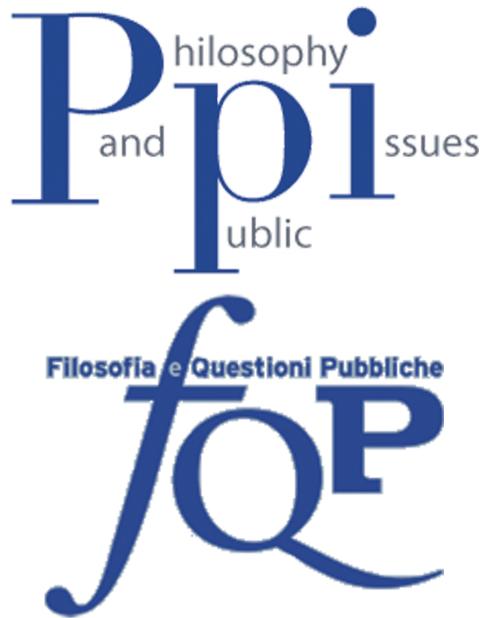


SYMPOSIUM  
POLITICAL LIBERALISM VS. LIBERAL PERFECTIONISM



LIBERALISM WITHOUT PERFECTION

A PRÉCIS BY JONATHAN QUONG

# Liberalism Without Perfection

*A Précis by Jonathan Quong*

Imagine the following scenario. The Supreme Court in your country strikes down as unconstitutional a piece of legislation that defines marriage as being an exclusively heterosexual institution. The majority opinion for the Court justifies this decision largely by appeal to an argument made by a prominent moral philosopher who claims that monogamous relationships (regardless of sexual orientation) represent one of the highest forms of human flourishing, and as such must be made legally available to all persons.

Consider how liberals are likely to react to this decision. Most liberals will, I assume, applaud the *outcome* of the Court's decision, but they are also likely to feel a deep unease about the *rationale* for the Court's decision. Homosexual couples ought to have the same rights to marry as heterosexual couples, but has the court offered the right sort of reason in defence of its decision? In deciding the case, the court has relied on a specific and controversial claim about the nature of human flourishing or the good life (I'll use these terms interchangeably). Proponents of the legislation, we can assume, offered a similarly controversial claim about the good life in support of the legislation. Should liberal rights and institutions depend on engaging in such controversial debates about the nature of the good life? Is liberalism, in this sense, just another sectarian doctrine, one that competes alongside others to use the power of the state to promote its particular views about value and human flourishing?

In my book, *Liberalism Without Perfection*, I argue that liberalism need not be grounded in some particular view of the good life, nor should the liberal state promote allegedly valuable forms of life or discourage allegedly disvaluable ones. Instead, following John Rawls, I defend a version of *political liberalism*. On this view, liberalism should be grounded in an ideal of persons as free and equal, and of society as a fair system of social cooperation for mutual benefit. An important part of what it means to treat

each other as free and equal, I suggest, is ensuring that our collective exercise of political power is reasonably justifiable to all those persons who are subject to that power. And since free and equal people can and do reasonably disagree about morality, religion, and the good life, the exercise of our political power must be justified in ways that avoid appeal to these, and other, controversial domains. Instead our political principles and institutions should be justified only by appeal to *public reasons*: considerations that appeal only to political values or ideals, and not to controversial claims about the good life or other areas of reasonable disagreement.

*Liberal perfectionists* disagree. They argue that the liberal state can and should try to help people lead better, more valuable lives. Most liberal perfectionists also endorse the further thesis that liberal rights and institutions are best understood as being grounded in a particular view of human flourishing, one where the value of personal autonomy—of being the author or at least part-author of one’s own life—is the centrepiece of leading a good life.

The book has two main aims. The first is to subject the liberal perfectionist position to critical scrutiny of a sort that has been surprisingly absent in the recent literature. Chapters 2-4 present three distinct, though related, objections to liberal perfectionism. In chapter 2 I argue that the most influential version of liberal perfectionism, developed by Joseph Raz in his magisterial *The Morality of Freedom*, is in one important sense unstable. Raz argues that the value of personal autonomy can justify a liberal principle of toleration—something like the harm principle—but that it can do so in a way that leaves considerable scope for the liberal state to engage in perfectionist policies, for example offering financial incentives (e.g. tax breaks or other subsidies) to citizens to induce them to pursue more valuable activities. I argue that Raz’s argument for the harm principle makes that principle hostage to certain empirical conditions in a way that seems illiberal. But more importantly, I show that Raz’s own account of personal autonomy cannot simultaneously ground the harm principle while also permitting many of the policies that liberal perfectionists favour.

In chapter 3 I argue that liberal perfectionism, despite what many of its proponents claim, remains a paternalistic doctrine. Liberal perfectionists must explain why the state needs to enact perfectionist policies. Why not simply give each citizen their fair share of resources and let them make their own decisions? The perfectionist answer must be, I suggest, that people will not make the right decisions if left to their own devices. But this means that

perfectionist policies are justified by reference to paternalistic reasoning. The perfectionist believes the state must act because she makes a negative judgement about citizens' capacities to make effective decisions about their own lives. This negative judgement, I claim, makes perfectionist policies presumptively wrongful, since it fails to treat people in accordance with their moral status as free and equal.

Chapter 4 presses the case against liberal perfectionism further. Even if the arguments in the previous chapters could be overcome, I argue that liberal perfectionists lack a persuasive account of political legitimacy; an account of how the state gains the moral right to rule. Perfectionists argue that whenever we have most reason to follow the state's directives, the state has legitimate authority over us. But this is a mistake. Even when we ought to follow someone else's directive, this does not suffice to establish that this person has legitimate authority over us. Perhaps, for example, I ought to follow my friend's directives about which career to pursue—I may do best by following his advice—but this does not mean he has the moral right to determine my career choices.

These objections regarding autonomy, paternalism, and legitimacy give us strong reasons to reject liberal perfectionism, and to look elsewhere for the best conception of liberalism. Chapters 5-10 of the book pursue this latter project by developing and defending a version of political liberalism. I begin, in chapter 5, by distinguishing two different conceptions of political liberalism. On one view, political liberalism is a very ambitious theory, one that seeks to vindicate liberalism by showing that liberal rights and institutions can be justified to the diverse constituency of persons that we find in modern, pluralistic societies. Should we be unable to show that liberal rights and institutions can be justified to this diverse constituency, this would prove fatal to the liberal project. I call this the *external* view of political liberalism since the constituency to whom liberal rights and institutions must be justified represents an external constraint on the success of the liberal project.

One of the central arguments in the book is that the external conception is fatally flawed. I argue for a more modest conception of political liberalism. The aim is not to establish that liberalism can be vindicated by showing it can be justified to people who may not accept some very basic liberal ideas. Instead, the aim is to understand how liberalism might be possible, and what the structure of political justification must be, in an ideal and well-ordered liberal society. We can assume that an ideal and well-ordered liberal society

will contain citizens who are committed to treating one another as free and equal, and who view society as a fair system of social cooperation for mutual benefit. But we can also assume that there will be deep and permanent disagreement in such a society about morality, religion, and the good life. This pluralism is the inevitable result of the free exercise of rationality under conditions of liberty. If this is a feature of ideal liberal society, we can then ask ourselves; how might liberal rights and institutions be justified under these conditions? In particular, could such citizens find ways to justify their shared political principles and institutions to one another in a manner consistent with respecting each other as free and equal? Political liberals answer these questions by arguing that the only way liberalism can succeed—the only way it can be fully consistent with its own ideals under the best feasible conditions—is if citizens eschew perfectionist or comprehensive reasoning in politics, and instead aim at the public justification of political power. I call this the *internal* conception of political liberalism since the puzzle it sets out to address is one that is internal to liberal theory itself. In chapters 6-8 I argue that many of the most prominent objections pressed against political liberalism can be effectively rebutted once we adopt the internal conception.

Some critics of political liberalism argue that the appeal to an overlapping consensus amongst reasonable people is either superfluous—since reasonable people will by definition accept the correct principles of justice—or else it makes liberal justice hostage to people who hold incorrect and potentially deeply illiberal views about justice. In chapter 6 I respond to this objection by arguing that the overlapping consensus should be conceptualised as the first stage in the justificatory structure of a political liberalism. As the internal conception recommends, we begin by asking what values or ideals citizens in an ideally well-ordered liberal society would all accept, and then we use those ideas as the basis for subsequent philosophical argument and public reasoning about the content of liberal justice. This defuses the worry that the overlapping consensus is either unnecessary or else somehow mistakes mere agreement for justification.

Other critics argue that political liberalism depends on treating disagreements about the good life very differently than disagreements about justice, and that this differential treatment cannot be justified. Reasonable people, the critics point out, disagree about justice as much as they do about the good life, so why does political liberalism declare that claims about the good life, but not claims about justice, cannot provide a legitimate basis for

the exercise of political power? I call this *the asymmetry objection*. In chapter 7 I show how this objection can be defused by appeal to a distinction between two different types of reasonable disagreement: justificatory and foundational. The former disagreements are characterised by the fact that the parties share certain premises which frame their dispute, whereas the latter disagreements are characterised by the fact that there are no shared premises or frameworks between the parties—the dispute goes ‘all the way down’. On my account of political liberalism, reasonable disagreements about justice are by definition justificatory, whereas reasonable disagreements about the good life are foundational, and thus there is a principled reason for political liberals to treat these two kinds of disagreements differently.

Rawls famously tells us that political liberalism does without the concept of truth. It does so because the philosophical nature of truth is something over which reasonable persons will disagree. But if political liberals cannot defend their theory as true, only as reasonable, then how can they insist that liberal principles and institutions must take priority over what citizens take to be true (e.g. their religious or otherwise comprehensive doctrines)? Political liberals could tell us that we ought to be *sceptical* about the truth of our comprehensive doctrines, but that’s also a controversial epistemological position that political liberals must avoid. Critics thus argue that the priority of liberal justice cannot be vindicated without violating political liberalism’s commitment to epistemic abstinence. In chapter 8 I argue this objection can be overcome once we adopt the internal conception. Political liberalism, as a theory, does not purport to provide a singular justification as to why citizens ought to be reasonable; why they ought to accord liberal justice priority over other considerations. Rather, it passes the buck on this task to citizens themselves. Political liberalism, as a theory, thereby remains epistemically abstinent while allowing citizens to decide why the political values ought to be accorded a certain deliberative priority.

Having responded to some of the major objections to political liberalism, chapters 9 and 10 offer novel arguments regarding the scope, structure, and constituency of public justification. In chapter 9 I make two main claims. First, I argue that in a large and diverse liberal society, the project of public reasoning depends on shared reasons, that is, considerations all reasonable persons can endorse as relevant. This conflicts with Gerald Gaus’s influential account, under which a law can be publicly justified so long as each person has his or her own sufficient reasons to endorse the law, even if

those reasons are not shared by other reasonable citizens. Second, I argue that the scope of public reason should include, in principle, all decisions where citizens exercise collective political power over one another. This differs from Rawls's view, where the scope of public reason is limited to what he calls the constitutional essentials and matters of basic justice.

Chapter 10 offers an account of how political liberals ought to address unreasonable citizens: those people who reject one or more of the central liberal ideals (persons as free and equal, society as a fair system of social cooperation, or the fact of reasonable pluralism). I argue that such persons are rightfully excluded from the constituency of public justification, that is, they are not part of the group to whom our rules and institutions need to be justified in order to be legitimate. However, despite what some have claimed, this does not entail that such persons are not citizens or not entitled to all the normal rights and benefits that citizenship confers. The rules and institutions that are justified by public reason apply to all members of the political community, even those who do not endorse its fundamental values. But this does not mean that unreasonable citizens can use the rights of citizenship as a shield to protect themselves from state interference when their aims are explicitly unreasonable, and threaten either the rights of others or the normative stability of a liberal democratic society.

In sum, the book is motivated by two main ideas. First, governments should not be making and acting on judgements about what constitutes a good or flourishing life—that is something for people to work out for themselves. If we want to treat one another as free and equal persons, and to live with each other on fair terms, we cannot use the power of the state to try and render our fellow citizens more perfect by our own lights. Second, liberalism does not depend on adopting some particular view of what constitutes a good life. Liberalism can instead be presented as something that all persons of good faith can accept, despite their many differences and disagreements.

Many critics of political liberalism, I believe, fail to understand the value of this latter achievement. By showing that the sort of pluralism generated under liberal conditions does not undermine the liberal project—by showing that the public justification of political power is possible under these conditions—we see how it is possible to treat one another as free and equal persons, and to live together on fair terms despite all of our differences. My hope is that the arguments in the book make some contribution to clarifying the nature of that valuable ideal.