Forbidden Ways of Life
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Abstract

I examine an objection against autonomy-minded liberalism sometimes made by philosophers such as John Rawls and William Galston, which is that it rules out ways of life that do not themselves value freedom or autonomy. I argue that this objection is incorrect, because one need not value autonomy to live an autonomous life. Hence, autonomy-minded liberalism need not rule out such ways of life. I then suggest a modified objection along the same lines that does work, namely that autonomy-minded liberalism must rule out ways of life that could not develop under an autonomy-promoting education. I conclude by suggesting some reasons why we might want to bite the bullet.

I Autonomy-minded liberalism

Autonomy-minded liberalism is a comprehensive doctrine of the state based on a commitment to autonomy: there is a value of autonomy, and it is the proper function of the state to promote this value by implementing policies designed to ensure that autonomy is protected and augmented where it exists, and to foster it where it doesn't. Autonomy-minded liberalism of this sort is often contrasted with the political liberalism of John Rawls.[1] A political liberal takes it to be unacceptable for the state to aim to promote controversial values like autonomy - that is, values which reasonable citizens might reject. One reason that this is unacceptable for the political liberalism is that it is partisan: promoting autonomy makes it harder for those reasonable autonomy-rejecting citizens to pursue their ways of life. This paper is a response to that charge, as levelled by Rawls and others. The autonomy-minded liberal is committed to excluding some ways of life, but these are ones which we might consider it acceptable to exclude.

By 'autonomy', in what follows, I have in mind something of the sort that Joseph Raz means when he describes the 'ideal of self-creation', and of an agent being 'part author of his life.'[2] Raz's notion of autonomy is not the only one in common currency, but I use a notion close to his in this paper, for two reasons. First, though I shall not argue as much here, something like Raz's notion seems to me the most defensible as a putative value. Secondly, it happens that most philosophers who argue for an autonomy-minded liberalism do so on the basis of a notion of autonomy much like Raz's. So, for example, Thomas Hurka says that being autonomous is 'to direct oneself where different directions are possible'[3]3 or an ideal of 'self-determination'.[4] Stephen Wall defends autonomy as 'the ideal of people charting their own course through life', and of them 'making something out of

[1] J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).
[2] J. Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), at p. 370.
[3] T. Hurka, 'Why value autonomy?', *Social Theory and Practice* 13 (1987): pp. 361-380.
[4] T. Hurka, *Perfectionism* (New York: Oxford University Press, 1993), at p. 148.

their lives according to their own understanding of what is valuable and worth doing.'[5] These are all variations upon the line suggested by Raz, and it is within this tradition that I locate my own position on autonomy. There are variations within the formulations that I have described - differences, for example, in the prominence accorded to free choices - but at their core is some value of self-governance, and of control over ones commitments.

I suggest that this should be made more precise in the following way: autonomy consists in deciding for oneself what is of value, and living ones life in accordance with that decision (where 'deciding for oneself' is understood as something like reaching one's own decision about what is valuable). Admittedly, this definition of autonomy raises several questions, concerning both hermeneutics (how far would someone like Raz take my formulation to identify the same idea as his?) and justification (why should we take autonomy, so understood, to be valuable?). I shall address neither of these problems here - hence, I do not in this paper offer a direct argument for autonomy-minded liberalism. However, the way in which I respond to the arguments below should be taken as pertinent to both types of questions. If an autonomy-minded liberal wants to escape those arguments, then the success of my theory in doing so ought to count in its favour, both as an interpretation of the ideal of autonomy and as a defence against a potential counterargument of the political theory committed to that ideal.

II The weak argument against autonomy-minded liberalism

The attack on autonomy-minded liberalism that I examine in this paper is this: comprehensive autonomy-minded liberalism suffers from the same fault as any other comprehensive doctrine, which is that the theory illegitimately devalues ways of life that do not involve recognising the value upon which it is based. That is, an autonomy-minded liberal state will be hostile towards people whose ways of life do not value autonomy or freedom (for the purposes of this paper I assume that the autonomy-minded liberal will have some commitment to freedom, though it might not be unconditional). It will make it harder for them to live their way of life than it is for others with more liberal sentiments. In short, it will take those ways of life to be 'forbidden': lives which the autonomy-minded liberal state should not support.

A state's deeming a way of life not worthy of support might justify various different negative policies. Most simply, and severely, it might simply prohibit them, by making certain essential practices illegal. Those negative policies might fall short of such prohibition, however. At the milder end of the spectrum, they might just make it more difficult to live that way of life than those which are favoured by the state. So, for example, a Christian state that offered tax incentives to Christian marriages and subsidised the building of churches and church schools would make it more difficult for a Jew or devout atheist to live their life as they see fit than it would be for a Christian. Alternately, it might make it absolutely (rather than comparatively) difficult for those committed towards such a way of life. The English Act of Uniformity of 1559 imposed a fine of 12 pence per week on people who did not attend an Anglican church every week: this made it hard for anyone other than Anglicans to live as they saw fit. The severity of such a policy can vary, and at some levels would make it prohibitively expensive for people to pursue their way of life (and hence have much the same effect as an outright ban).

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[5] S. Wall, *Liberalism Perfectionism and Restraint* (New York: Cambridge University Press, 1998), at p. 128.

There is more to be said about the contrast between these different policies, but the differences are not relevant to my argument here. The argument against autonomy-minded liberal that I consider here is that it is committed to some such policies in respect of ways of life which don't involve valuing autonomy, and that this commitment is unacceptable. Hence, I will talk in what follows about the ways of life that are *ruled out* by autonomy-minded liberalism to cover the range of negative policies and attitudes of the sort sketched above.

As noted above, the argument appears in the writings of John Rawls. Rawls says that any ideal of autonomy 'is incompatible with other conceptions of the good [and is therefore] unsuited for a political conception of justice.' He goes on to say that

> As found in Kant and J.S. Mill, these comprehensive ideals, despite their very great importance in liberal thought, are extended too far when presented as the only appropriate foundation for a constitutional regime. So understood, liberalism becomes but another sectarian doctrine.[6]

Elsewhere, he says that there is a form of autonomy that is 'purely moral and characterizes a certain way of life and reflection, critically examining our deepest ends and ideals, as in Mill's ideal of individuality. Whatever we may think of autonomy as a purely moral value, it fails to satisfy, given reasonable pluralism, the constraint of reciprocity, as many citizens, for example, those holding certain religious doctrines, may reject it.'[7] By being committed to autonomy, Rawls says, we risk treating unfairly reasonable people who do not take autonomy to be valuable.

The argument also appears in other writers who take themselves to be defending a form of liberalism, such as William Galston and Chandran Kukathas. Admittedly, the motivation for their arguments is somewhat different to Rawls'. Neither is a defender of Rawlsian political liberalism, so the reason they have for thinking it unacceptable to rule out autonomy-rejecting ways of life is different. They do not think that the state must be justified using only uncontroversial conceptions of value; rather, it ought to be committed to the protection of a value of diversity. Galston calls this 'diversity liberalism', and contrasts it to the Enlightenment project of a liberalism committed to autonomy.[8] However, his criticism of autonomy-minded liberalism is parallel to Rawls': the commitment to autonomy means that such a liberal would have to favour certain liberty- or autonomy-valuing ways of life, and this would make it either difficult or impossible to live ways of life that do not include such values. Galston comments that

> the decision to throw state power behind the promotion of individual autonomy can weaken or undermine individuals and groups that do not and cannot organise their affairs in accordance with that principle without undermining the deepest sources of their identity.[9]

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[6] J. Rawls, 'Justice as Fairness: Political not Metaphysical', *Philosophy and Public Affairs* 14 (1985): 245-6.
[7] J. Rawls, 'The Idea of Public Reason Revisited', reproduced in S. Freeman (ed) *John Rawls: Collected Papers* (Cambridge, MA: Harvard University Press, 1999), pp. 573-615, at p. 586.
[8] W. Galston 'Two Concepts of Liberalism', *Ethics* 105 (1995): 516-534, at 527-8.
[9] Ibid. p. 521.

He also says that 'the autonomy principle . . . represents a kind of uniformity that exerts pressure on ways of life that do not embrace autonomy'[10], and that

> many cultures or groups do not place a high value on choice and (to say the least) do not encourage their members to exercise it . . . if choice and critical reflection are the dominant public values, then society will be drawn down the path of interfering with groups that do not accept these values.[11]

Kukathas, who shares Galston's commitment to diversity, also gives this argument:

> culture . . . gives meaning to individual lives - lives for which individual choice or autonomy may be quite valueless. To try to shape it in accordance with ideals of individual choice is to strike at its very core.[12]

The argument that Rawls, Galston and Kukathas all gesture towards is this:

1. Autonomy-minded liberalism is committed to ruling out ways of life which don't take autonomy to be valuable.
2. Ruling those ways of life out is impermissible.
3. If a political theory is committed to something impermissible, then it is unacceptable.
4. Therefore, autonomy-minded liberalism is unacceptable.

Their different assumptions manifest in different justifications they would offer for Premiss 2, but the form of the argument is the same in each case. So, it is to this argument that the autonomy-minded liberal must find a response.

As it stands, the argument is valid. Premiss 1, however, is false. (I also take Premiss 2 to be false, and will offer some reasons for rejecting it below.) It relies on an implicit - and mistaken - analogy between valuing autonomy and valuing other goods. The thought, perhaps, is this: a state which values some good such as (for example) that of being a good Christian, or of being a committed Stoic, will have no claim to be liberal. This is because it will specify at its foundations things that people should do to make their lives go well, and should, by its own lights, implement policies that make it difficult to live ways of life that are guided by other conceptions of the good. Valuing autonomy, the analogical argument would then run, is of the same form as valuing the Christian life. Therefore, since a Christianity-promoting state has no claim to be liberal, neither does a state built on a commitment to autonomy.

The analogy is mistaken because we can value autonomy while refusing to specify particular things that people should do to make their lives go well: autonomy is a content-neutral ideal. Raz, for example, says that amongst values autonomy is distinctive in that it can be 'described without commitment to the substance of the valuable forms of life with which it is bound up.'[13] In particular, someone need not themselves value autonomy to live an autonomous life. Recall that I characterised the autonomous person as someone who decides for themselves what is valuable and lives their life according to that decision. This

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[10] Ibid. p. 523.
[11] Ibid. p. 522.
[12] C. Kukathas, 'Are There Any Cultural Rights?', *Political Theory* 20 (1992): 122.
[13] Raz (1986): p. 395.

leaves wide open the question of what those values might in fact be for different agents, and certainly doesn't imply that the values need include autonomy, or freedom. The autonomy-minded liberal can, for example, happily allow that some people might decide to live a life in which they take something else entirely to be valuable: a monk who believes that obedience to the will of God and abbot is all that matters, say, or a scientist devoted entirely to the pursuit of a cure for cancer. These people don't value autonomy, nor do their ways of life implicitly treat autonomy as valuable - but autonomy-minded liberalism is not only not committed to devaluing their lives as a result, but can cherish them, for such lives may indeed be very autonomous. To say that autonomy-minded liberals cannot accommodate people who live their lives in a way that doesn't treat autonomy as important is simply wrong. So, as it currently stands, Premiss 1 is plainly false - and if this is the only way of phrasing the argument against autonomy-minded liberalism, then it is hardly worth concerning ourselves with.

As it happens, though, there is a true claim about what ways of life the autonomy-minded liberal must rule out; hence, if we revise Premiss 1, the argument regains some of its force. The remainder of this paper will consist in giving that revised argument, and then suggesting that we can still reject it, for reflection upon the nature of the ways of life ruled out by the autonomy-minded liberal suggests a reason for us to reject Premiss 2 without begging the question.

III The strong argument against autonomy-minded liberalism

The argument against autonomy-minded liberalism can be reformulated in much stronger form if we consider one particular function of the liberal state, namely its education system. The autonomy-minded liberal need not demand a system which inculcates in everyone the belief that autonomy is valuable. After all, that an education system is designed to promote a certain valuable end doesn't require that it conveys an awareness of that purpose, nor that it tries to persuade its charges that the end is indeed valuable. In some cases, it may even be that the best way of promoting those values would be to ensure that one doesn't impose an awareness of them. Consider, by way of analogy, an education system guided by a commitment to utilitarianism. It might - as Mill himself says - be that greater utility will be produced by having most people obey a conventional code of morality.[14] Therefore, a utilitarian education system would *not* aim to produce in people a belief that utilitarianism is correct, despite that being the value dictating the form and purpose of the system. Likewise, the autonomy-minded education system is at the very least not committed to trying to make all people believe that autonomy is valuable. It may be that, if the autonomy-minded state is not to undermine itself, it will need at least some people to believe that autonomy is something valuable, or at least worthy of state promotion.[15] However, this certainly does not amount to saying that it must ensure that everyone comes to value autonomy and rule out those ways of life which do not. Hence, the failure of the version of the argument I considered above.

However, the autonomy-minded education system *does* seem committed to measures that allow people to be autonomous - for example, making them aware of a variety of ways of life, offering them the conceptual wherewithal both to choose between them, and

[14] J. S. Mill *System of Logic: Ratiocinative and Inductive,* 1843. Repr. as Volumes 7 & 8 of the *Collected Works of John Stuart Mill* (London: Routledge, 1991).
[15] My thanks to an anonymous referee for this point.

ensuring that they have a fair chance of acquiring the knowledge and skills required to succeed in them. This commitment forces the autonomy-minded liberal to rule out ways of life that cannot survive (or emerge from) such an education system. This is a much smaller set than the group of all ways of life that don't value autonomy, but it will surely not be empty.

If the critic is looking for a painful limit to the neutrality allowed by autonomy-minded liberalism, this is where they must look. The autonomy-minded liberal is committed to saying that there are certain ways of life that are beyond the pale, because they cannot survive the education process that autonomy-minded liberalism requires. For example, any way of life requiring that a child be raised in ignorance of possible courses their life might take other than the one approved by their parents will *de facto* be ruled out: the conditions required for someone to have such a way of life are incompatible with an autonomy-minded education, and since the liberal state is committed to providing such an education to all children, those conditions cannot be met.

The critic can then point out that, this notwithstanding, some people consider ways of life like these valuable. Imagine, for example, an individual called Ms X, who has been brought up as a devout adherent of a culture that requires a strict and repressive upbringing. We ask X whether she believes that her way of life is a good one, and she replies in the affirmative: she wouldn't have it any other way. The autonomy-minded liberal will, at this point, tend to endorse non-interference: respecting her autonomy means both preventing her from being unfairly penalised for Ms X's way of life, and also refraining from attempts to impose on her a different lifestyle. However, the education (or lack thereof) required to preserve and enforce such a way of life is incompatible with the sort of education required by autonomy-minded liberalism: her way of life could not arise from an autonomy-minded education, and her education would tend strongly to impede her capacities for autonomy rather than develop them. It would be the sort of upbringing demanded, for example, by the parents in the famous case of *Mozert v. Hawkins County Board of Education*.[16] The *Mozert* parents argued that a primary school reading programme contravened their right to freedom of religion, because it exposed the children to a variety of points of view, and this variety denigrated the truth of their religious views.

So, Ms X's is a way of life that the autonomy-minded liberal is committed to rejecting: living one's life according to such a conception of the good life is not a possibility in the autonomy-minded liberal state. The rejection comes about as an indirect consequence of another commitment that the autonomy-minded liberal has, but it is no less a rejection for that. Nevertheless, there are people who find that way of life valuable: and this might seem to make ruling out that way of life an unacceptable thing for a liberal to be committed to.

This gives us a new version of the argument given above, which runs as follows:

1. Autonomy-minded liberalism is committed to ruling out ways of life which cannot develop under an autonomy-fostering educational system.
2. Ruling those ways of life out is impermissible.
3. If a political theory is committed to something impermissible, then it is unacceptable.
4. Therefore, Autonomy-minded liberalism is unacceptable.

[16] *Mozert v. Hawkins County Board of Education*. 827 F.2d 1058 (6th Cir. 1987).

This argument is, like the previous one, valid; and the repaired Premiss 1 is also true. Hence, the defence of autonomy-minded liberalism must shift to Premiss 2. In the remainder of this paper, I suggest reasons why we might (contrary, perhaps, to intuitions) consider it permissible for a liberal to rule out the ways of life mentioned in Premiss 1. Hence, we can bite the bullet, deny Premiss 2, and thereby reject the argument.

IV Autonomy-minded liberalism defended

To conclude, I offer three reasons for rejecting Premiss 2, which is to say considering it acceptable for a liberal to rule out the ways of life mentioned in Premiss 1.

The first is a *tu quoque* argument. Rawls himself concedes that the education system required by his political liberalism may be unacceptable to certain traditional religious viewpoints because it will have the effect of ruling out some ways of life in this manner.[17] So, insofar as it is a problem for autonomy-minded liberalism to rule out such ways of life, the same problem faces political liberalism. Rawls himself clearly did not take this problem to be insurmountable. He said that 'The unavoidable consequences of reasonable requirements for children's education may have to be accepted, often with regret.'[18] So, a political liberal might in principle accept a restriction of the sort to which the autonomy-minded liberal is committed.

This is hardly an adequate defence of the autonomy-minded position, though. Rawls' reasons for reluctantly accepting such restrictions were based on an appeal to the theory of political liberalism as a whole; hence, the autonomy-minded liberal cannot consistently take Rawls' reasons to justify rejecting my Premiss 2. The problem remains that, without the theory of political liberalism to show that these requirements are 'reasonable' and 'unavoidable', we need some other reason to consider it acceptable to rule out those ways of life, even if we feel the same regret that Rawls referred to.

The second reason for rejecting Premiss 2 is an appeal to some feature of the ways of life being ruled out to justify their exclusion. This approach seems to have some promise. After all, those ways of life are of a rather curious sort: they are ways of life that, in principle, cannot be chosen. This might mean that the reasons we have to be reluctant to rule out sincerely affirmed ways of life do not apply here.

The ways of life that are ruled out by autonomy-minded liberalism share a peculiar feature. They necessarily involve *not* having been given certain choices in the past, and this means that they necessarily cannot be chosen. Consider Ms X's way of life once again. Someone can, at any point in their adult life, choose to live devoutly and religiously, and behave in all respects as Ms X does. However, they cannot choose to have exactly the same way of life that she has, because that requires more than just living in a certain way from the time of their commitment forwards. It also involves having been brought up with devotion and religion transmitted through her mother's milk. To be able to choose that way of life would require being able to change facts about history, which is impossible.

So, such a way of life cannot be chosen. In denying people the opportunity to choose Ms X's way of life, the autonomy-minded state would be denying something that could not be chosen anyway. If, therefore, our worry about ruling out such a way of life is that we think people might legitimately demand to be allowed to choose to live their life in that way, our worry should be assuaged: the demand is an incoherent one. If our reason for

[17] Rawls (1993): p. 199.
[18] Ibid. p. 200.

endorsing Premiss 2 was an implicit attention to such demands, then this should make us inclined to reject that premiss and bite the bullet.

This answer will not satisfy everyone. For one thing, it fails to pay heed to Ms X's own reasons for demanding that we don't rule out her way of life. Ms X's demand is based just on the thought that her way of life is valuable: the question of whether it can be chosen or not is irrelevant to her. If my reasons for biting the bullet depend upon assuming that a way of life can only be valuable if it is chosen, then they depend upon a substantive normative judgment that someone like Ms X won't recognise. So, this second argument for rejecting Premiss 2 might have only parochial appeal.

Also, it might be argued that I have ignored an important fact about upbringing, which means that the requirement for an autonomy-minded education would not only prevent children from living certain ways of life. It would also prevent some adults from doing the same, if one of the things that they consider valuable is bringing up their children in a way that is incompatible with such an education. The parents in the *Mozert* case, for example, considered central to their way of life raising their children in a way that protected them from alternatives to Christianity. Since that would not be permitted under an autonomy-minded regime, such parents would be prevented from fully living the way of life they deem valuable.

So, finally, I offer a third reason to reject Premiss 2 of the strong argument. This is that, insofar as they seem to place obligations upon the government, demands like Ms X's appeal implicitly to a need to respect autonomy. Hence, an autonomy-promoting system (even if in some unusual cases it rules out ways of life that might be lived autonomously) is the best way that we can design the state so as to embody the same respect for everyone that we feel compelled to show for Ms X and her way of life.

Let us reflect again on why we might consider it uncomfortable to rule out Ms X's way of life. The crucial feature of her way of life is that she lives it from the inside, and may indeed live it autonomously. The liberal will want to take her complaint seriously for that reason. As noted above, Ms X herself does *not* take that to be the reason that people ought to be able to live her way of life. From her perspective the reason is that her way of life just is the good life, and people who don't have such an upbringing live tragically awed lives as a result. However, let us assume that Ms X's reasons are not ones that the liberal will be inclined towards; or at least that they are not reasons on which the liberal state ought to act. Despite this, we might still feel the force of the criticism (and if we do not, then it seems as though the rejection of Premiss 2 has already been justified). Our discomfort then must stem from a belief that such a state should take seriously peoples' claims about the way they want their life to go, and because we believe that it is valuable for people to live autonomous lives. If we didn't believe something of that sort, then we would surely not be so unhappy about making it impossible for people to live the sort of life Ms X considers valuable. Therefore, the criticism - insofar as it will be taken seriously not just by those who themselves endorse the particular ways of life in question - is itself motivated by the view that the state should pay heed to autonomy is what motivates the criticism in the first place.

We can then pose a question: what political system should we advocate if we want to take that underlying motivation seriously? The answer is that we must advocate that political system which best takes everyone's autonomy seriously. That is, the reason to be uncomfortable about a restriction on the development of ways of life like Ms X's is at the same time a reason to endorse the political system which imposes that restriction.

This gives us a motivation for not accepting Ms X's demands about her way of life. It also gives us the means to answer the second problem raised above, which is that bringing

up their children in a way that endangers autonomy might be central to a parent's way of life. If, as I have suggested, our concern for the parent depends on a concern for their autonomy, then we end up with a tragic conflict between two claims ultimately rooted in autonomy: the claims of the parent's present autonomy on the one hand, and the claim on behalf of the child for their future autonomy on the other. We cannot heed both claims, since respecting the parent's autonomy in such cases necessarily involves threatening the child's future autonomy. This presents us with a choice. Should the claims of the parents override the claims of the child? That is what would need to hold for Premiss 2 to hold in respect of the present case.

At the very least, this shifts the burden of proof: the fact that such a controversial judgment is implied by accepting Premiss 2 seems to mean that the premiss demands more support. I suspect, however, that a stronger conclusion is possible. It is surely more plausible to say that the state should prefer policies which protect the future autonomy of the child, since they are the more vulnerable party involved, and the threat to their autonomy is the greater. Given that, it seems as though the uncomfortable bias in autonomy-minded liberalism might be a necessary evil; and we can therefore reject Premiss 2.

This argument will not please all those who feel the force of the worry. People who share Ms X's values might say that it is a wilful misunderstanding of the situation: we should allow such ways of life because they are right, not because of some content-independent respect for those who might live those lives. My argument has little to say to such people. Those who start within a broadly liberal framework, however, should feel the force of it: if we *do* have some reason to take seriously the fact that people value a given way of life, and that reason is *not* dependent upon our also agreeing with the particular values intrinsic within that way of life, then my argument holds. Being committed to autonomy might mean being committed to some uncomfortable political conclusions: but unless we want to abandon the idea entirely that autonomy is something that the state should heed, that is the best we can do.

Conclusion

I have argued that most critics of autonomy-minded liberalism have mistaken the target of their attack. It is incorrect to argue that a liberalism committed to autonomy must devalue ways of life that do not involve holding such a commitment themselves. There is, however, a parallel argument that might be made against autonomy-minded liberalism, which is that there are certain potentially desirable ways of life that the autonomy-minded liberal must make impossible, by virtue of the education system to which they are committed. This argument is valid, and therefore puts the autonomy-minded liberal in a quandary. Either they must abandon the education system (and thereby abandon autonomy-minded liberalism itself), or they must accept that they are committed to some uncomfortable limits on the ways of life that are allowed. I concluded by arguing that those limits, while uncomfortable, are acceptable. Autonomy-based liberalism does indeed rule out some ways of life, but it will never do so in a way that violates an individual's decisions about how they want their own life to go. Moreover, its doing so is the only way of building a political system that embodies respect for everyone's being able to live a way of life that they consider valuable.[19]

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