requires more than the ability to do what one likes. Freedom of action is not a sufficient condition for a truly free life. An individual also needs to be autonomous. I have however argued that in order to be autonomous it is also necessary to have the freedom to act on one's desires, goals and values. This can lead to the following conclusion about the question: when are individuals truly free? They can be considered free if and only if the following three criteria are met:

I. Individuals should be able to critically evaluate whether their desires and urges are coherent with their higher goals, values and beliefs. They should be able to plan their life and have an idea about what kind of person they want to be.

II. This process of critical evaluation should happen independent from unwanted external influences and manipulations. Individuals should endorse their desires based on reasons which are not illegitimately influenced.

III. Individuals should be free to alter their goals in life and have an adequate range of good alternative options open to them. None of their decisions should definitely determine the course of their lives. They should be free to act on their current desires and have the possibility to alter them and form new and equally good desires.

These are in my opinion the criteria that should be met in order to consider an individual free. It seems to capture nicely the many intuitions we have about freedom. The conditions are quite similar to Raz' conditions of autonomy (Raz 1986, p. 371-373). Concepts of freedom are always controversial, but I hope to have showed that freedom entails more than satisfying one's current desires. In the next two chapters I will discuss whether a neutral state can protect personal autonomy. As mentioned in the introduction, women from traditional social groups will play an important role in this discussion. Most notably, their case will be used to test whether a neutral state can guarantee the personal autonomy of individuals in section 5.1.

Chapter four: Liberal Neutrality

In the previous chapter I have argued that individuals should not only be free to act, but also be able to independently form higher goals, ideals and values in order to give meaning and guidance to their lives. They should have personal autonomy. Before I can answer whether a neutral state can guarantee this, I will have to discuss the concept of liberal neutrality in more detail. I will firstly discuss the *scope* of neutrality. On which issues should the state remain neutral? I will also discuss whether state neutrality is merely a political doctrine. Secondly I will discuss *how* a state should be neutral. What does the doctrine of neutrality demand of a state? How can it make neutral policies and laws? Finally I will briefly discuss some of the reasons *why* neutrality should be favored over perfectionist theories according to proponents of liberal neutrality.

4.1. The scope of neutrality

It is firstly necessary to establish on what kind of issues neutrality of the state is required. It is commonly argued that the state should be neutral on questions about the good. The state is not justified to promote conceptions of the good, but it can legitimately enforce rights. A state can also legitimately defend that certain controversial empirical claims are true and can decide to base policies on them. A state can, for example, teach children that natural selection or climate change are true by means of public education. Arneson (2003, p. 5-6) wonders why the doctrine neutrality should be limited to conceptions of the good. Why not also demand neutrality about conceptions of the right or controversial empirical claims? I think Kukathas can be seen as a defender of such generalized conception of neutrality. He argues that the liberty of conscience requires that people are free to believe what they think is true, right and good. The state should therefore refrain from imposing any of its ideas about what is true, right and good on their citizens. However, many proponents of liberal neutrality argue that the state should only refrain from promoting the good (Kukathas 2003, p. 72 and p. 101-106).

A more pressing issue is how we define what a conception of the good is. Larmore argues that issues which are considered *controversial* within a society qualify as conceptions of the good. If, in other words, a subject is a matter of fierce debate, which cannot be resolved by rational argument, it is a conception of the good (Larmore 1987, p. 44-46). Both Arneson and Sher find this sociological approach too weak and too strong at the same time. It is too weak because some ideas in society

might not be controversial at all, but can still be considered a conception of the good. Within a strictly Islamic country, for example, there might be consensus in society about the idea that the Islam is the one and only true religion. This religion might not be controversial, but it clearly qualifies as part of a conception of the good. Such a sociological approach is thus vulnerable for taboo and deep errors within a society. It is on the other hand too weak because it doesn't demand that controversies are rational. Opponents can criticize a certain idea based on completely irrational and incoherent arguments. Too many issues would form discussions about conceptions of the good if any argument against a fact, right, or claim is considered valid. Both Arneson and Sher plea for a more normative approach in order to establish whether a certain issue is about a conception of the good life. They consider an issue part of a conception of the good if no objective ground can support either proponents or opponents of a certain claim. It can, in other words, not be resolved based on rational *reasons,* for example empirical evidence or an objective ground such as public health. Not the actual consensus in society, but the possibility of finding an objective reason to favor one of the opposing opinions on a matter, should be determinate for deciding if an issue is about a conception of the good (Arneson 2003, p. Sher 1997, p. 37-42). I find this last approach more compelling, whether an issue is about a conception of the good should be a normative question and not an empirical one.

A second question arises after our previous discussion. Who in society should be neutral about the conceptions of the good? Many will argue that the principle of neutrality is solely a restriction of state policies. Raz and Larmore defend such a view for example. The principle of neutrality constrains the reasons for which a policy might be implemented by the state. The state should only justify its policies based on the right or on other neutral grounds. For individuals in society such restrictions do not exist. They might pursue and promote any conception of the good in their private lives. Neutrality is thus only a political ideal (Raz 1986, p. 110-111; Larmore 1987, p. 46-48).

Sher (1997, p. 28-30) and Arneson (2003, p. 5) question this claim. Sher stresses the fact that a state and its organs consist of many individuals. These individuals create and execute the policies of the state. Also parliament and other legislative bodies consist of individuals. According to Larmore all these individuals are in their personal lives free to promote and pursue any conception of the good, but must refrain from doing so in their political function. According to Sher, this is, however, only possible if civil servants and members of parliament to some extent see the value of state neutrality.

These individuals should be motivated not to pursue their own conception of the good with their political function. It is therefore necessary that these people as well are committed to the value of state neutrality. Sher further argues that also the electorate should see the value of neutrality. He thus doubts whether state neutrality is a purely political concept. It clearly needs the endorsement of society, and in particular civil servants, in order to be effective.

Although I think Sher's argument is valid and true, neutrality primarily seems to be a political ideal. It holds that the state should not use its powers to promote a conception of the good in society. Individuals do not have such restraints and are free to promote and pursue their particular conceptions of the good. These individuals should however to some extent be able to endorse that their state acts neutrally with regard to conceptions of the good.

4.2. Neutral policies

Neutrality thus holds that *states* should not try to promote a conception of *the good* in society. It forms a restraint on state policies. But how should the state be restrained? What policies are legitimate within a neutral state and which are not? Within the literature three different approaches are suggested. By most authors, a distinction is made between two of these approaches. They argue that a state can either aim to make policies that are neutral in their *effects* on the different conceptions of the good in society or it can aim to *justify* its policies on neutral grounds. (Sher 1997, p. 22; Larmore 1987, p. 44-46). A third approach has however also been distinguished within the literature. A state can also *aim* that state actions do not intentionally favor one conception of the good over another. (Arneson 2003, p. 3-4 and 1990, p. 218).

The neutrality of effects approach holds that a state should not impose policies which have unequal effects on the different conceptions of the good in society. If a certain policy unintentionally, and even if it has been justified on neutral grounds, is more beneficial for conception of the good *A* than it is for conception of the good *B,* it is considered not legitimate. Both opponents (Sher 1997, p. 3-4; Arneson 2003, p. 4) and defenders (Larmore 1987, p. 44-46) of liberal neutrality consider this approach indefensible. Every policy is bound to have some effects on the different conceptions of the good within the jurisdiction of a state. Arneson provides a compelling example. The right of freedom of religion, which enables citizens to proselytize, will have negative effects on unattractive and very orthodox religions. It will become harder for them to stop their members from leaving the

church. Attractive and newer religions on the other hand will benefit from such policies, it will be easier for them to find new members for their church. The policy is thus not legitimate according to the neutrality of effects approach. However, if there is no freedom of religion, the unattractive orthodox churches will benefit, because members are not allowed to leave. It will be harder for new religions to convert new believers, simply because nobody has the freedom to alter religion. This policy is also not neutral in its effects. In this case either state policy would not be neutral. In neither way a state can guarantee that the effects of its policies are neutral (Arneson 2003, p. 4; Weinstock 1999, p. 52-57).

The neutrality of effects approach is thus indefensible. This however also means that it is not fair to criticize the neutral state on the fact that its policies have unequal consequences. This would be attacking a straw man concept of the doctrine of neutrality (Sadurski 1990, p. 123-125; Weinstock 1999, p. 52-57) Perfectionists or other critics should not criticize the doctrine of neutrality on the fact that a neutral state does not have neutral effects on society (Arneson 2003, p. 4; Sher 1997, p. 4-5). Such an argument against liberal neutrality has been made for example by Kymlicka in his book *Multicultural Citizenship* (1995, p. 4-8). He argues that modern neutral states are not really neutral, because minority cultures are structurally, but unintentionally, undermined by all sorts of state policies. These policies, such as a state language or public education laws, are justified on neutral grounds, but are unintentionally favorable to the majority culture and unfavorable to smaller minorities.

The neutrality of justification approach is more promising. This approach holds that the state should justify its policies based on neutral reasons. A neutral state should thus not justify a certain policy or law based on the superiority of some conception of the good. Sher thinks more should be demanded than simply a neutral reason for a policy. He thinks that a state can always find a neutral reason to defend its actions, even for the most perfectionist policies. He therefore demands that this neutral reason is of considerable strength: “A law, institution or other political arrangement is neutrally justifiable if and only if at least one possible argument for it has only neutral normative premises, and contains no implausible premises or obvious fallacies, and provides a justification of reasonable strength” (Sher, 1997, p. 26-27).

Closely related to this idea of neutrality of justification is the approach of neutrality of aim or

intended effect. The neutrality of aim approach demands from a state that it should not deliberately make policies which favor one conception of the good over another (Rawls 1988, p. 261-262). If a state knows that a certain policy will negatively affect a particular conception of the good tremendously, it should refrain from imposing it, regardless whether it can be justified neutrally. An example of such a policy might be the enactment of Roman Catholicism as the state religion, in order to create stability within a state. Social stability is a neutral reason and the policy could therefore be justified neutrally. It will however not be legitimized if we demand that a state is neutral in their aim Arneson 1990 p. 218-219, 2003, p. 3-5). The difference between neutrality of justification and neutrality of aim should however not be exaggerated in my opinion. Especially with Sher's additional demand that a reason for adopting a policy should be sufficiently strong, it seems very hard to justify policies which manifestly favor one conception of the good over another. They can also be easily combined. This stronger approach would then demand that a state shouldn't justify its policies based on the superiority of a certain conception of the good, and that a state shouldn't make policies which deliberately favor one conception of the good over another (Arneson 2003, p. 3-5).

I think Sher defends the most promising concept of neutrality. Demanding neutrality of effects is simply indefensible. Every policy is bound to have unequal effects on the different conceptions of the good in society. Arguing for neutrality of effects is, if pushed to the extreme, ultimately untenable. It is inherent in policies that they have effects on society. Laws, rules and policies exist to regulate societies. Arguing that the effects of policies might not in the slightest favor some pursuits of the good life of individuals over another, is ultimately the same as arguing against the idea of policies and thus the same as arguing against the state in general. Neutrality of justification is a more promising approach. A state can be neutral in the way it justifies its policies. It can refrain from claiming the superiority of a conception of the good and it can refrain from considerations about the good when it justifies laws. Sher's additional criterion that the neutral reason should be of reasonable strength seems to be a necessary addition. Not only should the state provide a neutral reason for a policy, it should also be of considerable strength. Sher's approach will also rule out policies which are justified neutrality, but which intentionally favor one conception of the good over another. The reasons for adopting such policies, in the light of the tremendous effects it has some conceptions of the good, will simply not be considered strong enough. However, it can be additionally demanded that the state also refrains from aiming to promote a certain conception of

the good over another.

4.3. Arguments in favor of neutrality

Now that the general features of the doctrine of neutrality have been discussed, I want to say a little more about the arguments in favor of it. My main aim in this thesis is to challenge the claim that state neutrality is necessary to protect and respect the autonomy of individuals. There are however different defenses in favor of state neutrality. I will discuss three influential arguments briefly. Sher (1997, p. 42-43) argues that between these different arguments the defended concept of state neutrality tends to differ. This makes it impossible to define what the concept of neutrality exactly entails within the literature.

4.3.1. Moral skepticism

An argument in favor of neutrality is based on skepticism about our ability to know what is good. This argument has been for instance defended by Ackerman. He asks us rhetorically: "But can we know anything about the good? Sure all of us have beliefs; but isn't it merely pretentious to proclaim one's knowledge on this subject? Worse than pretentious – isn't some loud foul fool typically the first to impose his self-righteous certainties on others? (Ackerman 1980, p. 368)" He defends the claim that it is impossible to know what is good in life and therefore the state should refrain from imposing a certain conception of it in society. It would be pretentious and foolish to do so.

This argument has been criticized fiercely by opponents as well as defenders of state neutrality (R. Dworkin 1978, p. 142-143, Raz 1986, p. 160). Larmore for example argues that there is no need to be skeptical about the possibility of knowing what moral facts are, such as conceptions of the good. Moral facts should be established with a contextual method. This means that a controversial moral fact is true if it is supported by another non-controversial empirical or moral fact. Only if this other moral or empirical fact becomes a matter of dispute, then there is a reason to question the former moral fact. He argues that this method is also used within the empirical sciences. We should not demand more in order to establish moral facts, than we demand in order to establish empirical facts (Larmore 1987, p. 29-30). Sher seems to share this view. He thinks that a moral fact can be established if it is coherent with all other facts that are known (Sher 1997, p. 145-149). He secondly argues that moral skepticism proves too much. If we are skeptical about our ability to know what is good, we would also be unable to determine what is right and what justice requires of us. It even

undermines the argument in favor of neutrality. If we cannot know what is morally required, we can also not know whether we should be neutral (Sher 1997, p. 140-145).

I think that moral skepticism about the good or morality undermines the practice of political philosophy. Conflicts between individuals and disputes about rights, property and benefits are facts about human life that require moral answers. Fundamentally doubting the possibility of providing such answers doesn't solve these problems. I think that political philosophy should be able to provide a moral framework to solve these issues. There can be good reasons to opt for a neutral state, but the argument in favor of it should, in my opinion, not be based on doubts about our ability to make moral judgments. It is simply not effective and to some extent self-defeating for a political philosopher to be a moral skeptic, regardless whether one defends the doctrine of neutrality or a perfectionist theory. I'm aware that this is a very quick conclusion. This skeptical argument is complicated and has been discussed extensively within political philosophy. It however goes beyond the aim of this thesis to discuss it fully. For now, I would just like to point out some of the problems of this argument.

4.3.2. Modus Vivendi

A more compelling argument in favor of neutrality is made by Larmore (1987, p. 46-47) and, in his later works, by Rawls (1988). Larmore explicitly does not base his argument in favor of neutrality on the idea of the autonomous individual, but on more pragmatic grounds. The ideal of autonomy is namely too controversial for many people (Larmore 1987, p. 50-53). Conceptions of the good of individuals within society are plural, controversial and in many cases incommensurable. In order to maintain a peaceful and stable society Larmore thinks it is necessary that the state should be neutral about these different conceptions of the good. In their private lives citizens might pursue any conception of the good, but in the public realm these arguments should not be used. In the public realm people should retreat to neutral grounds in order to engage in rational dialogue about what is good for the state, society, and the different conceptions of the good life (Larmore 1987, p. 54-56). This argument in favor of liberal neutrality has been called the *modus vivendi* argument (Caney 1991, p. 471)

One obvious criticism that has been raised against this argument is that it doesn't seem to be empirically plausible. Many states make nonneutral policies but are however still very stable. Caney

argues that Great-Britannia, France and Spain qualify as nonneutral, but stable, states. Some of the most perfectionist states even seem to be capable of maintaining civil peace. The fact that these nonneutral states are stable is possible because many individuals do not wish to advance their conception of the good at all costs. Stability, prosperity and security are reasons why individuals will accept that a state is not neutral in all situations (Caney 1991, p. 471-473; Sher 1997, p. 118-129).

I do not wish to assess the empirical claims made by Sher and Caney, but intuitively their argument seems right. I find Larmore's argument for neutrality troublesome for another reason. Larmore and Rawls argue that their argument in favor of neutrality is not controversial. It is based on stability, which indeed doesn't seem to be very controversial. Larmore acknowledges however that stability alone doesn't mean that a state has to be neutral. If controversial views are held by just a small minority, stability could also be achieved by oppressing this conception of the good. Larmore doesn't seem to favor this idea and therefore argues that also equal respect for conceptions of the good is a value underlying neutrality. Individuals should consider all others capable of forming respectable conceptions of the good life, even if they are completely different from their own (Larmore 1987, p. 59-64). This second norm seems to reintroduce the problem of controversiality however. Equal respect for other people's capability to form a respectable conception of the good seems far from being a shared value. Not many orthodox Muslims or Christians for example seem to share the idea that also actively homosexual men are capable of forming respectable conceptions of the good. Equal respect seems to be just as controversial as personal autonomy.

4.3.3. Oppression

The last argument I will discuss has for instance been defended by Berlin (1969, p. 181-191) and Ackerman (1980, p. 371). This argument holds that the state should be neutral in order to prevent it from becoming oppressive and totalitarian. States that are not neutral about the good will become paternalistic and oppressive, if they are not restrained in their reasons for making policies. Especially Berlin is very critical of the idea that the state should promote the autonomy of individuals. He thinks this will lead to a state in which individuals are bullied and oppressed with an appeal to their 'true' and higher interests. Similar arguments have been made in various ways (Caney 1991, p. 465-476), but all ultimately hold that the freedom of individuals in some way will be jeopardized by the state if it is not neutral. The nonneutral state will determine to a large extent

how people ought to live. People will not be free anymore to decide for themselves which kind of life they wish to live, but are all forced to live in accordance with a single higher ideal. Ackerman (1980, p. 371) argues that this tendency of the state to become paternalistic and oppressive is a reason to favor neutrality.

Sher is critical of this argument. He again makes an empirical claim. He argues that there are many nonneutral states which are not oppressive or which diminish the freedom of individuals. He thinks that the dangers of promoting certain conceptions of the good are exaggerated. It firstly didn't seem to have happened in many western non-neutral countries. Secondly, paternalism and oppression can be avoided in a nonneutral state if fundamental human rights and rule of law are upheld (Sher 1997, p. 111-114).

In my opinion Sher underestimates the dangers of paternalism in a nonneutral state. The risk of excessive state paternalism is a clear and should be considered when defending a theory which holds that the state should promote a particular conception of the good. I do however think that promoting personal autonomy doesn't soon run the risk of becoming paternalistic. It is evidently contrary to the idea of personal autonomy that people are bullied and forced to live their lives in a certain way. The idea of personal autonomy, as has been defended in chapter three, also leaves enough room for individuals to decide what conception of the good they wish to pursue. It doesn't necessarily compromise the plurality of societies.

4.4. Some final remarks

The concept of neutrality is elusive and the arguments in favor of it are numerous and diverse. I do not think I have treated all of the nuances of the concept deeply and fundamentally. But I do think that the main aspects of the concept should be clear. Also I didn't discuss in much detail the other arguments in favor of neutrality and their problems. For the purpose of this thesis, I however think that they are discussed sufficiently to proceed to next chapter. However, for a complete rebuttal of them a more extensive discussion would be needed.

Chapter five: Autonomy and the Neutral State

In this chapter I will discuss the relation between the doctrine of neutrality and personal autonomy. Is it required that the state remains neutral about conceptions of the good to protect the autonomy of individuals? This claim has most notably been defended by Ronald Dworkin, but many other authors have made similar arguments in favor of neutrality. What all these arguments share is the idea that a neutral state should be favored if we want to take the autonomy of people seriously.

Within the literature a distinction has been made between two sorts of arguments in favor of neutrality based on autonomy (Sher 1997, p. 10-14). The first argument holds that in order to *respect* the autonomy of people the state should be neutral. Nonneutral policies would undermine the autonomy of individuals and would therefore be disrespectful to them. States should, out of respect, refrain from making laws and policies which are based on conceptions of the good. The second argument is related, but on closer inspection, different. Proponents of this argument defend the claim that personal autonomy can only, or at least to the greatest extent, be promoted in a neutral state. Nonneutral policies lead to *less* personal autonomy of individuals in society. It is a more pragmatical argument.

I will challenge both these arguments. In the next sections I will firstly discuss both of them in further detail. Then I will argue that state neutrality is not the best way to respect the personal autonomy of individuals. On the contrary, I will argue that it fails to do so. I will use the case of women from traditional cultures as leading example to support this claim. I will finally defend the claim that the second argument also doesn't hold. It is possible and effective to promote the autonomy of individuals with nonneutral policies.

5.1.1. Respect for autonomy

A state should treat all its citizens with respect. All values, beliefs and goals of individuals in society should be taken seriously and deserve equal respect from the state. Some people want to be devout, humble and modest Christians and others urban post-modern artists. Within a liberal state all such different ways of life should be possible and should be treated equally.

This common sense argument has been most notably made by Ronald Dworkin in his essay

Liberalism (1972). He describes a fundamental distinction between two ways to answer the question: "What does it mean for the government to treat its citizens as equals?" (R. Dworkin 1972, p. 127). According to him, the liberal answer to this question is that the state should remain neutral. Treating individuals with equal respect means that a state should consider them as independent and free human beings who are capable of living their lives in accordance with their own conception of the good. No distinction should be made between a scholar who prefers a life of contemplation and fine arts and a beer-drinking television-watching citizen who likes to barbeque in his backyard. Both live equally legitimate ways of life and the state should: "... so far as possible, be independent of any particular conception of the good (R. Dworkin 1972, p. 127)".

The second answer to the question is that the state cannot be neutral about conceptions of the good and that the true task of the state is to promote a concept of the human flourishing in society. The state has an obligation to help individuals achieve intrinsically valuable things in life. Treating people as equals means helping them equally to achieve an intrinsically good life. The beer-drinking citizen should be helped to appreciate the fine arts for example. Dworkin finds this answer unsatisfactory. Favoring some conception of the good over the other means that some conceptions of the good that citizens hold are considered less important or not valuable. Other conceptions are on the other hand considered more valuable and better. In this way some people, who live a state-preferred way of life, are treated with more respect than others. The autonomy of individuals with a different way of life is however not respected. Therefore this answer to the question should not be favored (R. Dworkin 192, p. 127-134). Arguments in a similar vein of equal respect for citizens and their conceptions of the good have been made by Ackerman (1980, p. 367-368) and Rawls. Rawls' statement that states which promote a conception of the good do not take seriously the distinction between individuals is, I believe, a famous example of this (Rawls 1972, p. 27).

The neutral state and its citizens are restrained by the harm-principle in their actions. Everybody is free to pursue their own conception of the good as long as they don't harm or interfere with the pursuit of others in society. Individuals are thus limited in their pursuit of a good life by the similar pursuits of the good of others. The state should make sure that the harm-principle is not violated and only when it is violated the state might use coercive means in order to undo these injustices. The state should judge whether harm is done to others in a non-perfectionist way; considerations of harm should be independent of the moral worth of actions (Sadurski 1990, p. 112).

The idea that respecting the autonomy of individuals requires that the state should remain neutral has been criticized in various ways. A first way would be to question whether it is a task of the state to treat the autonomy of individuals with equal respect or that the state should respect people in an other way (Mason 1990, p. 450-451). This would be quite a controversial argument to defend and I do not wish to pursue it in this thesis, simply because it goes beyond the scope of it. I agree with defenders of state neutrality that personal autonomy is valuable and deserves respect from the state. I only wish to question whether a neutral state is capable of respecting and promoting personal autonomy. I do however not wish to question whether respecting and promoting personal autonomy is a task of the state at all. A second way would be to argue that there are all sorts of non-coercive ways in which the state can promote conceptions of the good. I will say more about this argument later. In this section I want to discuss the argument that holds that respecting autonomy requires more than simply being neutral about conceptions of the good.

In his book *The Morality of Freedom* (1986) Raz argues that a state doesn't sufficiently respect the autonomy of citizens if it remains neutral about the different conceptions of the good. The argument that autonomy should be respected does not automatically lead to the conclusion that the state should not justify its policies based on nonneutral reasons (Raz 1986, p. 130-133; p. 157-162). On the contrary, to respect the autonomy of individuals properly, more is required than simple abstention from judgments about the good. "... since autonomy is morally valuable there is reason for everybody to make himself and everyone else autonomous (Raz 1986, p. 407)".

Raz argues that the state has an obligation to make people autonomous. The freedom to pursue one's own conception of the good is still a very important aspect of an autonomous life, but only to the extent that it contributes to the autonomy of people. The state should also actively try to foster the autonomy of individuals. This means that it should help them to critically reflect on their options and that it should guarantee that there are sufficiently good options available for individuals. Autonomy thus requires more than the negative obligation to abstain from paternalism and coercion, but a state also has a positive obligation to help and foster the autonomy of citizens (Raz 1986, p. 408-410). Mason similarly argues that respecting autonomy doesn't mean that the doctrine of state neutrality should be accepted. He argues that, if autonomy is to be respected, the state should foster and endorse conceptions of the good in which critical reflection and independence of

individuals are considered valuable (Mason 1990, p. 444-446).

Remarkably, Raz argues that the harm principle should be explained as a perfectionist principle which demands that the state should promote the autonomy of individuals (Raz 1986, p. 419-421). Sadurski is critical of this interpretation of the harm principle (Sadurski 1990, p. 130-133). For the sake of clarity I will assume that Sadurski's interpretation of the harm principle is right. It should be considered a neutral principle of justified state coercion. Quarreling about the true meaning of the harm principle seems, for the present purpose, not very useful. What should be clear is that Raz envisions a larger role for the state than proponents of liberal neutrality.

5.1.2. Putting state neutrality to the test

Arguments in favor of liberal neutrality that hold that respecting the autonomy of individuals requires a neutral state are thus contested. In this section I will put the arguments to the test. To what extent does liberal neutrality guarantee that individuals have personal autonomy? I will use the case of women from orthodox or traditional cultures as a leading example throughout this section in order to support the claim that a neutral state cannot guarantee the personal autonomy of individuals. In chapter three I have argued that personal autonomy has three criteria. I will discuss these criteria separately in this section.

5.1.2.1. Self-government

The first requirement of personal autonomy that I defined was self-government. An autonomous individual should not only be free to do what he wants, but also be capable to live his life in accordance with his higher ideals, goals and beliefs. He should, in other words, have a life plan. A person who drifts through life without any guidance of his values and beliefs shouldn't be considered autonomous. Individuals should critically reflect on how they want to live and what goals in life they wish to pursue.

Women for orthodox cultures should thus be guided by their own values, beliefs and goals in life. They should be able to form their own conceptions of the good and should be able to live in accordance with them. This can of course mean that women choose for a way of life in which they are subordinate to their husbands and their tasks are to do the household and to raise the children. These women presumably believe in traditional family values and consider living in accordance

with the orthodox rules of church valuable and meaningful. In their daily lives they are thus clearly guided by their higher values and beliefs. Their higher order beliefs are coherent with their actual way of life. It can be argued that they meet this requirement extremely well. In order to live in accordance with the stringent rules of an orthodox religion a high level of self-discipline seems to be required. It can hardly be argued that these women drift through life without meaning or guidance. On the contrary, the problem would seem to be that they are guided a bit too much by their religion.

A neutral state seems to be capable of facilitating this aspect of an autonomous life very well. It allows individuals to have different conceptions of the good life and to live in accordance with them. Orthodox women in a neutral society can live their private lives in accordance with their conception of the good. It however also possible and allowed to drift through life with out any meaning in a neutral state. This might not be the case for the women of orthodox cultures, but for many others this can be a problem. In a neutral state people can live, as Frankfurt describes it, as wantons. They can live simply to fulfill their first-order desires and urges without any clear goals and values in life.

This brings me to the second aspect of self-government, namely that people critically reflect upon their goals in life and are able to alter and change them. Again, a neutral state provides individuals the possibility of altering their convictions, values and beliefs. Women from traditional cultures are free to alter their life plans unpunished. Some have argued that this mere possibility is potentially threatening to orthodox cultures. I believe this is true. The possibility to leave a traditional social group or to apostatize from an orthodox religion is already a huge step towards an autonomous life. However these freedoms do not in any way guarantee that women from orthodox social groups critically reflect on their values, beliefs and goals in life. Critical reflection of women on religious teachings and dogma will presumably not be fostered in these social environments. In order to enable women from traditional societies to critically reflect on their plans in life more seems necessary than simply the right to do so. It would for instance require a kind of public education in which such a critical attitude towards claims about the good life are fostered.

A neutral state thus provides the possibility to life in accordance with one's higher ideals, goals and values, but doesn't in any way guarantee it. The same seems to be case for critical reflection on one's ideals and values in life. It is possible in a neutral state that an individual drifts through life

without meaning or lives in accordance with unexamined and blindly accepted principles. Women from traditional social environments don't seem to lack guidance of higher order values, but the danger that their principles have been accepted unexamined and blindly looms large. Respecting the autonomy of these women would thus demand from the state to foster their capabilities of critical reflection. Neutral states fail to guarantee this requirement of an autonomous life.

5.1.2.2. Independence

This brings me to the second requirement of an autonomous life. Critical reflection should be free from manipulation and coercion by illegitimate external influences. An individual should be able to live in accordance with a life plan that is his *own*. He should, in other words, follow this life plan for his own reasons. If certain values and beliefs are the result of past manipulations, coercion, or indoctrination we don't consider a person to be independent and therefore not autonomous.

Especially the problem of manipulation poses an enormous challenge to both the proponents as the opponents of state neutrality. In a neutral state people are clearly protected against the more severe forms of coercion. In a neutral state people will for example be protected against robberies, extortion and blackmailing. If the robbers, extortioners, or blackmailers are caught they will be punished and the victims will generally be compensated in their losses. Contracts signed and promises made under these forms of threat will not be considered genuine and will not be legally binding. To this extent a neutral state can protect the independence of individuals.

The more subtle forms of coercion and manipulation are however less easy to protect against in a neutral state. Women from traditional cultures will probably be indoctrinated or manipulated in more subtle ways. They will be taught to fear the judgment of some god or will be threatened with expulsion from the social group and their family. Also social segregation and the creation of an image of a cruel and godless outside world can contribute to the acceptance of traditional norms and values by these women. Within a neutral state protection against such kinds of manipulation seems hard to achieve. If these women actually endorse these traditional ways of life there seems no ground to assume that they are manipulated. In other words, if these women do not consider themselves to be harmed, there is no ground on which the neutral state can legitimately act. A neutral state can't argue that the way of life of these women is demeaning and should be avoided, because this would be a judgment about the intrinsic value of the good life. Neutral states seem to

be unable to cope with this kind of manipulation and subtle coercion.

It would however be too optimistic to conclude that nonneutral policies can solve this problem of manipulation and subtle coercion entirely. Firstly, as pointed out by Waldron, manipulation and coercion by the state will undermine the autonomy of individuals as well. A state cannot simply force or manipulate women from traditional social cultures to hold more autonomous beliefs. This would be to a large extent self-defeating. If absence of manipulation is considered a necessary condition of personal autonomy and it is demanded that a state should guarantee the personal autonomy of individuals, than the state cannot resort to manipulation itself in order to guarantee personal autonomy. If it did, it would try to achieve the absence of manipulation by means of manipulation. The state would violate people's personal autonomy, with an appeal to this very same principle. Such policies would thus undermine their own purpose and would be self-defeating (Waldron 1988, p. 1141-1153). What however is possible with nonneutral policies is to foster the independence of women in a non-coercive way. A state can for instance teach women which rights they have and which different conceptions of the good life exist. By means of subsidies or tax benefits, a state can also make it more attractive for women to pursue a career and to have a paid job. This could foster the economic independence of women.

Independence from manipulation and subtle coercion remains a huge problem still. Everybody is undeniably influenced by their social environment. Complete independence from everyone is simply impossible. With nonneutral policies which promote independence and critical reflection noncoercively, a state can however try to improve the independence of individuals. The neutral state seems to be less capable to make people more independent.

5.1.2.3. An adequate range of options

The last requirement of autonomy is that individuals should also have an adequate range of options to choose from. It is not enough that people can critically reflect on their life independently of illegitimate external influences. Individuals should also be able to choose various and different ways to live their lives. In order to be autonomous there should be the possibility of an actual genuine choice of life in society.

Women from traditional societies should thus have the option of choosing for fundamentally

different ways of life within society. It would be extremely frustrating for them to find out, after they have critically reflected on their values, beliefs, and goals independently, that there is actually only one way of life possible in their state. It would be equally frustrating if these women had to choose between a bad or an even worse option. For example, between living in a traditional culture or to fall in extreme poverty, because of a lack of basic income. To be autonomous, in other words, requires multiple good and diverse ways of life to choose from.

A neutral state, again, seems to provide the possibility of altering one's way of life. In a neutral state citizens will not be stoned to death for changing their religion or for apostasy. Kymlicka however argues that the neutral state is also the best way to guarantee that there is an adequate range of ways of life to choose from. A neutral state provides a cultural marketplace in which all different conceptions of the good compete for the adherence of the citizens. This competition will lead to the disappearance of unfeasible and unattractive ways of life and will make sure that only a range of good and meaningful ways of life will prevail. This 'invisible hand' will determine which conceptions of the good are worthwhile to have and which of them should clearly be abandoned. The result will be a plural society of different good ways of life (Kymlicka 1989, p. 893-895; Caney 1991, p. 459).

Caney is very critical about the capability of the cultural marketplace to provide a range of valuable and good ways of life. If a conception of the good is marketable, it doesn't mean that it is also an inherently good way of life. Very meaningless and repulsive ways of life could be the outcome of cultural competition through the cultural market. It is naive and too optimistic to assume that an adequate range of good ways of life will arise through a process of cultural competition (Caney 1991, p. 458-460).

I agree with Caney that Kymlicka makes too optimistic assumptions about the cultural marketplace. It is to no extent certain that this cultural market will provide sufficient meaningful ways of life. It seems, on the contrary, very well possible that without state interference some unmarketable options will slowly disappear and that society will become less diverse. Also, I believe that the idea of the cultural marketplace itself is a bit too optimistic. Or at least there seem to be many regional monopolies on it. Segregation of social groups is still a large problem, which doesn't seem to solve itself. Many people live in a social and geographical area with only a single conception of the good

life. They are hardly confronted with fundamentally other ways of life. In order to make sure that people know about different good ways of life and that some unmarketable good options prevail, some state interference seems to be required.

Kymlicka is thus too optimistic. In order to protect a plurality of conceptions of the good, it might be necessary to promote some ways of life and to discriminate against others. A neutral state is not capable of justifying these required policies. It therefore also fails to guarantee that individuals have an adequate range of ways of life to choose from. Nonneutral policies seem again to be required.

5.1.3. final remarks

I think it is fair to conclude that the autonomy of individuals is insufficiently protected in a neutral state. The case of women from traditional social groups has helped to point at some of the weaknesses of neutral states. Although it provides some basic rights which ensure the possibility of living autonomously, in order to guarantee that individuals are truly autonomous a more proactive state seems to be necessary. In order to respect the autonomy of individuals it is not enough to abstain from acting on what is good, but requires that the value autonomy is fostered and promoted in society.

5.2.1. The endorsement constraint

In order to respect the autonomy of individuals the state seems to be obliged to do more than simply abstain from promoting conceptions of the good. I have argued that some nonneutral policies and laws are necessary if a state wants to fully respect the autonomy of its citizens. But to what extent is it possible for a state to make citizens more autonomous? The second argument I wish to discuss holds that policies which try to promote conceptions of the good, for instance personal autonomy, are self-defeating. Ronald Dworkin discusses this argument in much detail in his book *Sovereign Virtue* (2000). In this section I will primarily focus on his work, but similar arguments have been made for example by Ackerman (1980, p. 11-12) and Kymlicka (2002, p. 216-217). All these arguments hold that the state should refrain from imposing conceptions of the good, because it will be ineffective and self-defeating to do so. A state should remain neutral about issues concerning the good life, because ultimately a good life is lived from the "inside" and cannot be imposed externally (Kymlicka 2002, p. 216).

I will discuss later in this section what the endorsement constraint entails and at the end of it what is self-defeating about non-neutral policies. But it is firstly necessary to discuss a distinction that Ronald Dworkin makes between critical and volitional interests of people. Volitional interests concern the satisfaction of desires and the achievement of pleasurable experiences in life. A good life consists partly in achieving these interests. They do however not contribute to overall judgment of an individual about the value of his life. To make it more clear: I can have an urge to eat strawberry ice cream. I might feel disappointed if I fail to fulfill this desire, but I don't consider my life less valuable if I do so. Critical interests on the other hand do have this effect. Some desires, traits, and values people do find of critical interest of a meaningful and good life. The desire to be a good parent can be an example of such an interest. Failing to fulfill this interest will affect a person's judgment about how good his life is (R. Dworkin 2000, p. 242-245).

The endorsement constraint concerns these critical interests. Dworkin argues that: "...no component may even so much as contribute to the value of a person's life without his endorsement (R. Dworkin 2000, p. 248)". What a person considers his critical interests in life is ultimately dependent on his own judgment about their value to his life. This means that a state cannot successfully force a person to value certain critical interests with an appeal to the claim that they are inherently good. An individual's life will not become better if critical interests are forced upon him. His life will not become better without his endorsement (R. Dworkin 2000, p. 270). Dworkin finds it deeply implausible that a person's life can become objectively better, if a person himself doesn't see the benefits of an inherently good interest. (R. Dworkin 2004, p. 354-356).

Dworkin's defense of the endorsement constraint is based on two arguments. He firstly argues that a good life consists in skilful performance. A person's life is good if he faces the challenges in his life skilfully and successfully. Not the impact that his actions have in the world, but the way he deals with all the problems, obstacles, and challenges he faces in life determines the success it. Part of successfully facing a challenge in life is having the right intentions and motives to act. We do not value a performance which is done for the wrong reasons. In order to lead a successful life of skilful performance, a person thus needs to endorse his achievements, goals, and challenges (R. Dworkin 2000, p. 251-254). This argument has been criticized fiercely. It is highly doubtful whether achievements in life are only valuable if they are done for the right reasons. An author can write a literary masterpiece without recognizing its value himself. He could have written it simply to make

some money and find his actual work worthless. This doesn't however objectively mean that it is a worthless achievement or that the author shouldn't be praised for his qualitatively superb book (Wilkinson 1996, p. 438-441; Clarcke 2006, p. 114).

Dworkin's second argument is more compelling. He argues that the endorsement constraint should be based in the idea of moral integrity. He describes this as follows: “Someone has achieved moral integrity, we may say, when he lives out of the conviction that his life, in its central features, is an appropriate one, that no other life he might live would be a plainly better response to the parameters of his ethical situation rightly judged” (R. Dworkin 2000, p. 270). A person's life should be as far as possible the result of his own actions and performances. He should feel that his life is the best response to the challenges he faced during his life. Every state action that successfully alters an individual's life or his possibility of facing challenges makes the life of that individual less valuable. His moral integrity is namely violated. Therefore, the state should not only refrain from imposing critical interests on people, it should also not narrow down the options people have in life, or force them to choose their second-best ways of life (R. Dworkin 2000, p. 270-271).

Dworkin defends the claim that the endorsement constraint forms the basis for the doctrine of state neutrality. The state simply cannot force people to live a certain objectively good life. A good life is dependent on a person's endorsement. If somebody fails to endorse certain aspects of his life, these aspects cannot be considered valuable to him. Policies which try to promote the good of individuals will thus be self-defeating. For example, forcing somebody to pray for a god he doesn't believe in, is generally considered ineffective and a self-defeating policy. A state can force somebody to preform a certain action, but it cannot force him to actually endorse this action as valuable or as beneficial for his life. The problem is that endorsement is crucial to consider a person's life good or worthwhile. State action that tries to promote the good of individuals is therefore self-defeating. A state can force an individual to do what it considers good. It would however defeat its own purpose, because a person's life can only become better if it is endorsed by the individual himself. If an individual is forced act, he will most likely not endorse it. States should therefore refrain from such policies according to Dworkin (2000, p. 278-284).

5.2.2. Endorsement and neutrality

The endorsement constraint appeals to a fundamental intuition about the question when a life can be

considered good. It is very plausible to argue that a life, at least to some extent, can only be good if a human himself finds it valuable. Intuitively, we would agree that a deeply unhappy and depressed person doesn't live a good life, even if he managed to achieve all sorts of objectively highly valuable goals, such as intellectual and artistic skills, meaningful work, and personal autonomy. Many proponents of nonneutral policies therefore accept the endorsement constraint, for example Raz (1986, p. 407) and Sher (1997, p. 61). They focus their critique on the second part of Dworkin's argument: the endorsement constraint requires that a state is neutral about conceptions of the good.

Raz thus accepts the endorsement constraint. According to him, it would be counterintuitive to argue that we can force somebody to be autonomous. The concept of autonomy requires independence and self-government, which are both hard to force upon individuals. It would be truly self-defeating to force somebody to be independent. Autonomy also requires that the state doesn't coerce and manipulate individuals (Raz 1986, p. 407). In my opinion Raz' conclusion is right. To finally return to our case, we cannot force women from traditional cultures to alter their values and beliefs which make them less autonomous. To force these women not to fear their god and to reject their culturally imposed values doesn't make them more autonomous.

But the fact that a state can't force these women to critically reflect and to be independent doesn't mean a state has to be neutral about conceptions of the good life. The endorsement constraint doesn't get us anywhere near the acceptance of the doctrine of liberal neutrality. A much heard criticism is that the state has means at its disposal that are not necessarily coercive. The state can make nonneutral policies, without violating the endorsement constraint. (Arneson 2003, p. 9-15, Sher 1997, p. 61). The same is argued in defense of nonneutral policies which should promote personal autonomy without being self-defeating (Raz 1986, p. 408-410).

An example of such a noncoercive policy is public education. It is possible for a state to teach its citizens to be autonomous. A state can teach its citizens to be critical and to be independent. To return to the example of women from traditional cultures, it might not be possible to force women not to believe religious dogma and traditional values anymore, but a state can learn them about the different ways of life and can enable them to critically reflect on their beliefs and values. The development of these mental capabilities would foster their autonomy (Hurka 1983, p. 158-160; Raz 1986, p. 408-410). Another policy that can be pursued by the state is the creation of more

valuable options. By means of tax benefits or subsidies valuable options can be created or be made available. A classical example would be a policy that deliberately makes the opera less expensive in order to make it affordable for a larger part of the population. All sorts of similar incentives could be given by the state in order to maintain a variety of ways of life and valuable options. (Raz 1986, p. 408-410; Sher 1997, p. 65, Arneson 2003, p. 9-15). Both of these mentioned policies are based on nonneutral reasons, but do not force people to accept a certain conception of the good. The policies merely provide valuable options and foster the capability of people to lead an autonomous life. The endorsement constraint is however not violated by the state when it enacts such policies. The policies are thus not self-defeating.

This argument has been criticized in two different ways. Waldron argues that noncoercive policies are also self-defeating of people's personal autonomy. In order to be autonomous a person has to be independent from manipulation and coercion. In his view non-coercive policies illegitimately manipulate individuals' preferences and conceptions of the good. Subsidizing particular ways of life is bribing people to endorse them. Such measures would thus be violating the second requirement of autonomy: it would be interfering with people's independence (Waldron 1988, p. 1141-1153). Dworkin too stresses that it is important that endorsements are genuine. The endorsement of values should not be the result of manipulation (R. Dworkin 2000, p. 270)

In my opinion Waldron defends a way too broad conception of manipulation. It has been argued earlier that manipulation is a concept that is hard to define. To some extent we are “manipulated”, or to use a better term, formed by our social environment. Endorsement of values in life will never be completely independent of influences of others. Not all such influences are downright manipulations. I am not bribed by the Dutch state to study political science, because they subsidize higher education in the Netherlands. I'm not manipulated by my parents to value an autonomous life and to value intellectual challenges. Providing citizens with the opportunity to visit the opera for a reduced price isn't manipulation either. Intuitively, it seems logical to conclude that manipulation should be interpreted more narrowly. Manipulation seems to mean something like deliberately making a person act contrary to his own interests or goals by subtly influencing him. In its daily use, manipulation refers to a shady business which is intended to make the manipulator better off at the expense of the manipulated. I have argued early that an exact definition of manipulation is hard to find, but subsidizing certain activities, such as studying and visiting the opera, doesn't seem to

fall under its scope. Firstly, because the state doesn't aim to benefit from its policies at the expense of their citizens. Secondly, there is still an opportunity for individuals to genuinely choose another way of life if such policies are enacted. I'm not tricked into following an education and I'm not forced or manipulated to go the opera. Waldron's argument cannot hold for that reason. If all these influences count as manipulations than the independence of individuals is violated constantly and very few people could be considered autonomous.

A second line of critique is raised by Weinstock (1999, p. 52-57). He argues that also a neutral state is justified to enact non-coercive policies which promote education. He defends the claim that a neutral state can promote conceptions of the good that are not controversial and that public education is an uncontroversial good. The neutral state is thus not so restrained as argued by Hurka. I have argued earlier that the concept of neutrality which holds that the state should only refrain from imposing controversial conceptions of the good is problematic. I secondly don't agree with the claim that Hurka's view on education is uncontroversial. Surely consensus can be reached over the idea that educating children is valuable. The curriculum however is, and has proven to be, not something that is likely to gain support from everybody. Hurka's argument that the state should promote the ideal of autonomy, critical reflection and equality will definitely not be accepted by all groups in society. Such policies are simply not defensible with neutral reasons. Weinstock's argument that Hurka's nonneutral policies can be achieved in a neutral state cannot thus hold either.

5.2.3. The problem of later endorsement

Non-coercive policies can promote conceptions of the good without violating the endorsement constraint or the personal autonomy of citizens. The endorsement constraint doesn't force us to accept the doctrine of state neutrality. Some authors have made even a bolder argument. The endorsement constraint doesn't even lead to the conclusion that coercive polices are always self-defeating and ineffective. The argument rests on the idea of *later* endorsement.

Many children are forced by their parents to go to primary school against their will. They might even hate school and rather play outside. At that time these children do not endorse the value of their education. It is however not unlikely that later in their lives, for example when they are admitted to university, they come to see the value of this earlier enforcement by their parents. They endorse the value of their primary education later in their life. This is an example of later

endorsement. Dworkin admits that such later endorsements can occur and give value to an individual's life. Aspects of my earlier life which at the time I didn't consider valuable, can still contribute to the value of my life now if I come to see their merits and endorse them (R. Dworkin 2004, p. 354-356)

This however opens the door for all kind of coercive measures. Sher (1997, p. 68-71) for instance argues that coercive policies by the state can be justified if they guarantee that people are more autonomous later in their lives. The state initially violates the endorsement constraint, but it can later seem to be justified if an individual endorses this coercive action. He can later see the potential value of the earlier enforcement. This possibility is also explored by Wilkinson. He argues that the endorsement constraint, if we accept the idea of later endorsement, become a very modest restriction of state policies. It would be however also implausible to argue that later endorsement has no value at all (Wilkinson 2003, p. 181-188).

In the previous section I have argued that promoting autonomy by means of coercion seems to be self-defeating. Sher's and Wilkinson's argument however sheds new light on this claim. Although forcing women to alter their lives will be undermining their autonomy and own life-plans at that particular moment, they might consider these measures helpful and valuable later in life. I can only imagine extreme situations in which such coercive actions might be justified. For example in the case of severe domestic violence or when a person is helplessly addicted to a deadly drugs. It is not unlikely that the abusive husband and the abused wife do not want to be separated or that the addict might not want kick off from the drugs he uses. In these cases it might be better if people are forced to be separated or are forced to stop using drug, because it will evidently enable them to be more autonomous *later* in their life. There is also good reason to suppose that they will endorse these enforcements later. These cases show another weakness of the endorsement constraint. There are conceivable situations in which even coercive state actions are not self-defeating in promoting the autonomy of individuals. In many cases however I agree with Sher that such interferences will not be justified. We simply cannot assume that people will always endorse state coercion later. For example, imagine that a state would force women from traditional social environments to abandon their beliefs and values. This state cannot reasonably argue that such state interference will be evidently, and by all these women, endorsed later.

5.2.4. An objectively better life

The previous section leads to the last issue concerning the endorsement constraint I wish to discuss. Is it true that a life cannot become any better if it isn't endorsed by an individual? Dworkin defines the concept of moral integrity quite strongly (2000, p. 271-277). A life can never become better if it is partly the result of enforcement or lacked the necessary genuine endorsement. The sole criterion to determine whether a life is good, seems to be whether a life met this criteria of moral integrity. A self-chosen and endorsed life is always more valuable than an enforced or predetermined life.

This strong claim has been questioned by many (Sher 1997 p. 60-61; Arneson 2004, p. 87-89 and 1999, p. 135-139; Wilkinson 1996, p. 444-446, Clarcke 2006, p. 115). Firstly these authors do not agree with the view that moral integrity has absolute priority over all other values. Surely moral integrity is important, but it seems implausible to argue that it always has priority, even when very much can be gained by forcing somebody to alter his life. That a person's life can never become better if a state acts against, or tries to alter, his conception in life, is according to them an overstatement. Surely it seems common sense to say that forcing somebody to pray for a god he doesn't believe in is not very effective. It is however equally common sense to argue that a crack cocaine addict who drifts through life without meaning might be better off when the state forces him to change his life. People's lives, especially if we accept that they can endorse aspects of it later, can get objectively better in some cases. Of course endorsement of one 's life is important, but it is not the only determinant of a good life.

5.3. final remarks

In this lengthy chapter I have discussed the argument that the autonomy of individuals requires that the state is neutral. I firstly argued that, if a state wants to take the autonomy of individuals seriously, more seems to be required of it than neutrality about the conceptions of the good life. Based on the case of women from traditional social cultures I concluded that a neutral state insufficiently guarantees the autonomy of individuals. I secondly argued that nonneutral policies that aim to promote the autonomy of individuals do not necessarily have to be self-defeating.

Chapter six: Conclusion

The freedom of individuals is insufficiently protected within a state which is neutral towards the different conceptions of the good life in society. This was the claim I set out to defend in this thesis. I argued that I favored a theory that held that the state should promote the good and that a person's life can be valuable independently of his own desires and judgment about it.

I firstly argued that freedom is more than simply doing what one wants. People, who drift through life without any guidance or without thinking for themselves, cannot be considered free. In order to be free a person needs to be autonomous. He should live his life guided by his own values, ideals and goals in life. These goals, values and ideals should be the result of a process of critical reflection. This was the first criterion of a truly autonomous life. Secondly I argued that individuals should independently form and alter their values, beliefs and goals in life. They should not be manipulated or coerced into having certain goals and values. Not only should an individual have a life plan, this life plan should be his *own*. Thirdly I argued that an autonomous life requires a choice between various reasonable options, which are significantly different. It is not enough if individuals have the mental capabilities to be self-governing and are free from indoctrination and coercion, they should also have numerous good ways of life to choose from. A person can be considered free, if these three criteria are met.

I secondly discussed the concept of liberal neutrality. I argued firstly that liberal neutrality is primarily a political doctrine that defines the boundaries of state action. It however might be necessary that individuals accept and act in accordance with the principles of neutrality as well, at least when they act in the public realm. Secondly does the doctrine of neutrality entails that the state should refrain from promoting the good in society. It can however legitimately promote the right and have an opinion about empirical claims. I refuted the idea that the state should only refrain from promoting controversial conceptions of the good, because this would grant the state too much and too few power at the same time. Finally I defended the view that the doctrine of neutrality entails that the state should justify its policies with neutral reasons. The idea that the neutral state should guarantee that the effects of its policies are neutral between the different conceptions of the good is simply indefensible. Neutral reasons should however be sufficiently strong. It should not be used as an excuse to aim to promote a certain conception of the good.

I thirdly argued why a neutral state insufficiently guarantees the autonomy of individuals. I used the case of women from traditional social environments to defend this claim. I firstly argued that the argument that respect for autonomy requires that states remain neutral about conceptions of the good was indefensible. On the contrary, neutral states fail to respect the autonomy of individuals, especially that of women from traditional societies. Neutral states insufficiently guarantee that people can critically reflect on their options, they are incapable of defending them from illegitimate manipulation and they cannot secure enough reasonable options for them. In a neutral society individuals are left on their own and if a state truly wants to respect their autonomy more is required. It requires policies which promote an autonomous way of life.

I lastly discussed a powerful objection to the idea that an autonomous way of life can be promoted. I discussed the so-named *endorsement constraint*, which holds that a person's life cannot be become better or good without the endorsement of this person. It is ineffective to force somebody to pray for a god he doesn't believe in. A truly good life is lived from the inside of a person and thus cannot be forced upon him through means of coercion. A state should therefore remain neutral.

I argued that the endorsement constraint is very plausible. Especially promoting autonomy through means of coercion is evidently self-defeating. A state cannot force somebody to be self-governing and independent. If a state enacts policies which aim to do so, these policies would be self-defeating. I am however critical about the claim that the state does thus needs to remain neutral. There are many noncoercive means at the disposal of states which can foster and promote the autonomy of individuals. A state can educate them in the different ways of life in society. It could also teach them to be independent and to critically reflect on their goals and values in life. It can stimulate valuable ways of life and can provide an adequate plurality of valuable options. Also in some case can an initial coercion of individuals become valuable if the enforced individuals endorse the value of the imposed way of life later. This possibility of later endorsement opens the door for all kinds of coercive policies which could safeguard the autonomy of people later in their lives. Whether such policies are desirable is another question, but it shows that the endorsement constraint doesn't force us to the conclusion that a state should be neutral.

A state should therefore not be neutral if it wants to respect and to promote the autonomy of individuals. I hope that I have defended this claim sufficiently in this thesis. I however didn't

discuss in much detail the policies that are required to promote autonomy in general and more specifically that of women from traditional social environments. I think it will prove to be a challenge to define such policies. It might even form a practical limitation to possibility of promoting autonomy. Secondly, there might be very compelling other reasons to favor state neutrality. I only discussed a few of the possible arguments in favor of a neutral state and not with the scrutiny and care they deserve, let alone with the scrutiny and care to rebut them. A complete refutation of the doctrine of neutrality would require this and would be an enormous difficult challenge. This thesis is but a modest contribution to this task. I however hope to have showed convincingly that a truly free life consists in more than simply doing what one wants and therefore that a state should do more than simply providing the opportunity to do so.

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