

Parental transmission of ethical and political values.

A case for children's independence

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*Per als qui més estimo, els meus pares, el meu germà i la
Marta. Sou els motius fonamentals pels quals tot plegat, també
dedicar tantes hores a pensar coses com les que escric aquí, té
sentit per a mi.*

*I a tu, que sembla que tens l'excel·lent intenció de llegir la
meva tesi.*

'The original meaning of the word "family" did not at first even refer to the married pair and their children, but only to the slaves. Famulus means domestic slave, and familia is the total number of slaves belonging to one man. As late as the time of Gaius, the familia, id est patrimonium (family, that is, the patrimony, the inheritance) was bequeathed by will. The term was invented by the Romans to denote a new social organism, whose head ruled over wife and children and a number of slaves, and was invested under Roman paternal power with rights of life and death over them all. (...) It contains in miniature all the contradictions which later extend throughout society and its state'

Engels, F. & Marx, K., (1884) *The Origins of the Family, Private property and the State*, p. 31

'Man is born free, and everywhere he is in chains. One believes himself the others' master, and yet is more slave than they. How did this change come about? I do not know. What can make it legitimate? I believe I can solve this question'

'to find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey only himself and remain as free as before'

J. J. Rousseau, (1762) *The Social Contract*, cited in Cohen, J. (2010) *Rousseau*, p. 11

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Abstract

In this thesis I am generally concerned with issues of justice and legitimacy in children's upbringing. More specifically, I ask what are the kind of reasons that ought to guide parents' transmission of values to children and what are the kind of reasons they ought to refrain from being guided by. Moreover, I am both concerned by public policy issues and parents' daily choices beyond their voting behaviour that have a relevant impact on how just aims and principles are advanced given the existing legal institutions. My answer to the main question is mainly inspired in John Rawls' anti-perfectionist and egalitarian conception of justice.

The first two chapters are devoted to the necessary preliminary work to answer my research question. Chapter one answers a fundamental objection against Rawls' work questioning its theoretical consistency. Chapter two puts forward the fundamental reasons, ideals and values we have to endorse the ideal of public reason by clarifying three distinct Rawlsian arguments for political liberalism. The next two chapters contain the theoretical chore of the thesis. Chapter three is devoted to the presentation of two common views liberal theorists have put forward as answers to the question about how liberal parents should respect children's autonomy in upbringing and transmitting values to them. Chapter four presents my revisionary answer to the question that criticises the common views for violating the ideal of children's ethical independence. The two final chapters are concerned with the specific case of language transmission. Again, chapter five presents two common views on the matter. And chapter six presents my alternative proposal based on the ideal of children's independence. Finally, in chapter seven I summarise the conclusions reached during the thesis.

Resum

A grans trets, aquesta tesi es pregunta quins valors és just i legítim transmetre als infants i adolescents en societats de cultura política liberal-democràtica com la nostra. Més concretament, em pregunto quin tipus de raons haurien de guiar el comportament del pares quan transmeten valors ètics i polítics als seus fills i quin tipus de raons no ho haurien de fer. L'àmbit de la meva reflexió afecta tant al comportament cívic del pares com al privat en tant que tenen un impacte significatiu en l'assoliment de cert ideal de justícia social. És a dir, la proposta que es defensa en aquesta tesi, pretén ser vàlida tant pel que fa a les decisions polítiques dels pares com a les seves eleccions en l'àmbit familiar. La meva resposta a la principal pregunta de recerca és liberal anti-perfectionista, igualitarista i està basada en el liberalisme polític de John Rawls i el seu ideal de raó pública.

Els primers dos capítols preparen el terreny degudament abans de respondre la principal pregunta de recerca. El primer capítol dóna resposta a una de les principals objeccions al liberalisme polític de J. Rawls que en qüestiona la seva consistència interna. El segon capítol proposa les raons, valors i ideals fonamentals que tenim per acceptar l'ideal de raó pública Rawlsiana distingint i reconstruint tres arguments a favor seu. El següent dos capítols contenen el nucli propositiu de la tesi. El capítol tres presenta dues respostes comunes que els filòsofs polítics liberals han donat a la pregunta sobre com els pares han de respectar l'autonomia dels infants. En el capítol quart presento la meva resposta alternativa a la mateixa pregunta que s'oposa a les anteriors per no respectar cert ideal d'independència ètica. Els darrers dos capítols es centren en l'aplicació d'aquest ideal d'independència ètica al cas de la transmissió de la llengua. Seguint el mateix patró, el capítol quart presenta les dues visions més comunes sobre el tema i el capítol sis exposa la meva proposta alternativa basada igualment en l'ideal d'independència ètica. Finalment, en el capítol setè resumeixo les conclusions a les que he arribat durant aquesta tesi.

Preface

We all would agree with the claim that children's education in our contemporary liberal democracies ought not only to be devoted to the acquisition of theoretical and empirical knowledge. An important part of children's education ought to incorporate practical knowledge about fundamental ethical questions such as what is valuable in our world, how we ought relate to others or what are the attitudes and aims worthwhile pursuing in life. Indeed, children generally don't find answers to these important questions alone. Moreover, shaping children's attitudes and values often involve contravening their revealed preferences and immediate desires even when one aims at fulfilling their interests.

On the other hand, one central value for liberals is personal autonomy roughly understood as individuals' capacity to endorse, rationally revise and pursue their own aims in live. Now, despite it hasn't been always considered this way, recent moral and political liberal philosophy has acknowledged the moral status of children as such. So, a natural question concerning the moral nature of the transmission of value through generations arises. Isn't there a tension between the liberal value of autonomy and children's education? Somewhat more precisely, the general worry that animates this thesis could be stated as following: Is it morally wrong that adults' transmit their values and shape the character of children given the value of personal autonomy?

Arguably, pursuing the line of inquiry just mentioned, requires to identify and take due consideration of the diversity of agents involved in transmitting values to children in our contemporary societies such as the family, school, internet, TV and a variety of recreational, cultural or religious associations. Interesting moral questions could be raised about what role each of those particular agents ought to play in children's ethical education and how they ought to do it. However, for my present purposes, it is useful to follow the distinction between parental and non-parental influence on the transmission of ethical values. The reason for doing so is the following.

Contemporary liberal theorists widely agree in acknowledging a rather extensive privilege for parental influence on children's ethical upbringing even though both the values and the interests of whom the arguments appeal to in the literature substantially differ.

Yet, in this thesis I shall argue for the highly revisionist claim that parents' ethical influence on children ought to have a narrower scope. Moreover, a central part of the defence of my thesis relies precisely on questioning the grounds for distinguishing parental from non-parental influences on children's ethical upbringing. The kind of reasons that apply to both contexts, I argue, are relevantly the same. But the revisionist position I will defend doesn't consider all kinds of parental ethical influence on their children morally on a par. Rather, it only condemns parental intentional influence of the ethical views of their children. Therefore, while parents who bring their children with them to a religious ceremony with the aim that the child endorses this religious views will be considered as wronging his child's autonomy, the view I shall argue for will not condemn those parents who bring their child to a similar religious event with the aim of acquainting him to an available ethical doctrine which he may want to reflectively endorse. I shall call the intentional kind of value transmission, ethical enrolment or, for short, enrolment. Thus, the question that will be object of my discussion is the following: what are the implications of the best liberal political conception for the permissibility of parental ethical enrolment?

For the purposes of the research I shall use the method for moral reasoning famously proposed by John Rawls and widely used by contemporary moral philosophers called the pursuit of *wide reflective equilibrium*.¹ The method consists in a deliberative inquiry, that is to say, in the reflection and, if

¹ Other people need to be mentioned as crucial contributors to the method of wide reflection equilibrium as understood here. Nelson Goodman is often cited as the preceding proponent of this distinctive method of reasoning in logics in his (1955) *Facts, Fictions and Forecast*, Cambridge:Harvard University Press. In ethics and moral philosophy Norman Daniels and Thomas Scanlon probably made the most important contributions in: Daniels, N., (1979) 'Wide Reflective Equilibrium and Theory Acceptance in Ethics' in *Journal of Philosophy*, vol. 76, n. 5 and Scanlon, T, (2002) 'Rawls on Justification', in *The Cambridge Companion to Rawls*, S. Freeman (ed.), Cambridge: Cambridge University Press, pp. 139–167

necessary, revision of our moral and non-moral beliefs at all levels of generality and their justificatory reasons with the aim of constructing a moral theory capable of plausibly answering our questions about what we ought to do.²

We plausibly have some desiderata for constructing our theory, that is to say, there are some important characteristics our theory may have in a greater or lesser degree which make it preferable over other alternatives. Similarly to other areas of inquiry, we want our moral theory to be simple, powerful, consistent, and, crucially, explanatory. The first feature refers to the inductive process of analysing a relatively large amount of phenomena by simplifying them into a relatively small number of principles.³ Moreover, we do not want our principles only to fit with already analysed cases. First, we also hope these principles to have power in the sense that they can provide us with plausible answers to further cases. Second, we also want our principles to be consistent among them in the sense of being mutually supportive and relatively stable set of beliefs. And finally, we want our whole theory to jointly provide an explanation of our principles and beliefs in the sense of providing sound reasons to support our criteria for choosing one kind of generalisations, distinctions and beliefs and not another which may also be consistent, simple and powerful but may not be as justifiable as our own.

To be sure, there's also a crucial feature of morality that makes it distinct from other areas of inquiry which explains why we *make a case* for moral claims rather than just *providing data or evidence proving* them. The difference can be roughly explained, in Ronald Dworkin's illustrative terms, like this. While scientific areas of inquiry admit of explanations of the form 'reality is composed by atoms because this is how reality is', moral claims can only aspire to be valid

² The expression 'at all levels of generality' includes beliefs about particular cases, principles at different levels of abstraction. For the distinction between explanatory and justificatory reasons see: Parfit, D., (1984), *Reasons and Persons*, Oxford: Clarendon Press. p. 118.

³ In pointing out the analogous aspects between the methods of reasoning and theory building in morality and other kinds of human inquiry I follow Shelley Kagan's remarks in his book (1989) *The Limits of Morality*, Oxford: Clarendon Press and Daniels, N., (1979) 'Wide Reflective Equilibrium and Theory Acceptance in Ethics' in *Journal of Philosophy*, vol. 76, n. 5

when they can be accompanied by supporting reasons so that moral explanation always need to take the form of 'stealing is wrong because a society where people were permitted to steal other's fairly acquired possessions would make everyone worse off than another in which stealing were prohibited'.⁴

To illustrate how the method works imagine we are asking ourselves what we ought to do in cases of euthanasia and how our answer could be best justified in light of alternative answers and arguments. We will need to critically examine our present beliefs about the question on various related questions. For instance, we may need to ask ourselves what exactly is happening in cases of euthanasia. Is it relevantly similar to killing somebody? Should the will of the people involved play any role? While reflecting on the reasons for answering the question in one way or another, it may be helpful to think about similar cases looking for relevant analogous features of both problems that could account for our considered response to those cases. For instance, we may think in cases such as murder, homicide and abort. Existing and possible competing answers to the question with supportive arguments should be part of the scrutiny too. Hopefully then, we will be capable of invoking some sort of more general belief or principle supporting not only our answer to the present problem but also accounting for a broader range of more concrete beliefs.

Now, as I mentioned, in order for our system of beliefs to be plausible, consistent, mutually supportive and explanatory we will need to adjust our initial beliefs, our principles or both as many times as needed.⁵ Certainly, we cannot be sure in advance that this process of revision will ever produce a definitive

⁴ For a more detailed presentation on this distinction see: Dworkin, R (2011) *Justice for Hedgehogs*, Harvard University Press and Scanlon, T. 'Rawls on Justification' in Freeman, S. (2002) *The Cambridge Companion to Rawls*, Cambridge University Press

⁵ Here I also follow Rawls in (1971) *A theory of Justice, rev. ed.*, Harvard University Press, p. 40-47. Conceptual analysis can be helpful to uncover ambiguities in our ordinary language insofar as these ambiguities permeate our beliefs so they need to be clarified in order to assess the plausibility of our beliefs. However, any concept or definition we accept in our theory will have a privileged status in the sense that we should preserve concepts and definitions only insofar as they are well suited in our theory.

consensus among all people reflecting carefully on ethical matters. Moreover, even if we believe convergence in ethics can be significantly increased, it is conceivable that we should be aware of the possibility of many moral problems having an indeterminate answer and that some things reasonably valued by individuals being in an irreconcilable conflict. But this possibility does not make the whole project futile.⁶

Rather, this understanding of moral reasoning seems to me plausible for the following reasons. First, I cannot see a more promising way to explore to what extent and degree the phenomena of consensus, conflict, uncertainty or indeterminacy about value really exist. Second, one reason we have for being optimistic about the degree of genuine value conflicts is that conflicts of value and indeterminacies are often overstated. Because, in many cases, once we distinguish what we really have reason to value from other relatively irrelevant things, we realise the conflict was only apparent.⁷ Genuine values are things we have reasons to value. On one hand, they are often confused with legal rights. On the other hand, they are confused with what people want. Thus, many times we think we've encountered a conflict between two values, there is no genuine conflict between them but just a conflict about the best way to promote these values or between a valuable thing and people's unreflective desires. For instance, the obvious tension between equality of opportunity and the right of parents to enrol their children in elite schools is often seen as proving that two values are in genuine conflict, namely, equality and liberty. However, critical scrutiny reveals that people wants and rights, as currently institutionalised, protect things of no value. For, what is the value that everyone, after due reflection, should recognise in making possible that wealthy parents' buy for their children competitive advantage relative to others in the labour market who may be equally or even more capable? Finally, a further reason for considering the method of reflective equilibrium a plausible one is the following. People who exercise their capacity for moral reasoning understood as an interpretative

⁶ Dworkin, R. (2011) *Justice for Hedgehogs*, Cambridge, Mass:Harvard university Press. p. 118-120

⁷ Here I am drawing on Dworkin, R. (2011). *Justice for Hedgehogs*, p. 118-20, and Scanlon, T (2004) "Adjusting Rights and Balancing Values," in *Fordham Law Review*, n. 72

project aiming for overall integrity among a network of mutually supportive convictions, can be seen as developing the important human virtue of morally responsibility, that is to say, the virtue of acting out of conviction which is what our own self-respect can be interpreted to require.⁸

On the other hand, there's also a negative reason supporting this view of morality. Other attempts which are apparently more promising in terms of generating consensus consisting in putting moral reasoning on an apparently more secure footing seem to me ultimately bound by the same need of justification in terms of further moral claims.⁹ As Ronald Dworkin elegantly puts it: 'Morality is an independent domain of thought. Hume's principle -itself a moral principle- is sound: any argument that either supports or undermines a moral claim must include or presuppose further moral claims or assumptions (...) Our moral epistemology -our account of good reasoning about moral matters- must be an integrated rather than Archimedean epistemology (...) we are always guilty of a kind of circularity.'¹⁰

Now, with regard to the general structure that the presentation of my inquiry will have, the first two chapters are devoted to the necessary preliminary work to answer my research question. Chapter one answers a fundamental objection against Rawls' distinction between ethical and political value questioning the theoretical consistency of the argument for it. Chapter two puts forward the

⁸ A proposal why we should value moral responsibility and why it is required by self-respect can be found in Dworkin (2011) *Justice for Hedgehogs*, p. 112 where the author bounds moral responsibility and the requirements of self-respect by what he call the fundamental principle of morality asserting the same objective importance of all human lives: 'we try to act out conviction in our dealings with other people because that is what our own self-respect requires. It requires this because we cannot consistently treat our own lives as objectively important unless we accept that everyone's life has the same objective importance. We can and do expect others to accept that fundamental principle of humanity. It is, we think, the basis of civilisation'. It is worthwhile clarifying here that Dworkin describes morality as a collective project in need of division of labour, not only a task for moral philosophers. Dworkin, R. (2011) p.109

⁹ I am referring here to the use of foundationalist moral epistemology either in its non-naturalistic and naturalistic fashion, for instance, intuitionistic or utilitarian foundationalism as described by J. Rawls in *A Theory of Justice*, p. 506, s. 87: 'Concluding remarks on justification'.

¹⁰ See Dworkin, R. (2011) *Justice for Hedgehogs*, p. 99-100

fundamental reasons, ideals and values we have to endorse the ideal of public reason by clarifying three distinct Rawlsian arguments for *Political Liberalism*. The following two chapters contain the theoretical chore of the thesis. Chapter three is devoted to the presentation of two common views liberal theorists have put forward as answers to the question about how liberal parents should respect children's autonomy in upbringing and transmitting values to them. Chapter four presents my revisionary answer to the question that criticises the common views for violating the ideal of children's ethical independence. The two final chapters are concerned with the specific case of language transmission. Again, chapter five presents two common views on the matter. And chapter six presents my alternative proposal based on the ideal of children's independence. Finally, in chapter seven I summarise the conclusions reached during the thesis.

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1. THE ASYMMETRY OBJECTION DISSOLVED

As I advanced, my answer to the main research question about the moral permissibility of parental ethical enrolment is mainly based on Rawls' political liberalism and his ideal of public reason. But political liberalism as a doctrine has a long pedigree and has received many criticisms. In this first chapter, I shall reply to an important objection against the consistency of Rawls' political liberalism which, if sound, it would threaten the internal consistency of my proposal too and that it hasn't received a fully adequate answer yet.

1.1 Introduction

As early as the seventeenth century, John Locke famously argued in *A Letter Concerning Toleration* for a division of labor between the Church and the magistrate. He urged for strictly distinguishing between the business of the Church, namely, salvation the soul, and that of the magistrate concerned with all other kinds of human interests. In his own words:

'I esteem it above all things necessary to distinguish exactly the Business of Civil Government from that of Religion, and to settle the just Bounds that lie between the one and the other. If this be not done, there can be no end put to the Controversies that will be always arising, between those that have, or at least pretend to have, on the one side, a Concernment for the Interest of Mens Souls, and on the other side, a Care of the Commonwealth'¹¹

Despite the familiarity the doctrine enjoys among citizens of liberal democracies one may find Locke's doctrine rather odd. This sense of estrangement can be plausibly explained by the relation the doctrine puts forward between on one hand, one's whole set of fundamental convictions and, on the other hand, the political attitudes it recommends us to adopt. For it seems more natural to ultimately support one's political views by reference to one's most fundamental

¹¹ Locke, J., in Shapiro, I., (ed.) (2003) *Two Treatises of Government and A Letter Concerning Toleration*, New Haven, Yale University Press, p. 218

convictions about what is most valuable in life. In other words, in our ordinarily beliefs, the further we are pressed to give solid arguments for our political proposals instead of bold statements of conviction, the more we seem bound to appeal to one's whole set of ethical, religious and philosophical convictions on what seems to us is truly valuable, how we ought to live our life and how we ought to relate with others. Think, for instance, on the terms in which the debates over abortion, same-sex marriage and LGTB-rights usually take place.¹²

However, it is a distinctive feature of political liberalism broadly understood as a particular doctrine in political morality to exclude a certain subset of convictions in advancing one's political claims. So let me broadly characterise *political liberalism* as the view claiming that there is a very weighty reason, which is generally a decisive one, to refrain from being guided by the best reasons for one's personal conduct in the political domain because, in that latter domain, those are generally bad reasons for action. Following Thomas Nagel, I shall refer to this particular justificatory practice characteristic of political liberalism as the *liberal restraint*.

As Nagel claims, political liberals 'must agree to refrain from limiting people's liberty by state action in the name of values that are deeply inadmissible in a certain way for others' by distinguishing 'between the values a person can appeal to in conducting his own life and those he can appeal to in justifying the exercise of political power'.¹³

Perhaps more prominently, John Rawls has argued that political power ought to be justifiable only by reference to *political conceptions* that ought to guide our conduct as citizens, excluding comprehensive or *ethical conceptions* that include answers to more general questions about what is worth in human life,

¹² For a contemporary example see, for instance, Andrew Lister's exposition of the recent debate on same-sex marriage in Canada in Lister, A. (2013) *Public Reason and Political Community*, Bloomsbury, ch.1, p. 2-5.

¹³ See Nagel, T., (1991) *Equality and Partiality*, NY:Oxford University Press, ch. 14, p. 155.

virtues of character, religious convictions and other ideals that inform our life as a whole.¹⁴

However, for clarity's sake, it is worth mentioning here that I do not strictly follow Rawls' notion of *comprehensive doctrines* in the following sense. As the reader may already know, Rawls distinguishes between conceptions that are *comprehensive in content* and *general in its range of subjects of appraisal*. So, according to Rawls' precise terms, a conception is non-comprehensive if the set of values which it includes is smaller than the set of values required in order to provide a correct resolution to every practical decision. So, by definition, all non-comprehensive conceptions will be non-general. Yet, non-general *political*

¹⁴ I follow here the distinction between ethics and morality in Dworkin, R. (2011) *Justice for Hedgehogs*, Harvard University Press, Cambridge: Massachusetts. p. 25, p.105 and p. 371. I use ethical views to refer to ideals about value and human well-being in a rather narrow way relative to its perhaps more natural use referring to the general question about what to do. Similarly, moral and political views will be used to refer to subdomains within ethics in its broader sense. I shall consider morality contains the domain of questions about how we ought to treat each other while the political domain is specifically concerned with the question about how we ought to relate with other people sharing a certain institutional background. As the reader may have noted, by ethical and political views I refer to somewhat very similar to comprehensive and political doctrines as described by John Rawls in *Political Liberalism* (1995) New York: Columbia University Press, p. 11-13. Yet, I shall depart from the narrow interpretation Rawls proposes of the main social and economic institutions subject to principles of justice including the family within it for reasons that will be pointed out later. For an instance of Rawls' assumption about the justice within families see, for instance: (1995) *Political Liberalism*, introd. to 1992 ed. p. xxix, (1997) 'The Idea of Public Reason Revisited', last chapter in *Political Liberalism*, p. 456, 466-69 and Rawls, J. (2002) *La Justicia como Equidad*, Barcelona: Paidós, p. 217-223.

I follow Rawls' technical use of 'concept' to refer to the ordinary meaning of a term, 'conceptions' referring to the criteria for distinguishing appropriate from arbitrary applications a concept according to a particular view on how to resolve the tension between conflicting interpretations of the concept and 'ideals or ideas' as the more general notion referring to concepts and conceptions. See Rawls, J. (1995) *Political Liberalism*, footnote 2 in introd. to paperback ed. and lecture I, p. 14, footnote 15. Note further that Rawls notion of political conceptions of justice distinguished itself not only from the prominent modern liberal theories such as D. Hume, Th. Hobbes, J-J. Rousseau but also contemporary liberal theories supported by J. S. Mill, I. Berlin, J. Raz, R. Dworkin, J. Habermas, J. Waldron and G. Gaus because of their inclusion of ethical views as appropriate basis of legitimate coercion by the state.

conceptions might either be a) *free-standing* and disregard all comprehensive considerations or be b) *partially comprehensive* and disregard some but not all comprehensive considerations.¹⁵

Yet, following Bernard Williams and Ronald Dworkin, I prefer to use the terms of art *ethical* and *political* referring to analytically distinguishable practical domains or subject matters, assuming that the *political* domain should inevitably be understood as a subdomain *within ethics in its ordinary sense* which includes both what we ordinarily refer as ethical and political values and convictions. Thus, I use *ethical conceptions* for what Rawls refer to as *comprehensive and general doctrines*, refer to *political* conceptions for what Rawls labels as *non-general* and *non-fully-comprehensive* conceptions.¹⁶

The reasons I depart from Rawls' terminology are twofold. First, for clarity's sake, because Rawls is not always clear and consistent on his use of these terms. Second, because I shall defend Rawls' *anti-perfectionism* according to Joseph Raz's negative definition of perfectionism as the view according to which: 'there is no fundamental principled inhibition on governments acting for any valid moral reason, though there may be many strategic inhibitions on doing so in certain classes of cases'.¹⁷

Now, Rawls' expansion in the scope of the liberal restraint from state's action to the public justification of political power both by statesmen and citizens may naturally trigger further skeptical doubts even among liberals. For instance, Nagel, wonders:

¹⁵ See, for instance, Rawls, J. (1987) 'The Idea of an Overlapping Consensus' in *Oxford Journal of Legal Studies*, n. 7, p. 3-4.

¹⁶ For the distinction between ethics and morality See Dworkin, R. (2011) *Justice for Hedgehogs*, Harvard University Press, Cambridge: Massachusetts, p. 25, p.105 and p. 371

¹⁷ For Raz definition of perfectionism, see Raz, J., (1989) 'Facing Up:A reply', in *Southern California Law Review*, 62, p. 1230. For a good analysis of Rawls' notion of 'comprehensive conceptions' and a different yet more common use of the notion of perfectionism as the view that it is permissible for the state to implement laws or policies aiming at the promotion of the good, see Chan, J. (2000) 'Legitimacy, Unanimity and Perfectionism' in *Philosophy & Public Affairs*, p. 6-12 and 31.

'If one agrees on the liberal restraint, why should I care what others with whom I disagree think about the grounds on which state power is exercised? Why shouldn't I discount their rejection if it is based on religious or moral or cultural values that I believe to be mistaken? Isn't that betraying my own values, in fact? If I believe something, I believe it to be true, yet here I am asked to refrain from acting on that belief in deference to beliefs I think are false.' Moreover, Nagel also gives voice to the self-scrutinizing liberal: 'Not everyone believes that political legitimacy depends on this [the liberal restraint] condition, and if we impose political institutions on others in our society because they do meet it (and block the imposition of institutions that do not), why aren't we being just as partial to our own values as someone who imposes a state religion?'¹⁸

In Nagel's remarks several interesting worries are suggested. So it is worth distinguishing them between *internal* and *external objections* to political liberalism in the following sense.

By external objections I shall refer to those objections that depart from the conviction and/or purport to show that political liberalism is wrongly incompatible with some principle/s, value/s or ideal/s we have more reason to act on and yet, political liberals do not properly understand or value at all. Indeed, as Timothy Fowler and Sophia Stemplowska rightly highlight, political liberalism is a substantive and not universally shared doctrine in political morality. Some consider political liberalism as a flawed doctrine because it is incompatible with the pursuit of the whole truth in politics, some others because it is not neutral in its impact for different conceptions of well-being. Others apparently share the very same values with political liberals but sustain a substantially different interpretation of them. Still, there are some who consider political liberalism as a practically unhelpful doctrine. In contrast, by internal objections I will refer to those objections that reject political liberalism by pointing to some intra-theoretical problems of consistency within political liberalism itself. Somewhat

¹⁸ Nagel, T., (1991) *Equality and Partiality*, NY:Oxford University Press, ch. 14, p. 150-160

more precisely, among its particular conception of some of its central principles, ideals and values.¹⁹

Now, while Nagel's remarks might suggest several kinds of external questions about political liberalism I shall not focus on them. With respect to external criticisms I generally hope that attentive exploration of what I take to be the most attractive understanding of political liberalism will make the doctrine more plausible to their opponents. Indeed, presenting political liberalism in what strikes me as its most attractive form is an enterprise this first chapter wants to modestly contribute to. The second main aim of the chapter refers to an important internal challenge for political liberalism which has recently received detailed scrutiny under the label of *the asymmetry objection* because I think it merits further exploration. More precisely, in the following I will try to show how

¹⁹ See Fowler, T., & Stemplowska, S. (2014) 'The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement' in *The Journal of Applied Philosophy*, vol. 32, n. 2, p. 3

political liberalism's allegedly groundless asymmetry dissolves once we consider it in light of the best available version of political liberalism.²⁰

In order to begin pursuing these aims, section two proposes a reconstruction of a quite popular understanding of political liberalism which naturally leads to the asymmetry objection. This will require some classificatory work. So the next section will also introduce the necessary analytical tools to draw a typology central to my further discussion of political liberalism.

²⁰ For original formulations of the asymmetry objection see: Sandel, M. (1994) 'Review of Political Liberalism', in *Harvard Law Review*, Brower, B., (1994) 'The Limits of Public Reason' in *The Journal of Philosophy*, vol. 91, n. 1, p. 5-26, Caney, S., (1995) 'Anti-perfectionism and Rawlsian Liberalism' in *Political Studies*, 43, 257-8, Waldron, J., (1994) 'Disagreements about Justice' in *Pacific Philosophical Quarterly*, 75, p. 372-87 For more recent discussions of the asymmetry objection see, Quong, J. (2011) *Liberalism Without Perfection*, NY:Oxford University Press, ch. 7 and Fowler, T., & Stemplowska, Z., (2015) 'The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement' in *Journal of Applied Philosophy*, 32 (2), p. 133-146. For other allegedly internal objections see: Raz, J. (1990) 'Facing diversity: The Case of Epistemic Abstinence' in *Philosophy and Public Affairs*, vol. 19, n. 1, p. 3-46, Nussbaum, M., (2011) 'Perfectionist Liberalism and Political Liberalism' in *Philosophy and Public Affairs*, vol. 39 n. 1, p.3-45, Kymlicka, W., (1989) *Liberalism, Community and Culture*, Oxford: Clarendon Press, p. 58, Levinson, M., (1999) *The Demands of Liberal Education*, Oxford: Oxford University Press, p. 18-21, Wall, S (2002) 'Is Public Justification Self-Defeating?' in *American Philosophical Quarterly*, vol. 39, n. 4, p. 385-394, D. Estlund (1998) 'The Insularity of the Reasonable: Why Political Liberalism Must Admit Truth' in *Ethics*, vol 108, n. 2, Barry, B (1995) 'Review: John Rawls and the Search for Stability' in *Ethics*, vol. 105, n. 4, Lecce, S (2008) *Against Perfectionism: Defending Liberal Neutrality*, Toronto: University of Toronto Press, ch. 8, Scheffler, S 'The Appeal of Political Liberalism' in his (2002) *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, ch. 8, Dreben, B. 'On Rawls and Political Liberalism' in Freeman, S (2002) *The Cambridge Companion to Rawls*, Cambridge University Press, ch. 8. For good answers to these objections see, for instance, Clayton, M., (2011) *Justice and Legitimacy in Upbringing*, Ox:Oxford University Press, ch. 1, 2 and Quong, J. (2011) *Liberalism Without Perfection*, NY:Oxford University Press, especially, ch. 5,6,7 and 8. In fact, as M. Clayton and J. Quong has shown, many (if not all) of these allegedly internal objections of political liberalism should properly be considered as external ones once we better understand pol. lib. So, another way to see the aim of the article would be to say that it aims to do the same with the asymmetry objection. For some of the most popular external objections see, for instance, the following list: based on pol.lib.'s alleged 'demandingness', 'unfeasibility' and 'personal integrity' see, for instance, Mulhall, S. & Swift, A. (1996) 2nd, ed. *Liberals and Communitarians*, Oxford, Blackwell Publishing, Callan, E., (1997) *Creating Citizens, Political Education and Liberal Democracy*, NY:Oxford University Press, p 28-36, especially p. 31, Dworkin, R. 'Foundations of Liberal Equality' in Darwall, S. (ed.) (1995) *Equal Freedom: Selected Tanner Lectures*, University of Michigan Press. Other external objections are on grounds of political liberalism alleged; 'unhelpfulness' in Marneffe, P., (1994) 'Rawls's Idea of Public Reason' in *Pacific Philosophical Quarterly* 75, 232-50, 'unfairness to religious believers' in Weithman, P., (2002) *Religion and the Obligations of Citizenship*, Cambridge: Cambridge University Press, ch 7, 'excessive rationalism', 'disregard for democracy', 'too exclusionary' in Young, I. M., (1995) 'Rawls' Political Liberalism' in *Journal of Political Philosophy*, vol. 3 n. 2, p.181-190, Habermas, J., (1995) 'Reconciliation Through the Public Use of Reason' in *Journal of Philosophy* vol. 92, n. 3, Mouffe, C. (2009) 'The Limits of John Rawls' Pluralism' in *Theoria: A Journal of Social and Political Theory*, vol. 56, n. 118, p. 1-14, Waldron, J., (1999) *Law and Disagreement*, NY:Oxford University Press, particularly, ch. 1, 7, and Pettit, P., (1994) 'Political Liberalism by John Rawls' in *The Journal of Philosophy*, vol. 91, n. 4

1.2. The Sociological Conception of Political Liberalism

Here's a common reconstruction of Rawls' main argument for political liberalism:

P1) In modern liberal societies, the exercise of *political power* is permissible only if it is acceptable to all *citizens*.

P2) Citizens in modern liberal states *disagree* in deep, intractable ways about deeply divisive ethical conceptions.

Therefore, liberal political power can only be justified by abstaining from appeal to ethical conceptions.²¹

As the reader may have noticed, the reconstructed argument contains some crucially ambiguous terms which I highlighted in italics. These ambiguities often appear unresolved in the literature. Yet, they call for clarification because

²¹ For this reading of Rawls' *Political Liberalism* see, for instance, Sandel, M., (1994) 'Review of Political Liberalism', *Harvard Law Review*, especially, p. 12, 19-25, Klosko, G., (1997) 'Political Constructivism in Rawls's Political Liberalism', *American Political Science Review*, Habermas, J., (1995) 'Reconciliation Through the Public Use of Reason: Remarks on John Rawls's Political Liberalism' in *Journal of Philosophy*, Raz, J., (1990) 'Facing Diversity: The Case of Epistemic Abstinance' in *Philosophy & Public Affairs*, Waldron, J., (1999) *Law and disagreement*, Oxford: Clarendon Press, ch. 7

Jonathan Quong has described and criticised the family of 'external views of political liberalism' which is very similar to my sociological conception here in (2011) *Liberalism Without Perfection*, NY:Oxford University Press, ch. 5, particularly, p. 145. He characterises the external view as having the following characteristics: a) considers reasonable pluralism *a fact* about the world, b) *real citizens* of current liberal societies as the relevant constituency and c) acceptability among them as a requirement of *legitimacy*. For a similar and more detailed elaboration and critique of a similarly 'external' view -labelled as 'public basis view'- supported by an exegetical rejection of the claim that Rawls endorses it see: Weithman, P., (forthcoming) 'Legitimacy and the Project of Rawl's Political Liberalism' Columbia University Press, ed. by Thom Brooks and Martha Nussbaum and P. Weithman in (2010) *Why Political Liberalism? On John Rawls Political Turn*, NY: Oxford University Press

otherwise the main cleavages that divide relevantly distinct versions of political liberalism are unhelpfully blurred.

So, for clarity's sake, I propose the reader to proceed as a journalist who needs to answer the *who, where, what and why questions for political liberalism* in order to specify some crucial aspects of different versions of the doctrine. This will provide us with a typology of relevantly distinct *types* and *conceptions* of political liberalism. I shall use the term 'type' for referring to particular answers to *one* of the four questions for political liberalism while the term 'conceptions' will refer to fully specified versions of political liberalism as particular combinations of answers to the *four* questions for political liberalism.²²

The four crucial questions are the following:

- 1) I understand the *who* question for political liberalism as asking about the substantive *content of the liberal restraint*. It may be framed in the following terms: Who should be accommodated rather than just contained? In other words, the answer to the *who* question will help us to delimit the content of the political claims that may be legitimately advanced from the political

²² For brief remarks on these crucial aspects that I labelled as the four questions for political liberalism see Lister, A. (2013) *Public Reason and Political Community*, Bloomsbury, ch 1, p. 12-13. However, Lister's book focuses on the *what* question for political liberalism rather than what I called the *why* question. Other typologies can be found, for instance, in: D'Agostino, F., (1996) *Free Public Reason*, NY:Oxford University Press, ch.4, Forst, R., (2002) *Contexts of Justice*, Berkeley, University of California Press, ch. 2 Gaus, G., (2003) *Contemporary Theories of Liberalism*, London, Sage Politics Texts. The reasons I think the typology presented here is illuminating are the following. First, D'Agostino's typology is author-centered rather than justification-centered. Second, Forst's typology is similarly based on different kinds of justifications for liberalism yet, it wrongly interprets Rawls and Larmore as epistemic justifications for political liberalism. Moreover, he selects the best type of liberalism as the most 'neutral' or inclusive of existent ethical views without previously asking the question about why should we accommodate more rather than less ethical doctrines. In addition, Forst draws a typology of liberalisms including its ethical versions rather than only political liberalisms. Finally, Gaus' typology also includes different types of (not-only-political) liberal views of public reason and only dedicates one chapter to Rawls' political liberalism.

claims that are illegitimate or, in Rawlsian terminology, the reasonable from the unreasonable.²³

- 2) The *where* question focuses on *the site of the liberal restraint* or, in other words, on the question about what kind of exercises of political power should be constrained by the liberal restraint. That is to say, should we look at actions that pervasively affect our life options or should we rather restrict the domain of relevant exercise of political power to laws? Now, although a complete typology of versions of political liberalism would include this question as one of the main parameters, I shall avoid its discussion in this first chapter and leave it for chapter four for two reasons. First, because answering the where question is an orthogonal matter with respect to the point I want to make in this chapter. Second, because it will be a central aim of this thesis to defend a particularly ambitious answer to the where question as the reader will realise in chapter four.
- 3) The *what* question is concerned with *the object of the liberal restraint*. It asks about what should be regulated -i.e. ruled out or permitted- by the liberal restraint. This question crucially divides versions of political liberalism that select certain types of action or decisions as the object of the constraint from versions of political liberalism that focus on the kind of reasons that move political agents.
- 4) The *why* question which asks about the *main ideal(s) political liberalism* aims to satisfy or, in other words, what reasons we have for endorsing political liberalism and therefore following the practice of the liberal restraint.

²³ It might be important to prevent the reader from a natural misunderstanding. Someone might differently understand the who question as asking: to whom the liberal restraint applies? It should be clear that the answer to this later question should be 'to everyone within the relevant jurisdiction'. But my understanding of the who question here asks about the content of the liberal restraint which is what's more interesting for distinguishing different versions of political liberalism.

We can now clarify the popular reconstruction of Rawls' argument for political liberalism presented above. Let me begin with the first premise:

P1) In modern liberal societies, the exercise of *political power* is permissible only if it is acceptable to all *citizens*.

The first term we need to disambiguate in the argument, namely, 'political power', calls our attention to two important questions all conceptions of political liberalism need to address, namely, the *what* and *where* questions. According to a common interpretation of the what question, particular *decisions or actions* are what should be regulated by the liberal restraint.

In addition, the where question is typically answered by reference to what Rawls' labels *constitutional essentials and matters of basic justice*. Constitutional essentials, for Rawls, include the principles that structure the government and political process such as rules determining who may vote or whether a system is parliamentary or presidential, and the basic rights and liberties of citizens. Matters of basic justice involve principles regulating the distribution of important resources such as income, wealth and educational opportunities not covered by the list of basic rights and liberties.²⁴

The second highlighted term 'citizen' calls our attention to the who question which is answered, according to the popular view I'm describing, by referring to the *actual convictions of real citizens*.

Finally, the why question is commonly answered by appeal to the aim of *avoiding disagreement* among citizens subject the same political power. This is the reason I highlighted the notion of disagreement in the argument above:

P2) Citizens in modern liberal states *disagree* in deep, intractable ways about deeply divisive ethical conceptions.

²⁴ See Rawls, J. (1996) *Political Liberalism*, p. 227-229

In other words, many have read Rawls as answering the why question for political liberalism in roughly the following lines: 'we ought to act according to the liberal restraint because it would be wrong to coercively implement political measures that good willed citizens cannot accept'.

Let me refer to the argument reconstructed above clarified in this way as the *sociological conception of political liberalism*. In next section we will see how strong is the asymmetry objection against this sociological view of political liberalism.

1.3. The Asymmetry Objection

Here it is an important objection for the sociological conception which has been considered a decisive one for political liberalism in general by many.²⁵

First, the so-called asymmetry objection points to the fact that political liberalism treat differently political and ethical disagreements despite the fact that both can plausibly be said to have similar causes. That is, as the reader may know, the liberal restraint constraints appeals to ethical doctrines in cases of probable ethical disagreement while allowing the political implementation of controversial policies compatible with a certain ideal of political society. Moreover, a plausible explanation of both political and ethical disagreements is advanced in Rawls' *Political Liberalism*, namely, the so-called *burdens of judgment*. In Rawls's own words, the burdens of judgments are the many 'hazards involved in the conscientious exercise of our powers of reason and judgment in the ordinary

²⁵ For a notorious statement of the asymmetry objection see Sandel, M., (1998) *Liberalism and Limits of Justice*, Cambridge University Press, p. 196 'While it is certainly true that people in modern democratic societies hold a variety of conflicting moral and religious views, it cannot be said that there is a 'fact of reasonable pluralism' about morality and religion that does not also apply to questions of justice'

course of political life' which explain how citizens will permanently disagree about many ethical questions.²⁶

Second, the asymmetry objection claims the different treatment of ethical and political disagreements establishes an arbitrary distinction. For there is no principled reason why state intervention is permissible in the pursuit of justice but impermissible in the pursuit of ethical well-being.

If sound, the asymmetry objection shows that political liberalism is either internally inconsistent or sets an implausibly standard for the permissibility of state action. In other words, it seems that due to an internal inconsistency political liberalism is trapped in what has been called *the anti-perfectionist dilemma*: the defender of political liberalism is committed to one of the following two options. Either it surrenders to *perfectionism*, namely, the view that there is no ideal which establishes a principled obstacle for the state's promotion of well-being, or it has very implausible implications.²⁷

In order to fully grasp how the asymmetry objection leads to the anti-perfectionist dilemma consider, for instance, how the sociological conception

²⁶ For Rawls' burdens of judgment see Rawls, J. (1996) *Political Liberalism*, p. 56–57 where he lists the following such burdens; (a) empirical and scientific evidence is often complex and conflicting, (b) we may reasonably disagree about the relative weight of different considerations, (c) concepts are vague and subject to hard cases, (d) the way we assess evidence and weigh values can be shaped by our total life experience, (e) different normative considerations on different sides can make overall assessment difficult and (f) the number of values any social institution can incorporate is limited.

²⁷ The 'anti-perfectionist dilemma is proposed by Caney, S., (1998) 'Liberal legitimacy, reasonable disagreement and justice' in *Critical Review of International Social and Political Philosophy*, vol. 1, n. 3 and his (1995) 'Anti-perfectionism and Rawlsian Liberalism' in *Political Studies*, J. Chan (2000) 'Legitimacy, Unanimity, and Perfectionism' in *Philosophy and Public Affairs*, M.

For this specific characterisation of perfectionism I follow probably the most prominent perfectionist, say, Raz, J. (1989) 'Facing Up: A Reply', in *Southern California Law Review*, 62, p. 1230. It is worth noting this is not a common characterisation of perfectionism. So it will be necessary, for the reader acquainted with the specialised literature not to conflate it with other more common characterisations.

treats familiar disputes on one hand, about abortion and on taxation on the other.

Some people in liberal democracies consider abortion to be analogous to murder, as a sin or, at least, a very serious wrong. Others, on the contrary, see abortion as a permissible remedy or even what people ought to do in unfortunate circumstances in order to prevent future cases of serious misfortune. In support to the former position we often encounter, either explicitly or implicitly, reference to deeply held ethical conceptions about life. Catholics, for instance, often refer to the Holy Scriptures to oppose abortion. Underlying the contrary position, ethical conceptions such as atheism and agnosticism often provide the framework for people who think abortion is the best thing to do in many cases or, at least, that it should be both morally and legally permitted. This is a case of ethical disagreement explicitly addressed in P2 above. Thus, it follows that the state ought to refrain from appealing to ethical conceptions in legislating cases of abortion as the sociological argument for political liberalism reconstructed above claims.

Yet, consider the case of taxation. In liberal democracies, it is characteristic of leftists to argue for significant redistribution of the burdens and benefits of social cooperation. Justifications for redistribution may vary. But some more or less precise conception of the values of equality, liberty and solidarity are the most familiar for us. Right-wing libertarians, on the contrary, defend that state's intervention required for such a redistributive scheme constitute a wrongful intrusion and appeal to the values of individual's self-ownership and natural liberty in support of their position. Now, it is crucial to understand the asymmetry objection to realise that, with regard to this kind of political disagreement, the sociological argument above appears silent.

Someone may reply that state's implementation of a more or less redistributive scheme is permissible because, even if there are political disagreements about the issue, there is no explicit prohibition of such a policy within the sociological argument for political liberalism. Moreover, someone may add, we have a

familiar way to efficiently resolve such disagreements, namely, democratic decision-making. However, theoretical consistency seems to press proponents of the sociological argument for political liberalism to broaden the scope of the liberal restraint and include political disagreement among the cases in which appeal to controversial conceptions ought to be avoided.²⁸

Here it is the asymmetry objection directed against the sociological conception of political liberalism more formally stated:

P1) In modern liberal societies state's coercion is permissible only if it is acceptable for all citizens.

P2) Citizens in modern liberal states disagree in deep, intractable ways about ethical conceptions.

P3) Citizens in modern liberal states disagree in deep, intractable ways about deeply divisive *political* conceptions too.

Therefore, a liberal state's coercion can only be justified via *an indirect kind of procedural agreement* such as democratic decision-making.

or,

A liberal state's coercion can only be justified by abstaining from appeal to divisive ethical *and political* conceptions of justice.

The first horn of the dilemma begins by accepting the existence of ethical disagreement yet denies that it follows from it that there is no available consensus on how to treat them and implement policies even if they rely on ethically controversial doctrines. Typically, liberal democracies rely on democratic resolution of the dispute. Consensus on the practical necessity to resolve the problem even in the circumstances of disagreement and on some

²⁸ See a list of other cases in S. Caney (1998) 'Liberal legitimacy, reasonable disagreement and justice' in *Critical Review of International Social and Political Philosophy*: aims of public punishment, death penalty, quotas, handguns, secession, recreative hunting, minimum wage, just war, international law, euthanasia, same-sex marriage, etc.

kind of democratic procedure to do so allows us to enact policies on ethically controversial matters. Again, we may think about the case abortion proposed above. The problem with this line of response should now be clear. The liberal restraint is violated and thereby the distinctiveness of political liberalism is blurred by surrendering to perfectionism.²⁹

The second horn of the dilemma arises when the defender of the sociological conception wants to preserve its anti-perfectionist credentials along with theoretical consistency. That is to say, the defender of the sociological conception may opt for extending the scope of application of the liberal restraint and include divisive political views. Yet, this route is also problematic for the following reasons.

One way to argue that this route is an implausible one comes from truth defenders on matters of justice. Extending the liberal restraint beyond divisive ethical views to include controversies of justice may imply that we ought to refrain from implementing the best view on justice. Thus, egalitarians may worry that a fully just redistributive scheme could not be rightfully enforced by the state according to this line of response. The sociological conception of political liberalism modified in this sense, therefore, would have the implausible implication that liberal democracies ought to implement a less than fully just social arrangement just because there is some good-willed individuals with mistaken beliefs about what justice requires.

Another way to object to the latter line of reply is to point out that its endorsement would implausibly imply that the liberal restraint condemns the

²⁹ This strategy has been labelled as the 'principle of higher order unanimity' by Nagel: 'in situations where reasonable people have disagreements on how a problem should be resolved but nonetheless agree, or would agree, that the state should adopt a policy (even if the policy may turn out to be disputable), the state may legitimately make policy decisions dealing with the problem'. See J. Chan's reconstruction and discussion of Nagel's argument in Chan, J. (2000) 'Legitimacy, Unanimity and Perfectionism' in *Philosophy and Public Affairs*, p. 18-30. See also p. 30-38 for Chan's rejection of Nagel's argument based on negative responsibility which it would also face the asymmetry objection. Chan concludes Nagel's first argument vindicates 'moderate perfectionism' rather than political liberalism and liberal restraint.

public enforcement, for instance, of basic rights such as personal safety. For it is surely the case that there exist some disagreement even on the most basic functions of the state. Yet, without even a minimal state we could only rely on other's benevolent dispositions to lead minimally decent lives. This outcome seems clearly implausible to many. More importantly for our purposes here, it is surely not the kind of regime political liberals aim to vindicate.

Someone sympathetic to the sociological conception might plausibly claim that virtually nobody defends a crude version of the sociological argument for political liberalism such as the one I reconstructed here. In other words, someone may claim that I have been too uncharitable in my reconstruction of the sociological conceptions in a way that I overstated the force of the asymmetry objection. Let me further develop this worry by reference to two external objections to political liberalism.

One possible way to object against my reconstruction of the sociological conception may appeal to its excessive *demandingness or unfeasibility*. The worry could be that it is implausibly demanding to require to any kind of democratic society that each and every member accepts political power. In other words, it seems implausibly demanding to reject a doctrine in political morality just because a few dissidents out of millions of people exist. To begin with, because it seems implausible to demand the assent of cognitively incapacitated and non-adult persons. A different reason in support of this objection could be that, as evolutionary theory has shown, unanimity is not necessary for states to facilitate social coordination. In addition, someone could argue that even *voluntarists* who positively aim at informed non-coerced unanimity as an ideal of legitimacy are careful to evaluate differently between degrees of illegitimacy and often recognise a general duty to support less than

fully legitimate states.³⁰

Another way to object against my reconstruction of the sociological conception may claim that its answer to the question on who we should accommodate is too inclusive. More precisely, one may plausibly wonder whether mere disagreement needs to be accommodated within the domain of proper exercise of political power. For it is unclear why for political power to be rightly exercised it should be acceptable to people subjected to it regardless of the content of the beliefs and practical convictions they hold. This is what Rawls has called the *wrongly political* objection to political liberalism. Now, we may distinguish between three different types of beliefs that might be thought as undermining people's status as members of the constituency towards whom an appropriate moral justification of political power is owed to; the *morally repugnant*, the *illiberal* and to the *empirically ignorant or cognitively handicapped*. So the wrongly political objection against my sociological argument for political liberalism argues that it seems plainly unacceptable to maintain that in order for political power to be rightly enforced, it needs to accommodate; people unwilling to respect others' basic human rights, religious freedom, vastly ignorant or completely incapacitated to deliberate.³¹

To put it in more general terms then, someone may object against my reconstruction of the sociological conception that any minimally plausible doctrine in political morality abstracts from some features of reality in order to

³⁰ For the 'qualified unanimity' criterion for legitimacy as characteristic of political liberalism see Estlund, D. (2008) *Democratic Authority: A Philosophical Framework* (Princeton, NJ: Princeton University Press, ch. 3, p. 40-65 and 'Truth in Political Liberalism' in Norris, A., & Elkins, J., (2012) *Truth and Democratic Politics*, University of Pennsylvania Press, p. 3 For the non-necessity of unanimity for social coordination: Gaus, G (2011) *The Order of Public Reason*, NY:Cambridge University Press, ch 3 For a prominent voluntarist who distinguishes between degrees of legitimacy see Simmons, J. (1999) 'Justification and Legitimacy' in *Ethics*, vol. 109, n. 4, p. 47-48.

³¹ For answers to the wrongly political objection see Rawls, J. (1996) *Political Liberalism*, IV, p. 145-164 and (1995) 'Reply to Habermas' in *Journal of Philosophy*, vol. 93, n. 3. part II, particularly, p. 15-19. For another answer to the wrongly political objection see: Quong, J., (2011) *Liberalism Without Perfection*, ch. 5, p. 146

introduce *some* degree of critical perspective in the theory.³²

So a natural way to proceed in order to improve the sociological conception of political liberalism seems to consist in *idealising* our answers to the crucial questions for political liberalism. Indeed, David Enoch has identified two main types of idealisation that proponents of political liberalism most often use.³³

On one hand, some defenders of political liberalism opt for *idealising the justificatory constituency*, that is, the answer to the who question. This is the route just suggested by the two external objections to political liberalism just mentioned, namely, the wrongly political and the demandingness objections. On the other hand, proponents of political liberalism may also *idealise the terms of the agreement* that needs to be reached to meet the justificatory requirement set by political liberalism. In other words, one may think the problem of the sociological conception is not (or not only) its answer to the who question but the object of the liberal restraint, that is, its answer to the what question.

³² Note that 'abstraction' have always been a strategy used by liberals: see Appiah, A., (2005) *The Ethics of Identity*, Princeton: NJ, Princeton University Press, preface, p. xv, who cites J. Locke and P. Railton as prominent liberal theorists who have used abstraction in their moral thought not only with an eye kept on ethical disagreement among *actual* persons but *precisely because* they were highly concerned with the presence of profound disagreement among individuals living within liberal regimes constitutively committed to preserving individual freedom. Moreover, we may think, for instance, about Bernard Williams' widely known for his *internalist or realist* ethics, that is, very roughly the view that we cannot have genuine reasons to act without any connection whatsoever with anything that we care (or could plausibly care) about. Yet, B. Williams also idealises or make abstraction of some features of reality in his moral inquiry. One may recall here the author's famous example to defend that internalism is not falsified by the case of someone who is motivated to drink X but mistakenly believes X contains gin instead of what in fact contains, namely, petrol. According to B. Williams' internalise we aren't obligated to say, absurdly, that this person has a genuine internal reason to drink petrol, nor to say, in contradiction of the internal reasons thesis, that this person has a genuine external reason not to drink what is in front of him. Rather we should note the fact that, even though he is not actually motivated not to drink the petrol, he *would be* motivated not to drink it if he realized that it was petrol. See Williams, B. (1981) *Moral Luck*, Cambridge: Cambridge Univ. Press, ch.8, p. 102

³³ See Enoch, D., 'Against Public Reason' in Sobel, D., Vallentyne, P., and Wall, S., (ed.) (2015) *Oxford Studies in Political Philosophy*, vol. 1, Oxford: Oxford University Press, ch. 5.

In the following sections four and five, I shall analyse conceptions of political liberalism from the ones that propose a lower degree of idealisation to those that idealise to a greater extent. As we will see, all of them will be unsatisfactory versions of political liberalism.

1.4. The Quasi Sociological and Epistemic Conceptions

In last section we have realised that more plausible conceptions of political liberalism may appeal to a *qualified* constituency instead of answering to the who question by referring to the convictions of actual citizens.³⁴

It is worth distinguishing here between idealisations of different natures. First, we may distinguish between *moral* and *deliberative* idealisations. In turn, these two main types may also be further subdivided. On one hand, moral idealisations may focus only on individuals' *moral motivation* or also on the *morally substantive content* of their practical convictions. On the other hand, deliberative idealisations may be distinguished between *procedural* or *informational* whether they only abstract from errors in reasoning or they also abstract from empirically false beliefs. Finally, the level of idealisation also varies in *degrees*, that is, authors disagree with regard to the appropriate

³⁴ Jonathan Quong, in his (2011) *Liberalism Without Perfection*, Oxford University Press, ch. 5, distinguishes between internal and external conceptions of political liberalism drawing a dichotomy that basically divides conceptions of political liberalism between those that understand the relevant constituency in ideal terms and those that do not. This distinction is what Quong thinks is crucially needed to answer the asymmetry objection which constitutes the most recent attempt to answer it that I know. However, as I shall attempt to show in the following, although a somewhat idealised answer to the who question is necessary, it is not sufficient to answer the asymmetry objection. In order to realise that the main challenge for political liberalism posed by the asymmetry objection doesn't disappear once we distinguish between real and hypothetical answers to the who question as Quong suggests, the reader may want to check how the modified versions of the sociological conception with a somewhat idealised constituency presented in this article lessen the force of all the worries Quong's raises against his 'external view of political liberalism -i.e: the spare wheel objection, the public culture dilemma, the contingency and relativism objections- except for the case of the asymmetry objection. See Quong, J. (2011) ch. 5.

distance between real citizens' beliefs and their hypothetical counterparts.

For instance, Charles Larmore proposes answering the who question for political liberalism by appeal to individuals 'who think and converse in good faith and apply, as best they can, the general capacities of reason that belong to every domain of inquiry'. Let me call this conception of political liberalism that, following Larmore, only departs from the sociological conception by idealising the moral motivation of those who should be accommodated rather than contained, the *quasi sociological conception*.³⁵

A minimally idealised constituency would enable proponents of the quasi sociological conception to reply satisfactorily to some extreme versions of the wrongly political objection simply in virtue of the motivational restriction of the relevant constituency. In particular, the *morally repugnant* version of the wrongly political objection to political liberalism could be dodged. Moreover, they may also be plausibly reply to clear instances of the *illiberal objection*. For illustrating the former, we may imagine a religious extremist pressing for the political aim that aborting women ought not to be treated as persons but as creatures of the devil, to be punished accordingly. For the second case, we could also imagine an intolerant atheist campaigning against the free expression of the claim that abortion is sinful. Both cases would be excluded from the constituency proposed by the quasi sociological conception of political liberalism. So in this sense, the quasi sociological conception is less susceptible to the asymmetry

³⁵ To be more precise, Larmore's relevant constituency may also be interpreted as minimally idealised with regard to the content of their beliefs because they share the conviction that all parties of the relevant constituency ought to be considered moral agents committed to the value of equal respect in the following sense: a) they are aware and are able to act on certain reasons and b) they have the moral status that requires coercion upon them to be adequately justified. Compare it with Joshua Cohen's view of who we should accommodate: 'An understanding of value is fully reasonable just in case its adherents are stably disposed to affirm it as they acquire new information and subject it to critical reflection.' As it stands, it implies only a kind of morally motivational idealisation of but doesn't seem to necessarily imply a minimal commitment to mutual respect as Larmore's view does . In this sense, nothing precludes Cohen's view from being subject to the wrongly political objection in its different variants. See Cohen, J., (1993) 'Moral Pluralism and Political Consensus', p. 281–2.in D. Copp et al. (eds.), *The Idea of Democracy*, Cambridge: Cambridge University Press.

objection than the original sociological conception.

However, excluding those extreme cases clearly won't suffice to provide a fully adequate answer to the asymmetry objection. For we do not need to think about the cases of morally repugnant or illiberal people in order to realise that citizens would disagree both about ethical and political conceptions. After all, many peaceful and tolerant people in modern liberal states disagree on what to do about both ethical and political matters. The cases of taxation and abortion that have been presented are still good illustrations of it.

One possible route to take at this point would be the one provided by Thomas Nagel's early argument for political liberalism that further idealises the citizens we should accommodate in *deliberative* terms both in its procedural and informational aspect. That is, the relevant constituency to whom the justification of political power ought to be acceptable for Nagel is restricted to citizens free from errors of reasoning and false empirical beliefs. Let's refer to it as the *epistemic conception of political liberalism*.³⁶

One reason why the epistemic conception may seem an attractive alternative to the sociological and quasi sociological conceptions is the thought that *political* disagreements often can be boiled down to empirical disagreements,

³⁶ See Nagel, T., (1987) 'Moral Conflict and Political Legitimacy' in *Philosophy & Public Affairs*, vol. 16, n. 3, particularly, p. 16-18, For another instance of epistemic reading of John Rawls' political liberalism see Barry, B., 'John Rawls and the Search for Stability', vol. 195, n. 4, particularly, p. 29-33 and Cohen, J., 'Moral Pluralism and Political Consensus' in Copp, D. (ed.) (1993) *The Idea of Democracy*, Cambridge University Press, ch. 6, p. 270-292

See also in Larmore, C., (1990) 'Political Liberalism' in *Political Theory*, vol. 18, n. 3 where Larmore puts forward a similar distinction between *proof* and *justification*. Thus, even if, for expository reasons, I've classified Larmore's conception of political liberalism before, his conception of political liberalism could also be classified as an epistemic version of political liberalism in this respect. However, his proposed constituency as his willingness to 'take people as they are' and 'not to reproduce the problems (disagreements) that political liberalism purports to solve' aren't clearly compatible with Nagel's more idealised constituency. This is why I've not chosen his conception as a paradigmatic instance of an epistemic conception of political liberalism.

misinformation and errors in reasoning. Recall again the case of taxation. In modern liberal democracies it is hardly the case that any of the opposite parties in the debate deny the idea that we ought to preserve individuals' liberty and equality in some sense. Moreover, if not for fairness, benevolence, charity or compassion are values often invoked by libertarians who bravely oppose progressive tax schemes in order to provide all with a decent life. On the other hand, even expert economists disagree on what tax scheme is best for pursuing a similar social outcome. So one may hope that, in contrast with debates about God's existence or the sanctity of life, this kind of the debate could be rationally resolved provided we fully correct our current lack of empirical knowledge and errors in reasoning. This seems to be Nagel's idea when he introduces the distinction between *personal* and *impersonal justifications* in order to justify the asymmetry between political liberalism's treatment of political and ethical disagreements.³⁷

Here it is his *epistemic argument for political liberalism*:

P1) In modern liberal societies state's coercion ought not to be exercised over epistemically competent citizens unless it is acceptable to them.

P2) State's coercion is permissible only if justified *impersonal terms* that generate agreement among epistemically competent citizens.

P3) Arguments that appeal to ethical conceptions cannot be resolved by epistemically competent citizens providing impersonal justification.

P4) Arguments that appeal to political conceptions of justice can be resolved by impersonal justification.

³⁷ However, for doubts about determinacy of perfect rationality see: Gaus, G. (2011) *The Order of Public Reason*, NY:Cambridge University Press, ch. 1, s. 3 and ch. 5, s. 15-16. See also Tyndal, J., (2016) 'Moderate Idealisation and Information Acquisition Responsibilities' in *Res Publica*, n. 22 for doubts about requirements of empirical knowledge for moral responsibility

Therefore, state's coercion can only be justified by abstaining from appeal to ethical conceptions.

Nagel's distinction between personal and impersonal justifications is the keystone of his epistemic argument for political liberalism. For the author argues that moral disagreements *can* be resolved from an impersonal perspective while ethical ones *can't*. So, according to Nagel, by providing an adequate answer to the who question for political liberalism which idealises the relevant justificatory constituency in motivational and deliberative terms, we can explain the asymmetry between the political liberal treatment of political and ethical asymmetry in a principled way, namely, that political disputes are at least in principle resolvable from a commonly epistemically privileged perspective independent of individuals' one in a way that ethical disputes aren't.

However, it is unclear that Nagel's distinction can fulfil the purpose it aims to. One reason for this is the unclarity of the distinction itself. So let me attempt to clarify what I believe Nagel can plausibly be said to defend by proposing his distinction in order to show why it is not a promising route to follow.

First, in order to argue for the distinction in question Nagel notes the possibility of distinguishing between our attitudes towards a proposition's epistemic status and the true epistemic status of the proposition in question itself. This seems a plausible distinction to draw. For it is certainly possible to distinguish between my believing that p is true and p actually being true. For instance, I may believe that homeopathic treatments are effective while, as a matter of fact, they don't. Moreover, at least in cases in which p is an empirical statement, it looks entirely coherent to maintain, for instance, that the confidence with which someone maintains endorses his epistemic beliefs about homeopathy is one thing and another one is the real epistemic status of homeopathy. Thus, although it is not an uncontroversial position in ethics to maintain that the latter distinction

between believing that p and p being true is also true in ethics, the possibility of grasping the distinction stands or so I shall assume.³⁸

Second, Nagel also claims that we ought to draw a further distinction between two kinds of justificatory contexts, namely, the 'public'/'impersonal' and the 'private'/'personal'. Since I rely on a similar distinction between the political and the ethical in this thesis it would be incoherent for me to deny that this seems to me both possible and plausible. Moreover, it seems plausible to maintain that

³⁸ Yet, see Enoch, D. (2015) 'Political Philosophy and Epistemology: the case of Public Reason' in Sobel, D., Vallentyne, P., Wall, S., (eds.) *Oxford Studies in Political Philosophy, vol 3*, Oxford University Press, ch. 6 for an objection from self-defeat based on this kind of assumption. In the referred chapter Enoch goes over the epistemic elements that theorists of public reason often tacitly assume. According to a strongly epistemic reading of the qualified constituency for political liberalism-i.e: nihilist, skeptic, relativist, fallibilist, emotivist, prescriptivist or such as 'evidence not conclusive enough'/'not public enough'/'sufficient for both A and no-A'-political liberalism's theorists would be assuming a controversial epistemology inconsistent with its justificatory requirement, would incur on the 'wrongly political' objection or suspension of judgement rather than the liberal restraint would follow. Moreover, according to Enoch, while the burdens of judgment could function as a plausible *explanation* of ethical disagreement they could not make sense of what citizens believe about others who have accessible truths and nonetheless err.

For similar critiques to an epistemological reading of Joshua Cohen's argument for political liberalism see also Christiano, T., (2009) 'Must Democracy Be Reasonable?' in *Canadian Journal of Philosophy*, vol 39, n. 1, p, 24-38. For John Rawls' rejection of this strongly epistemic reading of political liberalism, see Rawls, J., (1996) *Political Liberalism*, 94, 96, 126-7 and 147-158. For a more detailed rejection of the main epistemic objections to political liberalism see Quong, J. (2011) *Liberalism without Perfection*, ch. 8.

epistemic standards in political morality are distinct from ethical ones due to their pervasive inter-personal agreement.³⁹

However, it is also Nagel's claim that in political morality our claims ought to be justified on the basis of considerations acceptable to all epistemically privileged

³⁹ Yet, see also Enoch, D. (2015) who uses Nagel's as an example suited to a 'weakly epistemic reading' of the epistemic elements included in the constituency for political liberalism. Enoch argues that what needs to be explained according to this reading is what are the moral constraints for state's action for which epistemic considerations are relevant. In order for state's action to be rightly enforceable, for instance, it should have a certain epistemic status such as 'being accessible via public evidence' or 'being of a certain distinct nature adequate within the political context'. The former (public evidence) presents the following problems: paradigmatic case of publicity is science, yet science admits testimony which is as private as revelation in religion or moral intuitions in ethics and morality. Moreover, it faces the asymmetry objection for it is unclear why the burdens of judgment do not apply equally to ethical and political disagreements. The latter (distinctly political epistemic requirement) presents the following problems: controversial pragmatic epistemology, seems paradoxical P and no-P, needs to be explained why knowledge is relevant for citizenship. My quick reaction to this more subtle objection is, very roughly, the following: On one hand, I agree with Enoch that the asymmetry objection and the need to explain why knowledge is relevant for citizenship constitute serious problems for Nagel epistemic argument for political liberalism. On the other hand though, the 'paradox problem' dissolves once we answer adequately the why question. The analogy between testimony in science, revelation and pure intuitions fails very roughly because the methods and tools that replicate and regularise individual perceptions in science generating universal consensus aren't comparable to religion, ethics and moral philosophy. Finally, the self-defeat objection from 'controversial epistemology' misconceives the basis of the liberal restraint which is not based on epistemology but on a division of justificatory labor between 'moral theory' in the Rawlsian technical sense and citizens' ethical conceptions as we will see below. For the Rawlsian innovative understanding of moral theory see Rawls, J (1999) 'The Independence of Moral Theory', in Cohen, J. (ed.) *Collected Papers*, Cambridge:Massachusetts, Harvard University Press. 15. The sense in which the interpersonal nature of the public domain is different from the private is expressed by J. Rawls: 'the reasonable is public in a way the rational is not. This means that it is by the reasonable that we enter as equals the public world of others and stand ready to propose, or to accept, as the case may be, fair terms of cooperation with them'. See Rawls, J., (1996) p. 54. See also p. 61 For more on the minimal sense in which political liberalism needs an epistemic notion of 'mundane truth's see Quong, J. (2011) ch. 8 or Larmore, Ch. (1990) p.17-19. For a thorough discussion see: Cohen, J. (2008) 'Truth and Public Reason' in *Philosophy and Public Affairs*, vol. 37, n. 1, Crucially, the notion of mundane truth itself is public and 'epistemically-independent' in the sense that it is compatible with any epistemological views citizens may (or may not) have. In J. Cohen's words: 'a view of truth that suffices for public reasoning and could reasonably be endorsed by the adherents of conflicting doctrines, which may themselves employ richer conceptions of truth, for example, the view that truth consists in a correspondence of truth bearer and fact, or in some sort of idealised justification (...) A political conception of truth is thus a genuine conception of truth,³ although less committal than the conceptions that have traditionally occupied philosophical attention, and that have deep roots in our practices of making and defending assertions (including logically complex assertions), in our reasoning, and in ordinary understandings about the content and correctness of thoughts' See Cohen, J., (2008) p. 3-4

citizens. For, if we couldn't, the author argues, our political claims would be mere assertions of personal belief and to direct the life of epistemically competent citizens who disagree with it would be disrespectful.

This claim may plausibly generate some resistance because it is unclear why our status of citizenship in liberal democracies should require our epistemic capacities to be higher than the average. Rather we might consider a strength of our doctrine in political morality the fact that it shows respect for everyone regardless of the soundness of its views and as independent of anybody's epistemic virtues. So, a first way one may want to resist Nagel's epistemic conception consists in pressing the claim that citizens' equal moral standing ought to be respected due to certain moral capacities we generally possess regardless of our higher epistemic capacities and how silly our opinions are as a distinctive feature of political liberalism. Let me call this problem for the epistemic conception *the epistocracy problem*.⁴⁰

Moreover, there is a second problem Nagel's epistemic conception faces which may be taken as more relevant, especially for those readers that do not consider the epistocracy problem a decisive one, and also for our purposes here which I shall call *the mismatch objection*. The mismatch objection points out that, even if the conception is able to provide a somewhat plausible rationale for its asymmetric treatment of different kinds of disagreements, the resulting distinction between them doesn't neatly overlap with the distinction between political and ethical disagreements. In other words, it is not the case that epistemically competent persons, that is, persons that neither commit empirical nor deliberative errors, would agree on what policies we ought to apply with regard to political issues while disagreeing on policies about ethical matters.

⁴⁰ For a good argument against 'epistocracy' see Estlund, D., (2007) *The Authority of Democracy. A Philosophical Framework*, NJ:Princeton University Press, particularly ch. 11, that claims that the right to rule does not directly follow from the fact that some people are epistemically better than others.

For illustrative purposes, recall our initial example and assume with Nagel that controversies on tax policy could be rationally resolved. Now, would the same be the case for all political disputes but not for all cases of ethical controversy? This is very doubtful because there are many cases of political disagreements that do not seem to be reducible to empirical ones. For instance, while disagreements about the best tax policy or the existence of a basic income might be characterised as empirical in nature it is far less plausible to think that disagreements on the morality of death penalty, secession or animal rights can be empirically resolved. Thus, while someone might think Nagel provides a plausible rationale for distinguishing two different kinds of disagreement, his epistemic conception can't adequately reply to the asymmetry objection. For it doesn't provide what political liberalism aims at, namely, not only a principled way to distinguish between kinds of disagreement but one that overlaps with the distinction between ethical and political disputes. In other words, a satisfactory conception of political liberalism needs to put forward a distinction that provides a rationale for allowing *all* controversial political claims to be advanced which at the same time forbids *all* disputed claims based on ethical views to be implemented.⁴¹

At this point, defenders of the epistemic conception may want to continue pursuing the strategy of abstracting certain aspects of from reality with the aim of making possible the peaceful coexistence among people who deeply disagree. As I mentioned following Enoch, they may do so by following two different but complementary routes. They may continue concerned with the who question for political liberalism and restrict the relevant justificatory constituency by further idealising their moral convictions, or they may redirect the focus of the problem to the object of the justificatory constraint, that is to say, to what I've labelled as the what question for political liberalism.

⁴¹ If the reader is not convinced with these examples, see footnote 12 for a list of further ones. For more objections to epistemic conceptions of political liberalism see Christiano, T., (2009) 'Must Democracy be Reasonable?' in *Canadian Journal of Philosophy*, v. 39, n. 1, p. 24-38 where the author argues against epistemic arguments for political liberalism on grounds that they're based on an implausible and self-defeating subjectivist moral epistemology and on a phenomenologically flawed picture of moral disputes.

1.5. The Moral Conception

In last section we saw how a quasi sociological and an epistemic conception of political liberalism do not provide us a satisfactory answer to the asymmetry objection. In this section I will show how a more robust idealisation on both the answers to the who and what questions for political liberalism is not enough. But let me proceed step by step.

A natural way to proceed in order to improve the epistemic conception would be to restrict further the relevant constituency by idealising their members not only in motivational and deliberative terms, but also with regard to the content of their moral convictions. Let me call it *the moral conception of political liberalism*.

A not very promising proposal in this direction has been suggested by Nagel himself who corrected his earlier epistemic conception. More precisely, Nagel modified his answer to the who question by appeal to the Kantian ethical ideal of respect for persons as ends in themselves rather than taking them 'as mere means. However, the main reason why we can rapidly discard this route as unpromising is that, by proposing an ethical ideal, it clearly bites the bullet of the asymmetry objection. So it is pray of what we've described as the first horn of the anti-perfectionist dilemma described in section three, namely, of surrendering to perfectionism by proposing a non-political but an ethical ideal to delineate the group of those who should be accommodated rather than contained.⁴²

A more promising alternative begins by adopting the Rawlsian ideal of *free and equal citizens* with its two main components: 1) the first moral power, namely the *sense of justice* that refers to certain moral capacities and virtues everyone have reason to develop and 2) the second moral power of *a capacity to develop and rationally pursue a view of the good* that, although it refers to a crucial moral disposition, it also has a weakly epistemic component, say, the

⁴² See Nagel, T., (1991) *Equality and Partiality*, NY: Oxford University Press, ch. 14 where the basis of his argument for political liberalism is ethically Kantian rather than epistemic.

recognition of *the burdens of judgement*. Moreover, free and equal citizens are epistemically idealised both in the deliberative and informational aspects to an extent sufficient to reduce the force of the epistocracy problem but enough to ground the epistemic capacities necessary to develop and exercise our moral dispositions to a certain level.⁴³

In order to better understand the first moral component of the Rawlsian ideal of free and equal citizens it is worth noting that it consists on a particular conception of the values of freedom, equality and reciprocity. First, free and equal citizens should be considered as free in the sense of having and developing to a sufficient degree the capacity of rationally revising, pursuing and taking adequate responsibility for their most important aims in life. Second, free and equal citizens have a sense of their equal worth due to their normal capacity to act according to their sense of justice and morality. Somewhat more precisely, this implies that they are able to understand and desire to propose, justify, agree and follow fair terms of cooperation with others equally disposed. Finally, what fair terms mainly mean here is that free and equal citizens ought to develop their view on justice in a way that pursuing their life aims is made compatible with others co-citizens aims as if social cooperation consisted in a cooperative endeavour. The second component of the ideal of free and equal citizenship should be considered as complementing the interpretation of the

⁴³ See Quong, J., (2011) *Liberalism Without Perfection*, Oxford University Press, particularly, p. 143-44, for a similar Rawlsian specifications two aspects of free and equal persons' reasonableness. See also Clayton, M. (2011) ch. 1, p. 17, 18 and Lister, A., (2013) ch.1, p. 8,9.

See Quong, J. (2011) p, 248 for the minimal epistemic idealisation of free and equal citizens: 'any belief held by a reasonable person that is arrived at through an exercise of theoretical reason, which is to say that it is arrived at in a more or less consistent and coherent fashion. As Rawls notes, this account of the reasonable 'is deliberately loose. We avoid excluding doctrines [or beliefs] as unreasonable without strong grounds based on clear aspects of the reasonable itself'. Reasonable doctrines 'need not, for example, be by some standards logically correct, or open to rational appraisal, or evidentially supportable' (...) 'Many beliefs may thus qualify as reasonable, even if the believer is not justified in holding them. A belief in astrology, for example, need not be labelled unreasonable provided it remains consistent with the requirements of political justice.' For John Rawls' own remarks see Rawls, J., (1996) p. 59-60 and Rawls, J., (1997) 'The Idea of Public Reason Revisited' in *University of Chicago Law Review*, n. 64

values of freedom, equality and reciprocity with a certain interpretation of the value of tolerance and the nature of people's beliefs. Moreover, it crucially restricts further what should be considered as fair and acceptable terms of cooperation that free and equal citizens are bound to propose and comply. More precisely, they acknowledge that people able to exercise their moral powers to a certain reasonable degree, will inevitably make mistakes of practical judgement, that is, errors of judgement free from prejudice, insecurity or malice, probably due to the intrinsic complexity of the matter. As a consequence, free and equals abide by what I've called the liberal restraint as a consequence of recognising humanly inevitable burdens of judgement.

So let's see whether the moral conception of political liberalism can be seen as a significant improvement with respect to the problems faced by other conceptions. On the positive side, proposing to only accommodate free and equal citizens clearly serves to dodge the morally repugnant and the illiberal mentioned above. Moreover, as I just said, the minimal epistemic idealisation of free and equal citizens allows us to answer at least the most flagrant cases of ignorance and flawed reasoning that give force to the epistocracy problem. Finally, it is noteworthy that the moral conception is particularly well-suited to satisfy anti-perfectionists insofar in our explanation of the moral convictions and dispositions of free and equals we've specifically mentioned the liberal restraint. Thus, by definition, the moral conception also avoids the horn of the anti-perfectionist dilemma that ends up endorsing perfectionism.

However, is the moral conception vulnerable to the asymmetry objection? Prima facie, it is unclear why it wouldn't, because although it is true that the liberal restraint is an aspect of the notion of free and equal citizens it is not evident what is the reason why they ought to treat ethical and political disagreements in a distinct way. Thus, absent of further clarification, the moral conception seems to require compliance with the liberal restraint merely on intuitive grounds.

One way defenders of the moral conception could try to give the necessary rationale to adequately answer the asymmetry objection shifts the focus from

the who question to the *what question* for political liberalism. Andrew Lister has helpfully distinguished between two different types of views of political liberalism on the basis of the object of the liberal justificatory restraint. On one hand, *decision-based types of political liberalism* propose state's actions as the object of the liberal restraint. On the opposite hand, *justification-based types of political liberalism* propose public justifications or reasons publicly given for state's action as the proper object of liberal restraint.⁴⁴

According to Lister, the asymmetry objection trades on the following ambiguity often present in the relevant literature about the object of the liberal restraint: should we refrain from appeal to our ethical conceptions when publicly justifying what we consider is the best *law or policy* on a specific subject matter such as abortion? Or should we rather abide by the liberal restraint in *justifying the general principles* that constitute the basis for our political action? Moreover, Lister rightly argues that the asymmetry objection is strengthened if we think in terms of decision-based types of political liberalism such as the sociological, quasi sociological, epistemic and moral conceptions we've explored until here.

For instance, it is quite obvious that free and equal citizens may plausibly disagree with regard to the convenience of a basic income or the level of taxes on income revenue. However, if we think on the *more abstract terms* that free and equal citizens may use in advancing distinct specific policies, we may find that they are, after all, on *agreement on the same political values* that support a family of conceptions of political liberalism compatible with the ideal of democratic citizenship that free and equal citizens all support. Here's a

⁴⁴ See Lister, A., (2013) ch. 1, p. 1-2, 12 and ch. 4, p. 82-84. Yet, note that A. Lister claims the distinction doesn't suffice to avoid some forms of perfectionism and therefore to reply to the asymmetry objection. However, note the difference between his understanding of perfectionism and mine here. The kind of perfectionism he thinks it doesn't avoid is the so-called 'broad perfectionism' which according to Stephen Wall consists in establishing rights and liberties in a way that favours an ethical doctrine over another. According to the Razian definition of perfectionism I use here the former is an over-inclusive definition because it is outcome oriented whereas the Razian definition is principled.

reconstruction of the argument for political liberalism according to the moral conception modified in this way:⁴⁵

P1) In modern liberal societies justification of the principles that ground political action should be acceptable to free and equal citizens.

P2) Free and equal citizens agree on a family of conceptions of political liberalism that aim to realise an ideal of society grounded on the political values of freedom, equality, reciprocity, publicity and mutual respect and have the following properties:

- a) It conceives citizens as equal in their moral status in virtue of being reasonable and rational, that is, as having the moral powers for a sense of justice and a capacity for a conception of the good,

⁴⁵ The following reconstructed argument is an adaptation of M. Clayton's argument for political liberalism in Clayton, M., (2006) ch. 1, p. 16. Crucially, it differs in its first premise. See also Quong (2011) ch. 7, p. 198-199 who rejects a similar kind of Rawlsian response to the asymmetry objection on the basis that it gives too much to the objector. More precisely, Quong claims that this kind of answer fails because it recognises the existence of political disagreement among free and equal citizens. Note also that I referred here to 'principles' as an example of a higher level of generality than 'laws or policies' because, even though there are more available ways to frame the issue according to different levels of generality, the pros and cons of the strategy are similarly applicable. Agreement on more abstract than policy terms can be reached at different levels. Here's list from lesser to greater level of abstraction: specific reasons, specific values appealed as relevant in a particular case specifically ranked and weighed, fundamental values generally ranked and weighed, mode of reasoning and tradition of thought. This list is inspired on Simon Caney's similar one in Caney, S., (1998) 'Liberal legitimacy, reasonable disagreement and justice' in *Critical Review of International Social and Political Philosophy*, vol. 1, n. 3 who also credits Joseph Chan and Andrew Mason as collaborators in drawing this typology. For different good analysis of the problems of this strategy see Fowler, T., & Stemplowska, S. (2014) 'The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement' in *The Journal of Applied Philosophy*, vol. 32, n. 2 and A. Lister analysis of what he calls the 'zoom or aggregation problem' or 'the higher-order unanimity scape clause' in Lister, A. (2013) ch. 4, particularly in p. 101-104 where he argues that even though free and equal citizens may disagree about the level of abstraction, interpretation and application of values it is not a fatal problem for justification-based types of political liberalism. However, it is unclear how this is so.

b) It includes a principle that gives priority to the protection of basic democratic rights, familiar liberties such as freedom of conscience, association, and expression, and opportunities to pursue office,

c) It distributes resources so that everyone can make intelligent and effective use of their liberties and opportunities.

P3) Free and equal citizens disagree in deep, intractable ways about ethical conceptions.

Therefore, justification of the principles that ground political action can be justified only by abstaining from appeal to ethical conceptions

In order to understand better this kind of response to the asymmetry objection, we may think, for instance, about the following case. Free and equal citizens may arguably disagree on the convenience of a basic income. Yet, they would also agree on a principle such as 'all persons have a right to a level of income that is not vastly unequal with respect to their co-citizens and sufficient to live a decent life' as one plausible interpretation of the political values referred in premise two. According to this response to the asymmetry objection the same wouldn't be true in cases of ethical disputes. For it is not only the case that people disagree on the convenience of public policies promoting same-sex marriage or abortion laws. In ethical disputes, people's disagreement goes deeper at the level of principle. Presumably, religious opponents of homosexual marriage and abortion would subscribe a principle which condemned those actions as sinful or contrary to God's will and therefore wrong. Opponents, however, couldn't agree on any kind of principle on those religious terms.

Now, a first worry with the moral conception of political liberalism may be raised following David Enoch. He has objected to conceptions of political liberalism that put forward a kind of idealisation for answering the who and the what questions which does not cohere with the doctrine's main rationale. To support this claim he puts forward first, a criterion for appropriate idealisations in moral

philosophy similar to what he considers is an implicit analogous criterion in science. The criterion establishes that idealisations are justifiable only when consistent with the initial motivations underlying the search for a theory in the first place. For instance, borrowing a case from the physics of colours, Enoch thinks that the theoretical idealisation that takes the category of 'redness' to include only instances of it in good light is an adequate one insofar as the main aim of the theory is to provide an accessible standard for actual people. On the contrary, it would not be a legitimate idealisation in chemistry to define 'water' as a category including instances of 'water' in some ideal world because the aim of the theory should reasonably be the same as for the case of colours.⁴⁶

The second element of Enoch's objection consists in describing the main aim of political liberalism to reconcile people's equal freedom with state's authority. For illustration, he proposes us to think about the doctrine of religious toleration as compatible with the religious belief in God's predicaments. The intuition behind political liberalism, Enoch argues, is that the truth of God's words doesn't suffice to make legitimate the imposition on free and equal persons of God's pronouncements. Some kind of acceptability requirement needs to be met. With this in mind, we're now ready to understand Enoch's objection to the moral conception of political liberalism.

According to Enoch, the moral conception proposes an illegitimate kind of idealisation because its appeal to a highly idealised constituency who agree on highly abstract terms, collide with its initial aim, that is, reconciling authority with actual people's equal freedom. For, by analogy with the just mentioned chemistry case, the public reasons conception proposes unhelpfully ideal categories to real persons. Let me call it the *objection from unwarranted idealism*.

There are several replies available to the unwarranted idealism objection. First, the analogy between scientific methods and moral reasoning may be rejected

⁴⁶ Enoch, D., 'Against Public Reason' in Sobel, D., Vallentyne, P., Wall, S., (eds.) (2015) *Oxford Studies in Political Philosophy*, vol 1, Oxford University Press, ch. 5, p. 114-115

as invalid on the basis that normative inquiry is meant to assess and improve reality, not simply to describe it. Thus, idealisations to a higher degree may be in place. Moreover, the real constituency that Enoch proposes as the relevant one for political liberalism is precisely what is in question, so it can't be assumed as a standard for legitimate idealisations. Finally, it is unclear why we should agree with Enoch's description of the main aim or rationale of political liberalism.

However, what interests me here and the reason why I mention Enoch's objection here isn't its strength as an objection to the public reasons conception. What seems right to me about Enoch's objection is the fact that he focuses the attention on the main rationale for political liberalism in order to assess the kind of idealisations that conceptions of political liberalism should put forward. In other words, I believe Enoch rightly points out *the why question for political liberalism as the crucial element for assessing conceptions of political liberalism*. This is the right direction to take in order to answer the asymmetry objection or so I shall attempt to show in the following. But let me first comment on a further important objection against the moral conception of political liberalism.

An important objection Sophia Stemplowska and Timothy Fowler have raised against the moral conception claims that it is unclear why it is *impermissible* to coerce citizens who defend wrong views or endorse the *wrong values* on what is most important in life, while it is *permissible* to coerce citizens with *wrong interpretations* of the ideal of free and equal citizens or who wrongly apply the ideal to a specific case. In other words, why should we treat *value disagreement* in such a different way with respect to *interpretative disagreement* with regard to the legitimacy of coercing the set of citizens who disagree with others?⁴⁷

⁴⁷ This line of objection applied to Quong's conception of political liberalism can be found in Fowler, T. & Stemplowska, S., (2014) 'The Asymmetry Objection Rides Again: On the Nature and Significance of Justificatory Disagreement' in *The Journal of Applied Philosophy*, vol. 32, n. 2, p. 16

One kind of answer to this question appeals to the greater offence people may be said to usually perceive when coerced by others who disagree with oneself on values themselves relative to when they do it on the basis of a different interpretation of the same value. On the latter case, we may say, there is a greater area of agreement. For instance, one may plausibly consider a greater offence being forced to pray as an atheist than for a religious believer who do not consider praying as mandatory according to God's predicaments. However, there are many counterexamples to this case. For instance, is it better for a libertarian atheist to be forced to give a large amount of their income for redistribution in the name of equal freedom than to be prohibited from making public offences to believers? I cannot think how it could.

What I take to be a stronger answer, instead of putting the emphasis on the difference between value and interpretative disagreements, would rather insist on the great importance for everyone that we all have a minimally plausible understanding of the main political values contained within the ideal of free and equal citizenship. On the contrary, we should consider as relatively unimportant for others if someone wastes his life on unworthy projects provided that we all respect others' right and comply with our duties as citizens. This answer, I shall argue below, points to the right kind of answer to the why question for political liberalism.

A third and more important problem for the moral conception is that it cannot properly answer the asymmetry objection just by answering the what question by appeal to justifications rather than policies. For it is neither the case that all political disagreements can be reduced to policy-disagreement nor that all cases of ethical disagreement can't. Let me call it *the mismatch objection*.

For instance, we may plausibly imagine cases of ethical disagreement among free and equal citizens about the legality of same-sex marriage in which both parties agree on a general principle such as 'all persons ought to enjoy an equal legal status and the same basic rights and liberties'. And yet, disagreement among them may still persist on whether or not the religious

institution of marriage should be accessible to all provided that civil unions are available to the non-religious. Conversely, we may plausibly imagine cases of political disagreement on death penalty or compulsory military service in which free and equals cannot even agree at the level of the justificatory principles supported by the same political values. Thus, the *mismatch objection* cannot be dodged simply by noting that political liberalism needs to answer the what question by appeal to the justificatory basis of the principles that ground political action.⁴⁸

Now, Quong has put forward the most recent answer to the asymmetry objection which may be interpreted as a slightly amended version of the moral conception. The author's amendment has two main elements. First, a diagnosis of the error within the moral conception as developed until here that makes it susceptible to the mismatch objection. Quong thinks the mismatch is the product of giving too much to the proponents of the asymmetry objection. For, even though the moral conception highlights the existence of an agreement among free and equals at a higher level of abstraction, it crucially acknowledges the existence of political disagreements among them at lower levels of abstraction. Second, in order to solve this problem, Quong points out that *free and equal citizens all share a basic commitment with regard to the kind of reasons ought to be provided* in advancing one's political claims, namely, public reasons that stem from the ideal of free and equal citizenship. Thus, he rejects distinguishing political and ethical disputes merely by appeal to different *levels of abstraction or disagreement* and distinguishes between *types* of disputes on the basis of the existence or absence of a common justificatory basis making possible a mutual understanding. According to Quong, all political disagreements among free and equals are, by definition, merely 'justificatory'

⁴⁸ Someone could still try a defence which claims that even if it false both that *all* cases of political disagreement are reducible to policy disagreement and *all* cases of ethical disagreement can't, it is still the case that there is *a significantly greater number* of political disagreements that are reducible to policy disagreement relative to ethical disagreements. However, J. Quong rightly argues that this rejoinder still faces two problems. First, it relies on empirical data about the relative frequency of political and ethical disagreement. But the moral conception's constituency is an ideal one. Second, it concedes too much to the asymmetry objection because it allows some cases of moderate perfectionism. See Quong, J. (2011) p. 199

ones in the sense that the contending parties share a common justificatory basis or a first basic premise of their arguments provided by the ideal of citizenship. On the contrary, almost all ethical disagreements among free and equals are 'foundational' in the sense that it is not possible to find any common basis for an agreement on fundamental convictions even at the highest levels of abstraction.⁴⁹

However, it is unclear how Quong's subtle move constitutes an appropriately answer to the asymmetry problem. For it tries to avoid the mismatch problem in merely definitional grounds, that is, by stipulating that disagreements on the interpretation, weigh and application of political values must be labelled as merely justificatory, while identical disagreements about non-political values must be called fundamental. But we need a principled answer to the asymmetry objection rather than a definitional one. That is, we need to know why free and equal citizens have good reasons to try to solve their political disagreements by appeal to a certain range of shared values, but no such reason to do the same with regard to their ethical disagreements. In the following section I will try to show a better answer can be found by focusing on the why question for political liberalism.⁵⁰

⁴⁹ See Quong, J. (2011) ch. 7, p. 192-220. This is J. Quong's answer to the asymmetry objection. However, a clarification about Quong's conception of political liberalism is worth making. Quong frames the ideal of free and equal citizens in status-based terms which I think is problematic because it constructs the ideal in threshold terms thereby making unclear why the liberal restraint follows from it. See, for this kind of critique, Mills, Ch. (2013) 'The problem of parental motives' in *Utilitas*, vol. 25, n. 4 p. 446-462 which argues that respect for political autonomy can't be expressed in threshold terms.

⁵⁰ Andrew Lister also raises a similar doubt about Quong's answer in Lister, A., (2014) 'Public Reason and Perfectionism: Comments on Quong's Liberalism Without Perfection' in *FILozOFIJA I DRUŠTVO*, vol. 25, n. 1, p. 18-21

1.6. Why should we endorse political liberalism

Let me briefly recapitulate. We started with the sociological conception of political liberalism and explained how it faces a fatal internal asymmetry. Then, we explored other available conceptions of political liberalism by changing its answers to the who and what questions and have also seen how they fail to answer the asymmetry objection too. Now, the remaining route to explore is the why question for political liberalism which asks: what are the fundamental reasons we have to comply with the liberal restraint?⁵¹

For expository purposes, I left the discussion of the why question for the end of the chapter because I, as I shall try to show, it arguably allows us to draw a crucial distinction important for answering the asymmetry objection. Yet, this does not mean that all the discussed conceptions of political liberalism are on a par in terms of plausibility. Rather, I developed them gradually from less to more plausible ones. So it is worth reminding that I believe the moral conception of political liberalism gives the right kind of answer to the who and what questions for political liberalism but, as we've seen in the end of last section, it leaves us with no principled answer to the question about why we should be political liberals and therefore, why we should treat differently political and ethical disagreements among free and equals.

In order to find the right answer to the why question for political liberalism it is worth distinguishing between two types of conceptions of political liberalism that differ in their answer to the why question. On one hand, we find conceptions of political liberalism that aim at *avoiding disagreement* and it is for this reason that recommend abidance by liberal restraint. On the other hand, there are conceptions of political liberalism that aim at *preserving a valuable kind of social unity* and it is for this reason that recommend abidance by liberal restraint.

⁵¹ To be more precise, the where question hasn't been explored yet and I shall defend in chapter three a different answer. But, as I already said, this point is orthogonal to the one that I want to make in this chapter focused on the why question.

All the conceptions we have encountered can be labelled as *disagreement-avoidance types of political liberalism*. As we have seen by assessing their different arguments for political liberalism, these types of conceptions aim at generating agreement on the basic terms of social cooperation among a wide constituency. Then, those types of political liberalism note that members of the relevant constituency will inevitably *disagree* regarding ethical doctrines, and assumes that *merely for this reason* they should refrain from appealing to them in advancing their political claims. Unfortunately for these conceptions, however, it is also true that members of the constituency will also inevitably be divided regarding the political issues. This is how the asymmetry objection arises and it is also the reason why mere appeals to different kinds of disagreement are unsatisfactory.

We might instead, however, conceive political liberalism as aiming at something more positive rather than merely avoiding disagreement. *Unity-preserving types of political liberalism* prioritise the preservation of a valuable kind of social unity to generating agreement among a wide constituency. So disagreement is not seen as the main reason for endorsing the liberal restraint. Rather, the liberal restraint is seen as necessary in order to not jeopardise a valuable kind of social relationship among citizens. In next chapter I shall develop in what sense we may arguably think that abiding by the liberal restraint is the way to preserve something valuable. Suffices here to note that this is the right way to justify an asymmetric treatment of political and ethical disagreements. For it does not distinguish ethical and political disagreements merely on definitional or otherwise inadequate grounds. Rather, it appeals to a constitutive requirement of valuable civic relationships which are essentially common ones as opposed to people's ethical aims which are not.

The authors I cited along this article inspiring my reconstructions of the different kinds of arguments for political liberalism could plausibly protest that I haven't actually considered *their* conceptions of political liberalism. For instance, Larmore, Nagel and Quong all appeal at some point to 'respect' as a central normative notion for political liberalism which could serve to answer the

question on why we should accommodate disagreement. However, in reconstructing their arguments, I have not proposed a first premise appealing to respect as they do.⁵²

⁵² For the mentioned answers to the why question see respectively Charles Larmore, Joshua Cohen and Jonathan Quong's previous references. Note, first, that Quong claims that the question: 'why should we be liberals?' is the wrong question for political liberals to try to answer which inevitably makes the asymmetry objection a decisive one for political liberals. See Quong, J. (2011), ch. 5, 6 and ch. 8, p. 223. So it is certainly possible to read Quong as rejecting the question *tout court*. However, he also says in ch. 8, p. 233: 'I argued that we ought to reject the external conception because it mistakenly sees political liberal theory as an effort to answer the ambitious question: why be liberal at all? It is a mistake to suppose political liberalism must aspire to answer this question; at least it is a mistake if we also suppose (a) the answer must be addressed to those who are not already committed to core liberal values or their deliberative priority, and (b) a failure to successfully convince such persons would constitute a problem for liberal theory'. So, a more charitable reading of Quong's book could include the why question directed to (a) people who might become liberals and (b) people who do not take failure to convince non-liberals as a decisive problem for the theory.

Note further that Larmore, in his appeal to equal respect, explicitly acknowledges the Kantian pedigree of his proposal. Yet, he is careful to define his ideal in a less comprehensive way than, for instance, Nagel does in his similar argument. See, Larmore, Ch., (1996) *Morals of Modernity*, Cambridge: Cambridge University Press, p. 168, (1990) 'Political Liberalism' in *Political Theory*, vol. 18, n. 3 and Nagel, T., (1991) *Equality and Partiality*, NY: Oxford University Press, ch. 14. So it is worth distinguishing here between Larmore's minimal moral commitment of being disposed to engage with others on some kind of reason-giving justificatory practice from substantively more robust conceptions of the same ideals of equal and autonomy that go beyond Larmore's mutual respect for moral agency. The distinction could be illuminated by substituting Larmore's notion of respect for moral agency for 'autarchic agents' and distinguishing it from the comprehensively more robust understanding of political autonomy in Rawlsian terms. For the idea of equal respect for moral agency as autarchy here see Levinson, M. (1999) *The Demands of Liberal Education*, NY:Oxford University Press, ch 1, who relies, in turn, on Benn, S. (1988) *A Theory of Freedom*, Cambridge University Press. For the more robust understanding political autonomy see Rawls, J., (1996) *Political Liberalism*, lecture I, p. 29-35, lecture II, p. 48-88, lecture III, 'Kantian Constructivism in Moral Theory', vol. 77, n. 9, p. 535-554 and (2001) *Justice as Fairness, A Restatement*, section 7, p. 43-50. See also Clayton, M., (2011) *Justice and Legitimacy in Upbringing*, Ox:Oxford University Press, ch. 1 and 4, especially p. 144 - 172. Note that both mutual respect and political autonomy are included within Rawls' two aspects of 'reasonableness', see Clayton, M., (2011) *Justice and Legitimacy in Upbringing*, ch. 1, p. 17 and Lister, A., (2013) *Public Reason and Political Community*, NY: Bloomsbury, ch. 1, p. 8-9.

Yet, I have not considered a respect-based answer as a relevantly different answer to the why question for the following reasons. First of all, it is often unclear what theorists mean by 'respect.' Mutual respect among moral agents, for democratic citizenship, for the free exercise of reason or respect for the status of free and equal citizens are among the answers given in the literature. Second, we should keep our central question in mind: in what sense these kinds of answer to the why question improve a conception of political liberalism with respect to the ones we've already assessed so that it can answer properly the asymmetry question? Moreover, appeals to respect often are stated in terms of respect for the beliefs and convictions of an actual or minimally idealised constituency. According to this view, since political decisions are characteristically coercive, subjecting citizens to political measures they disagree with would be oppressive, disrespectful with their capacity of free reasoning or may be said to treat them as inferiors.⁵³

⁵³ see, for instance: Christiano, T., (2009) 'Must Democracy Be Reasonable?' in *Canadian Journal of Philosophy*, vol 39, n. 1, who argues there are two fatal dilemmas for political liberalism: 1) either it implies a controversial comprehensive doctrine (if it considers liberal restraint lexically superior to free exercise of reason) or it does not support the principle of reasonableness (if it allows products of reason) 2) either implies a need for complete consensus (because it is equally disrespectful to impose majority view and living in a society that does not pursue one's majority views) or it fails to establish the principle of reasonableness (if procedural solution is adopted)

For replies against respect-based answers to the why question see: Lister A. (2013) *Public Reason and Political Community*, NY: Bloomsbury, ch. 3 against Larmore: 1) Engaging moral agents' capacity for justificatory reasoning admits citizens convergence, not the right kind of consensus 2) Fails to distinguish pursuing public justification to S from commitment to liberal restraint even when justification to S fails 3) Conclusion doesn't follow because: a) an argument from conjecture is insufficient to show respect because it may be manipulative persuasion, b) autonomy has never been about getting what one wants b) naked coercion isn't the same as coercing reasonably rejectable, d) respect is too thinly understood because even if we take arg. from conjecture necessary, duty of civility requires qualified acceptability 4) Larmore's conception of and respect/autonomy in Larmore's sense aren't less controversial than perfectionist autonomy

See also Lister (2013) ch. 2 for other good objections to further unsuccessful replies to the why question such as ones appealing to ideals of freedom of expression, democracy, equal treatment Leland, R. J. 'Justifying Political Liberalism: What's Respect Got To Do With It?' (work in progress, available at rjleland@gmail.com) and Leland, R. J. & Han van Wietmarschen (2017) 'Political liberalism and Political Community' in *Journal of Moral Philosophy*, Vol.14, n. 2

However, we should be careful in distinguishing between respecting citizens' *beliefs* and respecting *citizens*' themselves. Implementing political decisions citizens mistakenly disagree with would not necessarily be oppressive, disrespectful with their capacities for reasoning or treat them as inferiors. Moreover, once political power has attempted to convince their subjects by making a sound public justification available to them and they've failed to be convinced by adequate reasons for political action we should not equate the implementation of these political decisions with naked coercion. Indeed, trying to give wrong reasons for correct political decisions in order that citizens with morally wrong convictions could endorse a particular political measure could be plausibly said to be wrongly manipulative rather than showing respect. Furthermore, even if we disagree with the latter conception of respect, it is unclear how an appeal to respect can solve the problems posed by the objections we have developed in this chapter. For, on one hand, if one endorses a notion of respect excessively dependent on the convictions of actual citizens, the wrongly political objection is fatal. Alternatively, if on the other hand, someone endorses a more substantive notion of respect, the asymmetry objection will kick in.

Now, Steven Lecce has presented an argument based on the value of respect which does not depend of the presence of disagreement, is based on an ideal constituency and may be thought to avoid this criticism:⁵⁴

P1) We ought to respect free and equal citizens

P2) Justification of the principles that ground political action cannot be rightfully exercised over free and equal citizens unless it is acceptable to them.

Therefore, justification of the principles that ground political action can only be justified by abstaining from appeal to ethical conceptions

⁵⁴ See Lecce, S. (2003) 'Contractualism and Liberal Neutrality: A Defense' in *Political Studies*, vol. 51, n. 10

One problem with Lecce's proposal that Quong has pointed out is that it doesn't provide an independent reason for the liberal restraint. According to Quong, the burdens of judgment are necessary within the argument for political liberalism precisely for this reason. However, in last section we have already shown why this is not a promising route to follow. A more important problem, as Lister points out, is that the conclusion doesn't clearly follow from the vague notion of 'respect'. Thus, we need a more robust and precise answer to the why question for political liberalism in order to vindicate the liberal restraint. Fortunately, there are at least three Rawlsian ideals which can provide us with what we need. Developing these ideals and the arguments for political liberalism that can be mounted on them is the aim of the following chapter.⁵⁵

⁵⁵ See Lister A. (2013) *Public Reason and Political Community*, London: Bloomsbury, ch. 3 and Quong, J. (2011) *Liberalism Without Perfection*, NY: Oxford university Press, ch. 7, p. 200-201. J. Quong also cites other theorists who have urged abandoning the burdens of judgement as a component of reasonableness for different reasons: McKinnon, C. (2002) *Liberalism and the Defence of Political Constructivism*, London: Palgrave Macmillan and Wenar, L. 'Political Liberalism: An Internal Critique' in *Ethics*, vol. 106, n. 1, p. 41–8.

CHAPTER 2: THE ARGUMENTS FOR POLITICAL LIBERALISM

In last chapter we've reconstructed what can arguably be seen as the strongest view of political liberalism able to reply an important objection against the doctrine. We also saw that it was crucial to distinguish between unity-preserving and disagreements-avoidance kinds of answers to the why question for political liberalism which asks what are the main grounds for endorsing political liberalism. In this second chapter, I advance three adequate unity-preserving answers to the why question for political liberalism and reconstruct the positive arguments for each of them. In conjunction, these three arguments should be interpreted as providing the main reasons, values and ideals in support of political liberalism and also in support of my proposal with regard to children's just and legitimate upbringing.

I shall begin advancing an argument from stability for the right reasons for political liberalism which describes desirable features of principles for institutional design not only in its instrumental but also in its non-instrumental sense. Then, I will advance two explanations of why the latter assertion is sound. The first argues that stability is good because it enables citizens to enjoy political autonomy and have a non-alienated relation to their institutions. The second argues that stability is good because it enables political institutions to be a vehicle for the common pursuit of shared final ends, and thus a way of realising civic friendship.

2.1 The argument from stability for the right reasons

Very roughly, this argument emphasises the psychological fact that citizens are more likely to support principles and institutions that they themselves see as just. So, if we want to extend the life-expectancy of our institutions, then we should favour principles and institutions that will predictably generate their own support in the sense of being capable of acceptance to everyone raised under their influence. However, put in this way, it may seem that stability is a purely instrumental good that merely aims at preventing the futility of a political

doctrine. But this is not the way we, following by John Rawls and Thomas Scanlon, should understand the stability argument.⁵⁶

Rawls describes the value of a better view on stability as a necessary component of a justly stable conception of justice, that is to say, of how sufficiently just social institutions should be able to endure over generations given some psychological features of our human condition and under favourable conditions of general compliance. The kind of stability this argument proposes is not a purely instrumental matter in the sense of aiming at rationally or prudentially persuading citizens who do not agree with the socially established rules to abide by them. This is why Rawls distinguishes between the following two stages of the argument from stability for political liberalism:⁵⁷

The first stage of the argument is concerned with the question of how the main ideals and principles of political liberalism can generate its own support over generations once the main social and political institutions are properly established and ordered according to the doctrine given some psychological considerations. The reason I use the expression psychological ‘considerations’ here instead of psychological facts is to highlight the fact that they are not free from substantive or moral content. On the contrary, this first stage of the argument assumes citizens are free and equal in the sense we defined in chapter one, along with some uncontroversial psychological claims about individuals’ normal development in society and the plausible consideration that cooperative projects require significant levels of trust and confidence. Moreover, it also assumes something somewhat more - yet I believe not excessively so - controversial. That free and equal persons have principle and conception-dependent desires in the sense that the objects of their desires and normally

⁵⁶ For Rawls exposition of the argument see: Rawls, J. (1996), *Political Liberalism*, Columbia University Press, p. 81-89 and p. 140-4. For reconstructions and discussions of the argument which guide my discussion here see: Weithman, P. (2011) ‘Convergence and Political Autonomy’ in *Public Affairs Quarterly*, n. 25, v. 4, Freeman, S. (2007) *Justice and the Social Contract: Essays on Rawlsian Political Philosophy*, Ox: Oxford University Press, ch. 3

⁵⁷ See, for instance, Freeman, S. (2007) ‘The Stability of Justice as Fairness, in *Rawls*, NY:Routledge, ch. 6

effective plans of action include in their description values, ideals and principles of political liberalism.

The second stage of the argument is concerned with the question of how the doctrine of political liberalism can be able to reproduce itself over time given the predictable ethical disagreement among generally complying free and equal citizens living under desirable social institutions. Then, it observes that the institutional requirements for the realisation of the ideals of free and equal citizens and a liberal democratic society will predictably generate ethical disagreement among free and equals. This puts a challenge to the stability of political liberalism that was not envisaged in the first stage where generally complying free and equals could be assumed to have the same shared conception of justice. Putting emphasis on the predictable ideological effects of the institutional implications of the doctrine of political liberalism rather than just on psychological considerations adds further difficulties to the consensus the stability of political liberalism needs. On how political liberalism is able to resolve this further challenge is where the focus of the following argument from stability will be.

Now, once the value of this kind of Rawlsian stability has been clarified, we are better able to see why an argument from stability can count in favour of the liberal restraint advised by the doctrine of political liberalism. For advancing similar conception-dependent political considerations that all free and equal citizens can be expected to endorse, plausibly generates the necessary level of consensus required by the temporal endurance of social institutions regulated according the same conception. Moreover, the plausibility of this kind of stability-based argument is strengthened by its conditionality, that is to say, the fact that the argument is advocating for a social order that satisfies significantly robust moral standards specified by a plausible conception of political liberalism.

Let me, at this point, propose a reconstruction of a Rawlsian argument from stability for political liberalism:

P1) We ought to support, comply and try to promote a sufficiently just authority.⁵⁸

P2) Given that a social system is sufficiently just, it is preferable if it is capable of effectively self-correcting its inevitable deviations with mechanisms internal to the system rather than not.⁵⁹

P3) We are more likely to support principles and institutions that we ourselves see as just.

P4) An authority is sufficiently just if it is grounded and realises under a plausible interpretation the political values of independence, equality, reciprocity, publicity and mutual respect.⁶⁰

P5) Free and equal citizens agree on a family of views of justice that differently realise the political values in last premise four under a plausible interpretation.

P6) Free and equal citizens disagree in deep, intractable ways about deeply divisive ethical conceptions.

⁵⁸ I assume here P1 and P2 are sufficiently uncontroversial as stated not to be developed further. Yet, for a detailed argument for legitimacy via the Rawlsian natural duty of justice or in other words, an argument for the claim that we ought to obey sufficiently just authority see, for instance, Clayton, M. (2011) ch. 4, s. 2. p. 134-143.

⁵⁹ For a detailed account of my understanding of stability here see Rawls, J (1999) *A Theory of Justice*, rev. ed., Mass:Cambridge University Press, ch. 8.

⁶⁰ More precisely, the ideal of a well-ordered society or the family of liberal views of justice is further specified by John Rawls as requiring the satisfaction of the following conditions; a) conceives persons as equal in their moral status in virtue of being reasonable and rational, that is, as having the moral powers for a sense of justice and a capacity for a conception of the good, b) includes a principle that gives priority to the protection of basic democratic rights, familiar liberties such as freedom of conscience, association, and expression, and opportunities to pursue office, c) distributes resources so that everyone can make intelligent and effective use of their liberties and opportunities. See Rawls, J. (1996) *Political Liberalism*, 'The Idea of Public Reason Revisited', particularly, p. 450

Therefore, the liberal principles of justice ought to be justified without relying on ethical conceptions by appeal to the political values.

a) Objections

At this point, it should be clear the kind of objection to a stability argument like the one we are concerned with that has been discredited. It is not a valid objection to claim against the stability argument for political liberalism to say that actual citizens will not predictably adhere to the liberal restraint and therefore that a social system regulated by the principles and values proposed by political liberalism cannot be said to be enduring over time. For, again, this would conflate the present argument for one advocating to a merely practical kind of stability or, to use Rawlsian terminology, for one claiming for 'stability for the wrong reasons'.

A similar yet a more subtle and stronger objection, however, has been put forward by F. Freyenhagen. I said it is a similar because Freyenhagen's objection to political liberalism also claims that we do not have good reasons to credibly believe that political liberal institutions requiring the liberal restraint will generate a greater level of compliance than merely democratic ones. Yet, it is a stronger one because it also notes that Rawls puts himself as a condition for his theory to be satisfactory, the defence of a *reasonable faith* in the possibility of a just constitutional democratic regime. In the absence of such a possibility, it would be unfair to demand ourselves to work towards such an unrealistic utopia and Rawls' political liberalism would fail in its own terms.⁶¹ It is worth noting that the expression 'reasonable faith' cannot be read in purely normative terms.

In other words, one way to reply to this objection could consist in claiming that Rawls only puts himself the condition of giving good *practical* reasons for hoping to convince people of *sound* judgement, that is, citizens who can adhere to his political conception of justice, not actual citizens. However, as

⁶¹ See Freyenhagen, F., (2011) 'Taking reasonable pluralism seriously: an internal critique of political liberalism' in *Politics, Philosophy & Economics*, vol. 10, n. 3. For J. Rawls' citation see (1996) p. 101, 172.

Freyenhagen argues, political liberalism's self-restriction to the political domain necessarily leaves an important part of the justificatory work to free and equal citizens' themselves. And, crucially, this justificatory work is central for the argument for stability that we are concerned with. In order to realise how this is so, let me recall that premise two in the argument above refers to the comparative preferability of self-regulating conceptions of justice. Establishing that political liberalism is such a self-regulating doctrine is what the argument attempts to establish.

Yet, according to Rawls' own terminology, we can only claim to have provided, at most, a sound *pro tanto justification* but not a *full justification*.⁶² Very roughly, the former kind of justification is described by Rawls as aiming to show the coherence and completeness of the familiar political values properly understood as in his political conception of justice. What is left out of our argument is a 'full justification' that refers to the justificatory work to be carried out by each free and equal citizen individually necessary to show to themselves that it is rational for them, that is, that they have moral reasons stemming from their ethical conceptions, to internalise a sense of justice according to which political values will reliably outweigh their ethical convictions. Although it is crucial for establishing that political liberalism satisfies P2, this kind of justificatory work is not - and should not - be present in our argument from stability. It should not be present because if it were, political liberalism would fail in its own terms in the sense of engaging in philosophically comprehensive work. Yet, in the absence of a full moral justification we cannot claim to have established the claim that political liberalism is a self-regulating doctrine because we haven't provided a reasonable faith, that is, an account of how the ethical convictions of free and equal persons could be reliably outweighed by their sense of justice.

⁶² For the distinction between *pro tanto* justification and full public justification see Rawls, J., (1995) 'Political Liberalism: Reply to Habermas' in *Journal of Philosophy*, vol. 92, n. 3, section 2

2.2. The argument from political autonomy

A political conception of justice that is sufficiently just and stable such as political liberalism, can arguably be said to be non-instrumentally valuable because it realises the ideal of political autonomy for everyone. In other words, an important weighty reason for endorsing political liberalism is provided by the value of political autonomy. Here it is one possible reconstruction of an argument for political liberalism that appeals to the ideal of Political Autonomy:⁶³

P1) Free and equal citizens have two higher-order interests, namely, in developing and exercising a sense of justice and a capacity to form, revise and pursue rationally a view of the good.

P2) An important kind of political freedom is *political autonomy* understood as an intrinsically valuable ideal that requires the shared endorsement of the fundamental institutional constraints citizens face in life.

⁶³ For the ideal of independence or political autonomy see Raz, J., (1986) *The Morality of Freedom*, Oxford:Clarendon Press, p.373-4, Rawls, J., (1996) *Political Liberalism*, paperback ed. p. 77-78 and p. 402. For a more precise reconstruction of the argument see Clayton, M., (2011) *Justice and Legitimacy in Upbringing*, Oxford University Press, ch. 1.

It is also worth noting that I follow Joseph Raz distinction in (1986) *The Morality of Freedom*, New York: Oxford University Press, p. 370, between personal and moral autonomy. Whenever I use 'autonomy' without further specification I will be referring to the first. Personal autonomy is a particular ideal of individual well-being mainly referring to the freedom of persons to choose their own lives. Moral autonomy, which is indirectly related to the first, refers to the Kantian metaphysical conception of the nature of morality as being both produced by the will of rational beings and subjecting it to its unique rationality which must be the same for all. Much debate is concerned with the intelligibility of one notion without the other and about the importance of distinguishing one from the other. However, I shall put aside these disputes here.

For a very similar view presented as an alternative rather than a type of political liberalism, see: Pallikkathayil, J., (2016) 'Neither Perfectionism nor Political Liberalism' in *Philosophy & Public Affairs*, vol. 44, n. 3, p.171-196. The reason is not presented as a version of political liberalism is that, in my view, it mistakenly represents the anti-perfectionism/perfectionism divide and the role of disagreement.

P3) Political institutions that guarantee the freedoms of conscience, expression, association, and the right to participate in the political process represent some of the social and political conditions of the satisfaction of the two higher-order interests and political autonomy.

P4) Free and equal citizens' exercise of reason under such conditions of freedom will inevitably produce ethical diversity even among persons who do not err due to prejudice or lack of intelligence (probably due to the *burdens of judgement*).

P5) If suitably socialised, most citizens in a liberal society can agree on a family of liberal conceptions of political liberalism that aim to realise an ideal of society grounded on the political values of freedom, equality, reciprocity, publicity and mutual respect, and have the following properties:

- a) They conceive citizens as equal in their moral status in virtue of being reasonable and rational, that is, as having the moral powers for a sense of justice and a capacity for a conception of the good,
- b) They include a principle that gives priority to the protection of basic democratic rights, familiar liberties such as freedom of conscience, association, and expression, and opportunities to pursue office,
- c) They distribute resources so that everyone can make intelligent and effective use of their liberties and opportunities.

Therefore,

Liberal principles of justice ought to be justified without relying on ethical conceptions by appeal to the shared political values.

The Argument from Political Autonomy begins with the two central claims that free and equal citizens have two higher-order interests and the ideal of political autonomy. Political autonomy should be understood here as a particular

conception of the ideal of freedom from oppression encompassing the values of freedom, equality and mutual respect present in our liberal democracies. Somewhat more precisely, political autonomy consists in citizens' capability, under adequate socialising that respects their basic civil and political liberties, of identifying with the main constraints they face in life in the sense that they are capable to fully understand and endorse the full justification of these constraints.

The argument continues by noting that in order to satisfy citizen's higher-order interests, certain political and civil liberties need to be institutionally secured. In other words, liberty of conscience, expression, association and fair political participation are necessary conditions for the realisation of political autonomy. And, in turn, the protection of these freedoms require the prevalence of liberal democratic institutions.

Next, the argument points out that ethical pluralism is a highly probable consequence of the political freedom secured by the just mentioned political institutions. Moreover, the presence of deep and persistent ethical disagreements among citizens under conditions of freedom cannot only be explained by on ignorance, malice or self-interest. More plausibly, ethical pluralism is the predictable result of sincere and conscientious persons freely exercising their capacity for practical reasoning given the complexity of the subject matter at hand.

The forth premise gives more precise content to the ideal of political autonomy by claiming that we ought to fix the basis public life and political authority in our societies by appeal to considerations that can be fully understood and accepted by all cognitively normal citizens. Finally, the argument ends by noting that, conjoined with the empirical facts and probable conjecture stated in the third and forth premises, the ideal of political autonomy requires the practice of liberal restraint, that is, that our fundamental principles of social cooperation are justified without appeal to any particular ethical conception.

a) Objections

Perhaps the most obvious kind of objection to this argument comes from those who deny that citizens have such a weighty interest in being politically autonomous. If the interest in political autonomy were not very weighty, or if there were no interest at all, then it is difficult to see why we ought to exercise the liberal restraint which prevents us from appealing to the best reasons for action with regard to non-political or personal matters. Since the natural reply to those theorists basically consists in reasserting the values and the ideal they fail to realise by not aiming at political autonomy I won't be concerned with it here. I just can hope that after reading the whole piece the ideal becomes somewhat more plausible to them.⁶⁴

Another objection comes from those who agree in conceiving citizens as free and equals, endorse the ideal of endorsing the major constraints one faces in life too and yet, disagree on how to best understand these ideals. According to *convergence* theorists of public reason, political freedom doesn't require consensus on a restricted set of valid justificatory reasons among citizens deliberating in circumstances of profound and persistent disagreement.⁶⁵

⁶⁴ For leading theorists who defend an ethical conception of autonomy over and reject anti-perfectionism see, for instance: Raz, J., (1986) *The Morality of Freedom*, Ox:Oxford University Press and Wall, S., (1998) *Liberalism, Perfectionism and Restraint*, Cambridge:Cambridge University Press, Sher, G. (1997) *Beyond Neutrality: Perfectionism and Politics*. For a more recent defence of perfectionism along with a whole rejection of the value of autonomy see Conly, S., (2013) *Against autonomy: Justifying Coercive Paternalism*, NY:Cambridge University Press

⁶⁵ For good accounts of convergence-based public reason theorists see: Gaus, G., & Vallier, K., (2009) 'The roles of religious conviction in a publicly justified polity. The implications of convergence, asymmetry and political institutions' in *Philosophy and Social Criticism*, vol. 35, n. 1-2. and Gaus, G., (2011), *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*, Cambridge: Cambridge University Press., Waldron, J. (1999) *Law and disagreement*, NY:Oxford University Press, Billingham, P., (2016) 'Convergence Justifications Within Political Liberalism: A Defence' in *Res Publica*, vol. 22, n. 2 and his (2017) 'Convergence Liberalism and the Problem of Disagreement Concerning Public Justification' in *Canadian Journal of Philosophy*, vol. 47, n. 4

On their view, the reasons that might be legitimately advanced in the political domain should merely be *accessible* to all in order to respect everyone's equal freedom in the sense of being *intelligible* to all *merely* as reasons, not necessarily as good, convincing or sound ones. Thus, it is common to distinguish convergence from consensus versions of public reason - political liberalism being an instance of the latter - by appeal to their different understanding of public or justificatory reasons.

Moreover, convergence theorists often argue for his view as giving proper consideration to reasonable pluralism, the value of toleration, individual liberty and to a kind of social unity that embraces -instead of bracketing- deep disagreements. Now, while a comprehensive discussion of political liberalism would certainly require developing this debate much further, our focus here is on the best available version of political liberalism. Since convergence theorists reject what I proposed as the distinctive feature of political liberalism - namely, the liberal restraint - I'll leave this interesting discussion here.

Finally, an interesting question arises if one wonders about the precise role of ethical disagreement within the argument from political autonomy. That is to say, someone may naturally wonder whether we should understand ethical disagreement - referred in premise four within the argument above - as a necessary or a merely sufficient condition for political autonomy.

In order to begin to understand how the question arises it is worth noting that the argument from political autonomy appeals to a *hypothetical* constituency of free and equal citizens rather than to actual citizens. In other words, we are not interested in the readings that take ethical disagreement mentioned in premise four as a *contingent* fact about our actual societies. The reader may want to recall here that we've already discussed and discarded as internally inconsistent the sociological conception of political liberalism. So it is important to read premise four in the argument from political autonomy as appealing to the *predictable* consequences that basic liberal institutions might have for the ethical convictions of ideally free and equal citizens. Now, insofar as the

argument is concerned with a counterfactual scenario we cannot be certain about, it seems natural to ask what would imply for the ideal of political autonomy if our prediction does not obtain. That is, the following interesting question arises: is political autonomy possible in an ethically homogeneous society? If so, would the practice of liberal restraint be equally valuable or have any sense?

One may answer negatively thereby suggesting that ethical disagreement is a necessary condition for the realisation of political autonomy. Yet, it is interesting to note that nothing in the argument from political autonomy that we presented here or in our description of the ideal forces us to this negative answer. Actually, I shall argue that an affirmative answer to both questions raised in last paragraph suggests both a stronger conception of political autonomy and a compatible one with the reconstructed argument.

The main idea behind my last claims is that political autonomy should not only be negatively conceived as the ideal of being free from major constraints in life. Being the author of one's life must mean something more. More positively, political autonomy should be considered as valuable by emphasising the value of having the opportunity to make up one's mind about existential or ethically fundamental questions all human beings face in life without excessively restrictive social pressure. In order to illustrate this claim let me distinguish between two cases that could not be distinguished by our account of political autonomy so far:

Imagine an ethically homogeneous society in which, by chance or some other kind of social or geographical contingency, all citizens endorse, say, a liberal version of Catholicism. According to a possible understanding of the ideal of political autonomy, in this kind of society all citizens would be free from oppression in the sense of being able to endorse the main constraints they face in life and, therefore, they would be politically autonomous *even if* their government enacted perfectionist Catholic policies such as the legal prohibition

of abortion and even if citizens themselves publicly advanced their political views by appeal to their ethical convictions.

Now imagine a Catholicly homogeneous society like the former one in which, although all citizens actually endorsed Catholicism, they also generally complied by the practice of the liberal restraint. That is, imagine that citizens and their representatives advance their political proposals only by appeal to political values and their government also grounds their public justifications for their initiatives without reference to ethical conceptions. According to our argument from political autonomy, in this alternative kind of society, we would similarly be able to say that citizens are authors of their lives, able to endorse their main life constraints and are free from oppression.

However, it seems plausible to say that citizens in the latter society are politically autonomous in a *more robust* sense. For they are provided with a kind of what we might call a counterfactual assurance that allow them to reconsider their political and ethical views without undue social pressures. In other words, they have the assurance that his interest in political autonomy will be preserved even if they change their actual convictions for other ones within the range of what free and equal citizens may legitimately defend. Moreover, they also have the assurance that their capacity to enjoy political autonomy has nothing to do with the fact that they share their ethical convictions with the majority of their co-citizens. Furthermore, they can be sure about the possibility of freely changing their minds without triggering important disruptions in their society that would naturally be provoked in the first scenario where the liberal restraint is not followed. For imagine that some -or a minority of- citizens changed their minds in the former case. Plausibly, a social dilemma would arise among citizens of this kind of society: should we preserve the political autonomy of a minority by generally adopting the practice of the liberal restraint? Or should we rather consider that the benefits for the majority represented by the ethical kind of self-

determination and promotion of the good life outweigh the loss of political autonomy for a minority?⁶⁶

As a concluding remark, let me note that the thought that an ambitious conception of political freedom depends on the availability of worthy counterfactual scenarios rather than actual considerations about people's states of mind is not a remote one in political philosophy.⁶⁷

2.3 The argument from civic friendship

Here it is a distinct argument for political liberalism which is not only compatible with the former one from political autonomy but should also be regarded as mutually reinforcing. Actually the following civic friendship argument for political liberalism may well be thought even as necessary complement of the argument from political autonomy. For, in Rawls' own words, citizens realise political autonomy 'by participating in society's public affairs and sharing in its collective self-determination over time'.⁶⁸

Indeed, both arguments appeal to the ideal of being the author of one's life in some sense. Yet, while the former argument from political autonomy appeals to

⁶⁶ Note that the same discussion about whether disagreement is a necessary, sufficient condition or just a contingent element within the argument from political autonomy could also be raised for the last stability argument and for the following civic friendship argument.

⁶⁷ See Raz, J., (1986) *The Morality of Freedom*, Ox:Oxford University Press, p. 369-390. Note further, that this discussion about the exact role of disagreement within the argument for political autonomy is also relevant for the argument we shall discuss below, say, civic friendship.

⁶⁸ See Rawls, J., (1996) *Political Liberalism*, Columbia University Press, p. 77-78 for the cited words. See also Rawls, J. (1996) *Political Liberalism*, p. li p. 445 for J. Rawls' suggestive remarks about civic friendship and see, for my understanding of civic friendship: Lister, A., (2013) *Public Reason and Political Community*, London: Bloomsbury Research in Political Philosophy, ch. 5, Leland, R. J. & Wietmarschen, H., (2017) 'Political Liberalism and Community' in *Journal of Moral Philosophy*, vol. 14, n. 2, Ebels-Duggan (2010) 'The Beginnings of Community: Politics in the Face of Disagreement' in *The Philosophical Quarterly*, vol. 60, n. 238, Schwarzenbach, S., (1996) 'On civic friendship' in *Ethics*, vol. 107 n. 1, (2015) 'Fraternity, solidarity, and civic friendship' in *The Journal of Friendship Studies*, vol. 3 n. 1 and her book on the issue (2009) *Civic Friendship. Including Women in the State*, NY: Columbia University Press

the *individual* good of embracing the major constraints one faces in life, the present argument appeals to the *essentially common good* of civic friendship, which involves a certain ideal of cooperative social unity. Let me reconstruct the argument for political liberalism appealing to civic friendship in the following way:

P1) Civic friendship is a non-instrumentally valuable essentially common good which provides a generally decisive reason for action.

P2) The ideal of civic friendship encompasses three fundamental values:, namely, reciprocity, publicity and mutual respect.

P3) The ideal and values mentioned in the first and second premises are constituted by the following social practices being followed by a sufficient amount of citizens sharing a polity: a) the practice of shared valuing and b) the practice of mutual concern

P4) Citizens disagree in deep, intractable ways about deeply divisive ethical conceptions.⁶⁹

P5) Realising the ideal of civic friendship is incompatible with citizens' political activity being justified by appeal to their diverse ethical conceptions.

Therefore, P3 in the social conditions specified in P4 provide a very weighty reason to justify of political claims without appeal to ethical conceptions conditional on sufficient amount of reciprocal compliance or liberal principles of justice ought to be justified without relying on ethical conceptions by appeal to the shared political values.

⁶⁹ Again, note that the same discussion about whether disagreement is a necessary, sufficient condition or just a contingent element within the argument could be replicated here for the case of civic friendship.

Since this argument is rather long and complex let me point out, for clarity's sake, that I take it the following elements need to be plausibly explained for this argument to be a plausible one:

- 1) Provide illuminative accounts of the notions of *non-instrumental value*, *essentially common good* and *constitutive social practice*.
- 2) Show the validity of the analogies between civic friendship and joint rule and between personal and political friendship.
- 3) How the liberal restraint follows from a commitment with civic friendship

But before, one clarificatory point is worth making here with regard to the analogy between political and personal friendships. For the argument to be successful, all I need to establish is that: 1) a certain kind of political relationship is good and 2) that the achievement of this good would be jeopardised if citizens acted on their ethical conceptions because they will predictably disagree and make mistakes about the whole truth in ethics. In order to show how a certain kind of political relationship can arguably be seen as non-instrumentally valuable I shall draw on Rawls idea civic friendship or political community as the shared pursuit of a political conception of justice.⁷⁰ In addition, I shall also refer to one plausible way of understanding personal friendship in order to illustrate how a certain social practice may plausibly be regarded as a necessary constituent of a non-instrumentally valuable kind of relationship. But it is crucial to emphasise that, even if the social practice I shall describe could not be considered as essential to personal relationships, the claim that it could be so for political relationships could still be sustained. In other words, the analogy with personal friendship is, according to me, an illustrative, but a non-necessary component of the argument from civic friendship.

⁷⁰ For Rawls' remarks on the good of a sustaining a political society as a shared non-instrumentally valuable end, see: Rawls, J. (1996) *Political Liberalism*, lecture V, 'The Priority of The Right and Ideas of the Good', particularly, s. 7, p. 201-4.

a) The political community acting together

So let me start by clarifying what it means for something to be *non-instrumentally valuable* or valuable in itself. I shall take it what defines non-instrumental goods is the fact that they are valuable independently of what they may bring about.

It is helpful to compare the kind of non-instrumentally valuable relationship civic friendship realises with what may be thought as an instrumentally valuable relationship among citizens. For instance, we may think that certain degrees of inequality among citizens jeopardise social unity and stability. Therefore, assuming that a certain society is sufficiently just, keeping inequalities within a certain range should be considered instrumentally valuable due to its predictable effect of stabilising sufficiently just institutions. Now, if we take equality to be only instrumentally valuable, more efficient means to secure the stability of a sufficiently just society might be preferable. For instance, empirically speaking, it is not implausible to think that legal coercion may turn out to be a more efficient means to stability than reduction of inequality via progressive taxation given the scare popular support for truly progressive taxes in many countries. If this were the case, we would have no reason to prefer the reduction of inequality via taxation over brute legal sanctions to keep the stability of the system.

This is not the way we should conceive civic friendship. Its non-instrumental value, as we said, means that its realisation is valuable in itself, regardless of whether there are more or less efficient ways to bring about social unity and

stability.⁷¹ Now, it does not follow from conceiving civic friendship as valuable in itself the stronger claim that it overrides all other values, that is, that civic friendship is always a decisive reason for action. Endorsing the value of civic friendship does not imply that it will always be the case that we ought to favour it over stability in cases where the two aims conflict. For instance, securing basic civil rights and political liberties by means of legal coercion may plausibly be considered as more urgent than realising the ideal of civic friendship. What certainly follows from endorsing the non-instrumental value of civic friendship is that given a choice between mere legal coercion and civic friendship as equally effective a means to social cohesion we ought to prefer the latter.

In addition to being non-instrumentally valuable, civic friendship should be conceived as an *essentially common* good. Rawls illustrates this idea by appeal to the kind of relationships that members of an orchestra instantiate and argues that citizens have good reason to pursue a shared political conception of justice to similarly realise the common good of civic friendship. But there are different senses in which a good is said to be a common one in the social sciences and

⁷¹ See Mason, A. (2000) *Community, Solidarity and Belonging*, ch. 2, p. 43-49, where the author distinguishes the dichotomy presented in the text from the one that confronts intrinsic/extrinsic value because it is a controversial matter on ethics whether anything possesses 'intrinsic' value at all and also because they are analytically distinct. For instance, some would say that beauty possesses *intrinsic* value in the sense that *its value does not depend on anything else existing or being the case*. On this view, beauty would be thought to have both non-instrumental and intrinsic value. However, others deny that the notions of non-instrumental and intrinsic value are co-extensive. Still, others more radically deny the existence of any 'intrinsic' goods and assert that all valuable things are such when inserted on some context or because of the existence of other things. For instance, one may think that aesthetic goods are non-instrumentally valuable yet maintain that its value is 'extrinsic' in the sense that it depends on the existence of 'valuers', that is, living creatures such as human beings able to appreciate it. For further detail on the distinction between non-instrumental value and unconditional duties see Raz, J. (1986) *The Morality of Freedom*, Oxford Univ. Press, ch. 8, 'Right-based Moralities'.

humanities, so we need to have a clearer account of what exactly is meant here by an essentially common good.⁷²

Here there are the main different senses in which a good is often said to be a common one:

- 1) in its *production*, in the sense that securing it requires the cooperation of a plurality of agents,
- 2) in its *distribution*, in the sense that it possesses the two properties of a public good, namely, (i) non-rivalry, since one agent possessing more of the good does not reduce the ability of others to possess the good, and (ii) non-excludability, since it is, contingently or inherently, impossible to efficiently supply the good to one agent without supplying it to all agents
- 3) in its *consumption*, in the sense that its benefits cannot be enjoyed by an individual in isolation but can be enjoyed only with others and,
- 4) in its *ultimate beneficiary*, in the sense that is of benefit to a collective entity rather than only to individual agents.

Crucially, civic friendship should be understood here as an essentially common good in the not so common third (3) and fourth (4) senses that emphasise its collective or *shared agency*. In order to understand what I exactly mean by shared agency here it is helpful to contrast it with two superficially similar phenomena, namely, what I shall label as *coordinate behaviour* and *group agency*.

Imagine a number of individuals scattered about in a park. Suddenly it starts to rain, and each runs to a centrally located shelter. Although there may be some coordination that avoids unfortunate collisions among them, running to the shelter is not something that *they do together* in any sense that can be

⁷² See also Rawls, J. (1971) *A Theory of Justice*, Cambridge:Mass, Harvard Univ. Press, section 79, p. 456-464 and his (2001) *Justice as Fairness, a restatement*, Cambridge:Mass, Harvard Univ. Press, sections 43.2, p. 140-2 further developed in s. 60, p. 198-202. Note that in Rawls, J (1996) *Political Liberalism*, NY, Columbia Univ. Press, p. 201-207 the metaphor disappears but the ideal remains the same.

considered a case of joint agency. This is an instance of coordinate behaviour. Now imagine a similar scenario in which individuals in the same park make the same movements but as members of a dance troop performing a site-specific piece in that park. In both cases, there is no difference in the sum of individual behaviours, but the dancers are engaged in group agency, whereas the storm panicked picnickers, at most, merely coordinate their behaviours.⁷³

Following Michael Bratman, we can more systematically distinguish cases of mere coordinate behaviour from cases of group agency because the latter satisfy the following conditions:⁷⁴

1. Each participant of a given practice P has an *intention* with the content 'I intend that we-P' rather than 'I intend to P',
2. Each participants' intentions are articulated into a shared or at least *consistent plan*,
3. *Mutual interdependence* links all participants' intentions in a way that cooperation remains conditional on mutual reciprocation
4. *Common knowledge* among participants of 1) and 2) thereby reinforcing 3

⁷³ This is a case put forward by John Searle famously discussed in the philosophical literature about collective intentionality. See Searle, J. (1990) 'Collective Intentions and Actions' in *Intentions in Communication*, edited by P. Cohen, J. Morgan, and M. Pollack, 401–415. Cambridge: MIT Press. p. 402

⁷⁴ Here I depart from R. J. Leland & H. Weitmarschen who, in his article: (2017) 'Political Liberalism and Community' in *Journal of Moral Philosophy*, vol. 14, n. 2, take M. Bratman's conditions 1-4 to describe civic friendship as an instance of 'shared agency' as opposed to 'strategic coordination'. However, I labelled what they call 'strategic coordination' as coordinate behaviour and labelled group agency to what they call shared agency reserving shared agency for what M. Bratman calls shared cooperative agency. This is because I believe M. Bratman's shared agency does not require shared goals, reasons for action, motives and cooperation thereby being not enough to illustrate civic friendship. Moreover, further departing from M. Bratman, I think civic friendship requires to follow J. Searle in considering collective intentionality as a primitive thereby giving place to a collective subject or entity in our ontology. For, otherwise, the forth sense in which I defined an essentially common good that signals a collective entity as the ultimate beneficiary of an essentially common good would not be satisfied. Finally, for an even more detailed list of conditions for group agency see Bratman, M (2014) *Shared Agency. A Planning Theory of Acting Together*, Oxford: Oxford University Press, ch. 3, p. 84.

5. *Non-coercion* condition.⁷⁵

At this point, a skeptical reader may think that Bratman's conditions rather than distinguishing cases of group agency from coordinate behaviour 1-5 conditions are shared in both kinds of cases. For it is true that, especially conditions 1, 2 and 3, may be thought to be present in all cases depending on how we describe scenarios such as the ones in the park. For instance, in some sense, we can also describe individuals running away from a storm by that they are running together to the shelter, that their plans are consistent in the sense that they do not impede others' to do the same, they all run to the same location, they do not hit others in order to escape faster at least as long as others' don't do the same, etcetera.

However, this is not the way we should understand Bratman's view. It is important to note that the account is embedded in a broader project within philosophy of action and intentionality that aims to analyse collective intentions in terms of individual ones. So the notions of intention, plan, and others that appear in the list of conditions are terms of art which allow to distinguish between the two cases in the park beyond mere descriptive subtleties once we specify their meaning in the following way.

The first condition in the list says that each dancer needs to have an intention in the sense that each dancer needs to have planned to do their part within the piece. Crucially, to plan something together as specified in condition 2 is not to share a desire, hope or coincidentally share a goal with others. To intend and plan as understood here, means that each dancer have committed himself to do all the necessary preparatory steps, adjustments in his dispositional attitudes and other conflicting aims and dispositions in order to effectively pursue the common aim of doing a successful performance. It seems clear then, that

⁷⁵ See Bratman, M (2014) *Shared Agency. A Planning Theory of Acting Together*, Ox:Oxford University Press, ch. 2 for a more detailed explanation of the conditions. See also p. 93-96 and p. 100-101 for his reply against the objection claiming that conditions for group agency wrongly cover cases of treating others' intentions opportunistically or other individuals as a means for one's aims.

individuals who run into the shelter have not intended that they run together into the shelter in the same sense. It is in this very specific sense that we cannot say that people running to the shelter in a park is also engaged group agency case because their actions are more or less coordinated and each of them wants that they all run into the shelter as fast as possible.

Moreover, each dancer should consider other dancers as co-participants in the sense specified by conditions 3, 4, and 5. In more common words, each member's intention, plans and sub-plans should be meshed with others' plans, that is, each dancer's intention should be publicly known by others, consistent with and partly be a result of others' intention of the same form. Being partly the result of others' intention more precisely means that within the content of each dancer's intention there is a reference to the others' intention that they perform together the dance in a way that everyone's intention is conditional on others' having an analogous intention and effectively acting on it. The role of others' similar intention of acting together within one's plans of action precludes using one's knowledge of others' intention opportunistically as a means to achieve one's personal aims. Furthermore, coercion should be absent from dancers' relationships. Thus, the just mentioned specifications imply that, for instance, members of a mafia organisation, combatants, or other kinds of non-violent competitively strategic interaction should not be considered as engaged in group agency even though their interests and plans are publicly known and mutually interdependent in a similar sense.

Now, for what I labelled as shared rather than mere group agency to obtain, further important features should be present. Note that for group agency to obtain, we have not mentioned as a necessary condition that all participants act for the same reasons, share their ultimate aims or cooperate in its more robust sense. The latter components are what characteristically distinguishes cases of shared agency from cases of group agency.

In order to illustrate this further distinction between group and shared agency let me come closer to the case of civic friendship that concerns us here. As the

reader may have already noted, the practice of the liberal restraint characteristic of civic friendship is a peculiar type of shared agency consisting in sharing a particular type of values. So here's an example of shared valuing put forward by R. J. Leland and H. Weitmarschen:⁷⁶

Imagine a philosophy department selecting a new scholar to hire. One way to proceed consists in each member of the department going over the applications and voting for what each of them considers best candidate according to their own personal criteria. Provided that each member's vote has the same - or a roughly similar - weight and assuming that all other aspects of the procedure has been followed respecting the departmental statute, the resulting decision could be said to be a common one.

But members of the department might instead engage in a joint deliberation on who to hire agreeing on the values or type of considerations that should count as relevant in the discussion. For instance, they might plausibly agree on disregarding personal acquaintance with the candidate or the prestige of the institution where he has graduated and instead value his teaching experience, writing sample, expertise, and field of specialisation. If members of the department proceed like this, the example purports to show, the resulting decision can plausibly be considered a collective one in a more robust sense than the latter case. For, in this second case, members of the department act cooperatively insofar as they share same set of values from which their reasons for action stem and also share the common goal of acting honouring these values acting together in concert. It is in this sense that we should distinguish cases of shared agency, involving cooperation expressed in acting for the same reasons for the sake of the same aim, from cases of mere group agency.

Here a natural skeptical worry might arise. In the political case, someone may rightly complain, the kind of face-to-face deliberation that can plausibly be carried out within a philosophy department is not realistically feasible. Yet, a

⁷⁶ See Leland, R. J. & Weitmarschen, H., (2017) 'Political Liberalism and Community' in *Journal of Moral Philosophy*, vol. 14, n. 2.

plausible reply to this objection is put forward by Leland and Weitmarschen. They propose that we think of the structurally similar political case of citizens' deliberations for a referendum where all citizens' share the following commitment: to consider as valid justificatory reasons only those that appeal to shared political values in one of their plausible interpretations. The result of this referendum, the authors claim, contrasts with the result of a referendum where each participant decided what to vote on strategic reasons. Arguably, the latter could also be considered a joint decision but only in a less robust non-cooperative sense.

A stronger objection to what we've argued so far claims that the conclusion of the argument from civic friendship, namely, the claim that we ought to follow the liberal restraint, does not follow from what we exposed until here. Moreover, the objector commonly adds, the most popular way to deal with disagreement in pluralistic liberal democracies is to respect some deliberative and voting procedures as reflecting a joint commitment to a set of democratic values such as toleration, the rule of law, freedom, equality. And crucially, this seems compatible with our conception of shared agency.⁷⁷

Andrew Lister has offered four different kinds of grounds for preferring political liberalism over other versions of liberal democracy that reject the liberal restraint, and they provide some reasons to think the objection is not a decisive one.⁷⁸ First, in order to counteract the popularity of democratic deliberation without the liberal restraint that sound more familiar to us, Lister points out that it is a common phenomenon to value the grounds for a given decision higher than the decision itself. We only need to pay attention to the justificatory criteria often publicly expressed by universities' admission committees, tenure's

⁷⁷ For this kind of objection see: Billingham, P. in his (2016) 'Does Political Community Require Public Reason?: On Lister's Defence of Political Liberalism' *Politics, Philosophy & Economics*, pp. 5-7, Ebbels-Dugan, K (2013) 'Moral Education in the Liberal State' in *Journal of Practical Ethics*, vol. 1, n. 2, p. 7. Note that the objection can be seen as the collective version of the same objection raised by convergence-based theorists against the political liberal conception of political autonomy mentioned above.

⁷⁸ See Lister, A (2013) *Public Reason and Political Community*, Bloomsbury, ch. 5, p. 110-116

requirements for scholars, courts' and other public committee's, etcetera to realise how important is for many of us that some kinds of decisions are taken for shared reasons expressing a joint commitment to some values or principles.

Second, Lister also argues that in circumstances in which it is likely that deep disagreement persists, it is plausible to consider this kind of justificatory consensus illustrated by the liberal restraint as better promoting freedom and fairness than mere acceptance of the same policy. This is so because in circumstances of likely disagreement, for instance, about the ideal criteria for university admissions, professional promotion or justice in courts' rulings, subjects affected by these respective decision-making bodies should be able to publicly access the requirements that will be imposed on them in order to respect their freedom and treat them fairly. More precisely, the claim is not that proceduralism cannot be said to honour freedom and fairness in some sense but rather that political liberalism, thanks to the liberal restraint, represents a better conception of these ideals.

Third, Lister makes a similar point with regard to mutual assurance and stability. He argues that decisions based on the basis of shared reasons help to stabilise our expectations with regard to the decisions that we want to make jointly with others with whom we disagree. And again, the latter should not be confused with the claim that democratic procedures do not contribute to mutual assurance and stability in any way. Instead the claim is that democratic majorities are only contingently stable and may often be the product of the strategic calculations of the parties agreeing on a particular decision. On the contrary, a joint commitment to some set of reasons or values independent of the specific political circumstances and particular decisions seems to better promote stability and assurance that a more robust and desirable form of sociality might be said to require.

Although the latter remarks may appear plausible as a reply to the objection to some people, I believe they cannot be plausibly said to be decisive. First, even if we agree with the claim that it is familiar to us to value the grounds for making

a decision more than the decision itself, it is unclear why we shouldn't, for the same reason, prefer democratic deliberation as we currently practice it over obedience to the liberal restraint. Moreover, the popularity of a phenomena is not, by itself, anything that adds high plausibility to its desirability. Second, the claim that freedom, mutual respect and fairness are better honoured by following the liberal restraint rather than by not following it, seems to me a judgement that is highly susceptible to variation from one individual to another. Finally, although it is true that democratic stability is often fragile and politics is often synonym of strategic calculation, it is not clear why restricting ourselves to a set of public reasons and values assures we get rid of these problems. After all, current democratic deliberation and actual politics are also publicly said to be practiced with everyone's adherence to a particular set of values such as respect for the rule of law, peaceful resolution of deep and pervasive disagreements, equal freedom, human rights, etcetera.⁷⁹

By claiming that Lister's considerations are not decisive ones I am claiming that what I defended up until this point, namely, the analogy between civic friendship and shared valuing, is a necessary but insufficient part of a complete argument from civic friendship. My purpose in the following is to show that what we need at this point of the discussion is a further analogy between personal and political friendship in order to show why political liberalism is preferable over other

⁷⁹ For a good and recent recollection of the main objections and replies between political liberals and convergence-theorists see, for instance, Billingham, P., (2016) 'Convergence Justifications Within Political Liberalism: A Defence' in *Res Publica*, vol. 22, n. 2, (2015) 'Does Political Community require public reason? On Lister's defence of Political Liberalism' in *Politics, Philosophy & Economics*, vol. 15, n. 1 and his (2017) 'Convergence Liberalism and the Problem of Disagreement Concerning Public Justification' in *Canadian Journal of Philosophy*, vol. 47, n.

conceptions of a proper form of political community that reject the liberal restraint.⁸⁰

b) Citizens as friends

In order to realise how political relationships among citizens' can aspire to become relevantly similar to an available form personal friendships may take, we need to elaborate on the claim within our reconstructed argument that friendship is *constituted by the social practice of mutual concern*.

S. Schwarzenbach develops an illuminative analysis of the notion of social practice in which she appeals to civic friendship as a paradigmatic case of the

⁸⁰ Note further that if we accept the account of shared agency until here we have only vindicated that civic friendship, as a shared activity, can plausibly be considered analogous to *joint deliberation*. However, we still need a story of how representative democracies represent all citizens' deliberations. In other words, a valid objection to this argument claims that for the argument from civic friendship needs not only to vindicate the plausibility of an intrinsically valuable deliberative practice consisting in following the liberal restraint but also the plausibility of such a practice instantiating joint rule. For a proper understanding of the value of political self-determination not only includes, recalling the popular metaphor, citizens' being their own legislators but also citizens' being their own subjects, that is to say, collectively imposing their self-chosen major constraints in life. For reasons of brevity, however, I shall follow R. J. Leland and H. Weitmarschen in assuming this further claim can also be plausibly defended. See, for a detailed argument in this sense cited by R. J. Leland, Beerbohm, E., (2012) *In Our Name*, Princeton: Princeton University Press. See Leland, R. J. & Wietmarschen, H., (2017) 'Political Liberalism and Community' in *Journal of Moral Philosophy*, vol. 14, n. 2. See also that by claiming that A. Lister's latter considerations are not enough to vindicate our argument I am also agreeing with these authors.

Aristotelean notion of *praxis* that, adapted to modern conditions, may helpfully delineate an ideal of justice and social unity for us.⁸¹

According to her view, it is helpful to understand the notion of *praxis* or social practice by opposition to the notion of *techné* or productive labor where we act for the sake of a product, typically but not necessarily a physical object. In contrast, a social practice is good on its own, that is, the goal of the action lies in the action itself and therefore, which cannot be done for a non-moral motive or aim. For, doing so, would necessarily change the moral character of the action. For instance, one may make a gift to one's boss in order to secure a promotion. But one may also make the gift in question out of generosity or, instead, out of affection. In the former case, it cannot be considered a social practice while in the latter it can be considered as a social practice socially accepted to be constitutive of a valuable social relationship.

Paradigmatically, the structure of productive activities is that of a subject transforming the external world out of self-interest. The fact that productive labor ultimately allows us to cover some of our basic needs is indirectly related with the action itself in the sense that it is only causally related with the needs of human beings in modern conditions of production.

On the contrary, social practices are constituted by relationships among subjects acting out of honest mutual concern. Understood in this sense, friendship relationships appear as a good example of a valuable component of lives well-lived that have, as necessary building blocks, certain socially accepted activities done out of honest concern for one's friend's interests.

⁸¹ See Schwarzenbach, S., (1996) 'On Civic Friendship' in *Ethics*, vol. 107, n. 1, particularly, p. 4-9, (2009) *On Civic Friendship. Including Women in the State*, NY:Columbia University Press, particularly ch 2, but see also ch. 3, 4 and (2015) 'Fraternity, solidarity, and civic friendship' in *The Journal of Friendship Studies*, vol. 3, n. 1, particularly, p. 5-9. For a detailed explanation of how civic friendship can be seen as giving reasons for action Raz, J., (1979) *The Authority of Law*, Ox:Oxford University Press, ch. 13 and Lister, A. (2013) *Public Reason and Political Community*, Bloomsbury, ch. 5. p. 107-110. Note, however, that I depart from Andrew Lister who follows Joseph Raz's conception of content-independent reasons for action applied to the case of civic friendship.

Crucially, those activities that are done for the sake of maintaining a friendly relationship should be understood as done for its own sake too. In Schwarzenbach's own words, 'each step in a dance can be done simultaneously for its own sake and for the sake of the whole performance'.⁸²

Now, an obvious disanalogy between political and personal friendship may trigger some skepticism in some readers at this point. In modern states, one may plausibly claim, it is not possible to sustain relationships of friendship because those require the presence of intimacy and emotional bonds with particular others. The objection can be framed both in communitarian or classical liberal terms depending on whether one embraces or rejects a kind of political community where civic relationships were intimate and emotionally linked to particular others.

But Schwarzenbach advances this kind of objection and rightfully accepts that intimacy and affection for particular others is impossible among citizens. Moreover, her commitment with basic individual freedom and the values of mutual respect or toleration leads her to rejecting the communitarian view of political morality. Thus, beyond accepting the unfeasibility of intimate and personal civic relationships she deems it as an undesirable ideal. On the other hand, the author also rejects the opposite extreme view that civic relationships should be mainly based on market relationships, commerce and private property classically echoed, arguably, by J. Locke or D. Hume. However, as Schwarzenbach crucially points out, a third way is also available. For it does not follow from rejecting intimacy and particularity among citizens' relationship that

⁸² For the metaphor, see Schwarzenbach, S. (2009) *On Civic Friendship. Including Women in the State*, NY:Columbia University Press, ch. 2, p. 80

Note that the understanding of constitutive social practice just developed precludes the following kind of objection. Someone might claim that the ideal of civic friendship is just the negative aspect of conflict-avoidance and therefore, lacks any positive normative content and therefore, it only has the instrumental value given by helping to sustain peaceful social unity. For a similar reply to this objection see Lister, A. (2013) ch. 5, p. 105-107. For the notion of a valuable constitutive good as a necessary part of valuable goods see Raz, J., (1986) *The Morality of Freedom*, Ox:Oxford University Press, p. 198-203

our ideal of political community cannot include as a distinctive component of it an adapted form of mutual concern.⁸³

Let me call this form of general concern, in contrast to an intimate and personal form of concern, *civic concern* and understand it as having three components; a) *non-prudential concern* for others' interests and b) *partially shared interests* or fundamental aims and c) a commitment to try to promote others' interests by political means, that is, through political institutions and political deliberation abiding by the liberal restraint.⁸⁴

The first component, say, non-prudential concern for others' interests has already been explained at the beginning of our explanation of the argument from civic friendship. At this point, once we have explicitly established the analogy between personal and civic relations in terms of friendship, it is easier to see why our ideal of civic relationships cannot be described as an instrumental good. Friends, we all would agree, cannot conceive their friends as tools in the sense of using them in their own self-interest.

Now, it seems uncontroversial to say that in order to sustain relationships of mutual concern we cannot be indifferent to others' interests. Indeed, part of what it means to be concerned with others' is that we are committed, at least when it is free of excessive costs for us, to try to bring about what benefits others' interests. Yet, it may appear mysterious how we could try to advance others' interests once we have rejected both the desirability of intimate relationships among citizens due to the fact of ethical disagreement and its feasibility because of the current extension of our constituencies.

This is why the second component of civic concern, namely, a partially shared conception of others' interests, is necessary. In order to understand it, it will be

⁸³ See Schwarzenbach, S., (1996) 'On Civic Friendship' in *Ethics*, vol. 107, n. 1, particularly, p. 3

⁸⁴ I borrow these two components for ideal relationships among civic friends and an adaptation of the following illustrative example from R. J. Leland & H. Weitmarschen, (2017) 'Political Liberalism and Community' in *Journal of Moral Philosophy*, vol. 14, n. 2, p. 21-28

useful to consider a simplified case of how civic friends should and how they shouldn't express their concern for others.

Imagine two partners in a loving relationship. Henry believes the best things in life are enjoying good meals and football. Imagine further that Martha hates football and considers her meals just an obligation for survival. Instead, she thinks that patchwork and beer are the truly worthy things in life. One way for Henry to express his concern for Martha would be to force or manipulate her to routinely watch football while eating delicious meals with the idea that her interests and preferences will follow from habituation. Yet, would be clearly incompatible with Martha's freedom. Instead, Henry, convinced on the truth of his view on what's best in life, could try to badger her into changing her mind while insisting on his aim being to do what is best for her, even if she insisted on her patchwork and beer preferences. But this kind of paternalistic attitude is hardly compatible with a relationship based on reciprocity and tolerance. Finally, Martha could adopt a deferent attitude and just accept watching football while eating delicious things as a bonding routinely activity. She could even fake being delighted by great goals. However, this would be insincere and to many, incompatible with a valuable kind of relationship. Then, how could Henry and Martha try to promote each others' interests?

Well, a quite obvious solution to this problem is for Henry to accept that patchwork and beer are *good for* Martha and for Martha to accept that football and food are *good for* Henry in agent-relative terms.⁸⁵ That is to say, both can think that certain values and aims may be not be regarded as valuable for all, but only for agents with certain beliefs about value. Furthermore, both can think that it is good for people in general to have a fair level of opportunities to pursue their own aims, preferences and values. Alternatively, they might think that, even though their partner has values that are unworthy, using force,

⁸⁵ For the distinction between agent-relative and agent-neutral reasons see, for instance, T. Nagel, (1986) *The View from Nowhere*, Oxford Univ. Press, p. 164-185 who defend agent-relative reasons as opposed to D. Parfit, (1984) *Reasons and Persons*, Oxford Univ. Press, ch. 1, 2 and 4 who criticises them.

manipulation or means other than rational persuasion would jeopardise the maintenance of a valuable loving relationship.

Arguably, in civic relationships guided by the ideal of civic friendship something analogous may be the case. Yet, we do not know about other citizens' preferences and we are not concerned with their personal lives. Instead of people's preferences, we need to deal with citizens' public claims. But the analogy is still valid. For being mutually concerned with each others' interests, instead of recommending indifference, insincerity, deference or paternalistic attitudes requires, according to the ideal of civic friendship, to have a partially shared conception of what is in everyone's benefit that all can accept. And the content of this conception has already been provided above, namely, the interests of free and equal persons.

CHAPTER 3: PARENTAL LIBERAL TRANSMISSION OF VALUE

In the first two chapters, we have done the theoretical preliminary work necessary to clarify and defend the conception of political liberalism that serves as the basis for answering my main research question. We know now that political liberalism isn't an inconsistent doctrine and we are familiarised with the some fundamental reasons we have to endorse it. So let's focus directly on this question, namely, what are the implications of the best liberal political conception for the permissibility of parental ethical enrolment?

In this third chapter, I first make some clarificatory points in order to properly frame the question. Second, I provide a general account of the value of children's autonomy that animates my concerns about its tensions with parental transmission of value. Third, I reconstruct two common answers to the question which have been defended by liberal theorists.

3.1 Introduction

As I advanced in the preface of the thesis, I take it uncontroversial to claim that children's education in our contemporary liberal democracies ought not only to be devoted to the acquisition of theoretical and empirical knowledge. An important part of children's education ought to incorporate practical knowledge about fundamental ethical questions such as what is valuable in our world, how we ought relate to others or what are the attitudes and aims worthwhile pursuing in life. I take it also non-controversial to claim that children generally don't find answers to these important questions alone. Moreover, shaping children's attitudes and values often involve contravening their revealed preferences and immediate desires even when one aims at fulfilling their interests.

On the other hand, one central value for liberals is personal autonomy roughly understood as individuals' capacity to endorse, rationally revise and pursue

their own aims in live.⁸⁶ Now, despite it hasn't been always considered this way, recent moral and political liberal theory has acknowledged the moral status of children as such. So, a natural question concerning the moral nature of the transmission of value through generations arises. Isn't there a tension between the liberal value of autonomy and children's education? Somewhat more precisely, the general worry that animates the present discussion could be stated as following: Is it morally wrong that adults' transmit *their* values and shape the character of children given the value of personal autonomy?

Among contemporary liberal theorists there is a quite well-established consensus around the idea that children's *potential capacity* for leading an autonomous life as adults ought to constraint adult's transmission of value and attitude's shaping of children so that they enjoy an open future. This thesis challenges the liberal consensus. I am interested on the question about what constraints puts, if any, children's autonomy as such, that is to say, their *autonomy as children* rather than their potential capacity for it, on adults' transmission of ethical value *beyond* the moral requirement of preserving their future opened to different ethical world-views, I shall try to defend a revisionist answer.

Arguably, pursuing the line of inquiry just mentioned, requires to identify and take due consideration of the diversity of agents involved in transmitting values to children in our contemporary societies such as the family, school, internet, TV and a variety of recreational, cultural or religious associations. Interesting moral questions could be raised about what role each of those particular agents ought to play in children's ethical education and how they ought to do it. However, for

⁸⁶ I shall follow Joseph Raz distinction in (1986) *The Morality of Freedom*, New York: Oxford University Press, p. 370, between personal and moral autonomy. Whenever I use 'autonomy' without further specification I will be referring to the first. Personal autonomy is a particular ideal of individual well-being mainly referring to the freedom of persons to choose their own lives. Moral autonomy, which is indirectly related to the first, refers to the Kantian metaphysical conception of the nature of morality as being both produced by the will of rational beings and subjecting it to its unique rationality which must be the same for all. Much debate is concerned with the intelligibility of one notion without the other and about the importance of distinguishing one from the other. However, I shall put aside these disputes here.

my present purposes, it is useful to draw the distinction between *parental* and *non-parental influence* on the transmission of ethical values and focus on the former. The reason for doing so is the following. Contemporary liberal theorists widely agree in acknowledging a rather extensive privilege for *parental influence* on children's ethical upbringing even though both the values and the interests of whom the arguments appeal to in the literature substantially differ. Yet, in this chapter I shall argue for the highly revisionist claim that parents' ethical influence on children ought to have a narrower scope. Moreover, a central part of the defence of my thesis relies precisely on questioning the grounds for distinguishing parental from non-parental influences on children's ethical upbringing. The kind of reasons that apply to both contexts, I argue, are relevantly the same.

One more distinction should be drawn to further clarify the question. The revisionist position I will defend doesn't consider all kinds of parental ethical influence on their children morally on a par. Rather, it only condemns parental *intentional* influence of the ethical views of their children. Therefore, while parents who bring their children to a religious ceremony *with the aim* that the child *endorses* this religious views will be considered as wronging his child's autonomy, the view I shall argue for will not condemn those parents who bring their child to a similar religious event with the aim of acquainting him to an available ethical doctrine which he may want to reflectively endorse. Let me call the intentional kind of value transmission, *ethical enrolment* or, for short, enrolment. Thus, the question that will be object of my discussion is the following: what are the implications of the best liberal political conception for the permissibility of parental ethical enrolment?

Before addressing the question a few clarificatory remarks are in place. First, I mentioned very roughly what *ethical* education is. Somewhat more precisely, by *ethical views* I will generally refer to one's answers to fundamental questions about one's general understanding of the world and what, if any, is valuable in it, one's life's significance, ideals of character and occupational career, religious convictions, as well as ideals about human relationships. In contrast, I

understand *political views* as moral conceptions about how the main social institutions and practices should be arranged and reproduced inter-generationally. However, I shall not directly consider here neither ethical nor political *illiberal* views even though from my following argumentation one can easily deduce my opposition to them. I prefer to focus on *liberal* political views because what concerns me is mainly an intramural discussion among liberals whose political views are characterised by a conception of the main social institutions as a fair system of interpersonal cooperation between free and equal persons passed by from one generation to the next. How should liberals best understand freedom and equality within the familial domain will be crucial but it will be spelled out in next sections.

As the reader may have already noticed, I use ethical views to refer to ideals about value and human well-being in a rather narrow way relative to its perhaps more natural use referring to the general question about what to do. Similarly, moral and political views will be used to refer to subdomains within ethics in its broader sense. I shall consider morality contains the domain of questions about how we ought to treat each other while the political domain is specifically concerned with the question about how we ought to relate with other people

sharing a certain institutional background.⁸⁷ This is all for clarity's sake. Nonetheless, I do not mean to put forward this tripartite division as a sharp one. Arguably, pursuing our aims always affect others in some way so ethical, moral and political questions will always be interrelated. But I take it we should be concerned about how to distinguish the three domains especially when discussing cases in which the tensions between among them are more salient like the one that concerns us here. Metaphorically, if you will, we may think about morality and politics as defining the lanes of a swimming pool while ethics govern how to swim well. In other words, asking ourselves whether aiming to live in a particular way give us appropriate reasons to treat others as they ought to be treated, will always be an inescapable question no matter how we refer to

⁸⁷ For the terminological distinction between ethics and morality and a critical discussion of it, see Williams, B. (1985) *Ethics and the Limits of Morality*. Cambridge, Mass.: Harvard University Press, ch. 1 and 10, Williams mainly attacks the assumptions and implications of understanding morality in a particularly way. However, I only want to borrow the distinction without the underlying assumptions here. See Dworkin, R. (2011) *Justice for Hedgehogs*, Harvard University Press, Cambridge: Massachusetts. p. 25, p.105 and p. 371 for emphasis on the inescapability of the question about the relation between ethics and morality, for a critique to drawing a sharp division between ethics and politics and the swimming pool metaphor respectively. The fact that question about how to make compatible one's own aims with others is a perennial one can be seen from Plato's *Republic* in Ancient Greece to one of the most ambitious pieces in contemporary ethics, for instance, Parfit, D. (2011) *On What Matters*, Oxford University Press, vol. I, ch. 6, who follows Henry Sidgwick in labelling the problem as the profoundest practical problem of convergence. As many readers can already recognise, by ethical and political views I refer to somewhat very similar to comprehensive and political doctrines as described by John Rawls in *Political Liberalism* (1995) New York: Columbia University Press, p. 11-13. I shall also borrow from H. L. A. Hart and J. Rawls the use of the terms; 'concept' to refer to the ordinary meaning of a term, 'conceptions' referring to the criteria for distinguishing appropriate from arbitrary applications a concept according to a particular view on how to resolve the tension between conflicting interpretations of the concept and 'ideals or ideas' as the more general notion referring both to concepts and conceptions. See Rawls, J. (1995) *Political Liberalism*, introd. to paperback ed. footnote 2 and lecture I, p. 14, footnote 15. Finally, readers familiarised with Rawls writings will already have noticed too that I shall depart from the narrow interpretation Rawls proposes of the main social and economic institutions subject to principles of justice. For reasons that will be pointed out later, I include the familial within the political domain. For an instance of Rawls' assumption about the justice within families see, for instance: (1995) *Political Liberalism*, introd. to 1992 ed. p. xxix, (1997) 'The Idea of Public Reason Revisited', last chapter in P.L., p. 456, 466-69 and Rawls, J. (2002) *La Justicia como Equidad*, Barcelona: Paidós, p. 217-223.

it. Moreover, when I refer to ethical views I won't be assuming we all have or should aspire to have a complete and systematically ordered list of ethical convictions. I take it the question that interests us here is relevant even if we only consider the transmission of one of the just mentioned ethical convictions.

Second, a pertinent worry at that point may well be that this particular concern in autonomy within the parent-child relationship shows an ethnocentric bias in my implicit understanding of the family. In a sense, I am willing to accept that some degree of cultural relativity bounds my inquiry. However, I do not think the following discussion is valid only for monogamous patriarchal traditional families still prevalent in Western contemporary societies. Rather, I take it everything in this article could be understood more broadly to cover many kinds of upbringing contexts by noticing that *parents* could be understood as any adult part participating in an upbringing relationship with a child being his biological, non-biological parent, or any other person in close relationship with the child, being a relative or not, such as in communes.

Third, a recent and interesting intramural controversy among liberals concerns the extent to which liberal views about the upbringing of children should be made compatible with children's interest in autonomy as children, that is to say, as distinct from his interest in future autonomy as adults or in lifespan terms.⁸⁸ Very roughly, these views emphasise the fact that the acquisition of autonomy is a gradual process so that children can be considered as having some degree of autonomy much earlier than usually thought in the traditional literature, and they also that note spontaneity, naiveté and imagination as goods intrinsic to childhood that should be preserved by not acquiring full autonomy and adulthood too early. I will not touch this debate mainly for reasons of brevity. However, my impression is that these considerations can be accommodated with all plausible views of autonomy that will be considered here by noting that the process of upbringing must be sensitive to both the gradual emergence of

⁸⁸ For arguments in that sense see, for instance, Bagattini, A. Macleod, C. (ed.) (2015) *The Nature of Children's Well-being. Theory and Practice*. Netherlands, Springer, particularly chs. 2, 3, 4 by; Gheaus, A. 'The Intrinsic Goods of Childhood', Olsaretti, S. and Bou-habib P. 'Autonomy and Children's well-being' and Macleod, C. 'Agency, Authority and the Vulnerability of Children'.

autonomy and to the intrinsic goods of childhood thereby being attentive to children's preferences, first plans and not unnecessarily accelerating children's maturation. Then, if my take on the discussion is correct, the topic in question is orthogonal with respect to the present discussion.

Forth, a common reaction against restrictions on parental behaviour in parenting going beyond the present common attitudes of parents is based on its alleged unfeasibility.⁸⁹ Unfortunately, the discussion is usually framed in all-or-nothing terms. I think a more interesting discussion frames the question in terms of degrees so that we can think if we should modify some of parents' current attitudes to some extent while preserving parents' autonomy according to its best interpretation. For instance, some people react by saying things such as 'if we want to preserve parental choice or parents defensible claim for not having a too burdensome parenthood we should not restrict their common attitude consisting in doing X'. Thus, I take it we should rather formulate the different positions with regard to the permissibility of shaping children's ethical views by saying things such as 'we can preserve parents' autonomy or their claim to have a not so burdensome parenting to some significant extent while modifying their present attitudes to in a particular fashion and degree'. Moreover, I take it a stronger formulation of some of the objections pointing to unfeasibility of some political arrangements may rather appeal to the ineffectiveness or counter-productivity of trying to enforce a change on parental attitudes by statist means. Indeed, a good reason for not attempting

⁸⁹ The following authors press similar objections partially by an appeal to the strong revealed preferences of many parents.: Galston, W. (2004) *Value Pluralism: The implications of value pluralism for political theory and practice*, Cambridge: Cambridge University Press, ch. 8, p. 102-108 and Galston, W. (1991) *Liberal Purposes. Goods, Virtues and Diversity in the Liberal State*, Cambridge: Cambridge University Press, p. 251-255 emphasises the importance of granting the right to make certain choices to be preserved for preserving parents expressive liberty even if this means precluding children to rational criticism of their views of the good, Levinson, M. (2002) *The Demands of Liberal Education*, Oxford: Oxford University Press, ch. 2, p. 52-55, Levinson argues for a privilege but not a right for parent's to shape their children ethical views based both on the significance for many parent's life of doing so and children's interests, and Gutmann, A. (1987) *Democratic Education*. Princeton, New Jersey: Princeton University Press. ch. 1, p. 26-28, emphasises the importance of making choices with regard to our children's ethical convictions for parent's flourishing.

publicly to enforce a particular public policy is that by trying to do it one actually lowers the chances of the pursued aims actually being achieved. This thesis however, will not focus on public policy issues but the moral value of certain ends thereby noting how refraining from public enforcement is compatible with putting moral pressure with the aim of eventually bringing about changes in people's attitudes.

3.2 The value of autonomy

Autonomy is a central value for all liberals. So it is natural for liberals to raise their children as autonomous beings, say, by adopting a fiduciary role with this purpose.⁹⁰ Liberal political theorists have used different strategies to defend the value of autonomy. One way to defend it has been to presuppose its value by presuming all individuals naturally enjoy a space of exclusive sovereignty that puts the justificatory burden on anybody other than oneself who interferes in it. Others have relied on conceptual analysis or the plain assertion of autonomy's obvious intrinsic value. Yet, some have argued it is only instrumentally valuable. But I take it all these strategies are flawed for the following reasons.⁹¹ First, because they fail to give an argument why we have a strong reason for respecting everyone's autonomy. Second, because they fail to provide a principled answer to the crucial political question of what kinds of interference in one's autonomy are not objectionable. And third, answers to these two questions are both important and controversial.

Let me begin by saying that the concept of autonomy broadly refers to the capacity of persons to self-govern or to be the authors of their own lives in the sense of being directed by values, desires and characteristics which are not simply imposed on them but freely endorsed. Yet, we need to disambiguate

⁹⁰ In his article 'The Child's right to an Open Future' in *Freedom and fulfillment* J. Feinberg distinguishes between Adult-rights, Adult-and-Children rights and Children-Rights. In turn, the latter is divided between dependency rights and rights in trust. Children's interest in autonomy should be located in the latter category of rights in trust or fiduciary rights.

⁹¹ In rejecting these strategies I follow Raz, J. *The Morality of Freedom*, Oxford University Press, ch. 1, p. 6-16.

here between merely having the capacity to rationally direct one's life and achieving the condition of being able to freely exercise that capacity. By achieving the condition of autonomy I am referring both to the capacity and the real option to use it in valuable ways. So I assume that having the capacity with no real opportunity to use it would render its possession with no value or almost none.⁹²

More specifically, I take it the following four conditions can be plausibly considered as conditions to be satisfied in some degree on virtually all plausible conceptions of autonomy. However, as we shall see in the following, different characterisations of both the adequate interpretation and emphasis on each one of these four conditions for autonomy will have remarkably different consequences in terms of delineating a distinct conception of autonomy. So let me first broadly illustrate what the conditions in question are.

⁹² Surely, we could imagine some value in the possession only of the capacity for autonomy in an individual with tetraplegia. But for the purposes of this article I will disregard these kinds of extreme situations and aim first for the clearer cases. Note that Rawls is sensitive to this distinction (1995) *Political Liberalism*, introd. to paperback ed. p. lvi and in lecture I, p. 7-8 where he explicitly agrees with Marxists and Socialists for this insight and critique to regard as valuable formal rights granted by law but not secured as a real opportunity. A similar criticism directed to the distribution of material resources which may not suffice for making opportunities real options can be found in Sen, S. (1979) *Equality of What?*, Stanford University: Tanner Lectures on Human Values.

3.3 The conditions of autonomy

We may distinguish conditions of autonomy of two different kinds; *intrapersonal* and *interpersonal*. In turn, I divide intrapersonal conditions between *cognitive* and *identity* one, while interpersonal conditions can be distinguished between *contextual* and *political* ones.⁹³

In order to avoid misinterpretations it is important to note that the labels 'intrapersonal' and 'interpersonal' do *not* refer to the *number* of people involved in the processes by which the conditions of autonomy are developed. Rather, I refer to what might be called the *site* of these conditions, that is to say, where we need to focus our attention in order to assess to what extent these conditions are satisfied. This remark is meant to emphasise that I take it as a rather uncontroversial empirical claim that personal autonomy is both causally and constitutively linked to the presence of other human beings. In other words, that some cognitive, affective, developmental and physical capacities can't be appropriately developed in the absence of other attentive human beings from

⁹³ The following characterisation of the conditions for autonomy is largely inspired in Raz, J. (1986) *Morality of Freedom*, New York: Oxford University Press, ch. 14, and Clayton, M. (2006) *Justice and legitimacy in Upbringing*. Oxford University Press, ch. 1

An element of departure from the latter views is that I divide the individual or intrapersonal conditions between the cognitive and character ones usually referred together under the label of a 'rationality' condition. The reason is that, according to my understanding, the cognitive and character conditions are both logically and empirically distinguishable as the case of the *Alienated* will illustrate in the following. In order to realise why the case cannot be categorised as an instance of irrationality, it is important to emphasise that this case do not necessarily point to a lack of instrumental or substantive rationality but to a failure to appropriate one's actions as products of one's active rather than passive acts. For more on why the distinction may plausibly be seen as carrying important normative implications see, for instance, David Velleman's 'The Centered Self' in his Velleman, D., (2006) *Self to Self: Selected Essays*, Cambridge: Cambridge University Press, where he credits Elisabeth Anscombe's remarks in her famous book *Intention* for the insight that *our* doings or intentional actions but not *what happens to us* carry on a type of practical knowledge, in her terms, knowledge without information, which is constitutive of the phenomenology of consciousness. See also for a similar insight Harry Frankfurt (1988) *The Importance of What We Care About*, Cambridge University Press, ch 5 'Identification and Externality' and ch. 6 'The Problem of Action.'

whom we are to some extent dependent both for the development of these capacities and their meaningful exercise and practice. So the labels 'intrapersonal' and 'interpersonal' are meant to refer to something other than the latter empirical claim.⁹⁴

The first intrapersonal condition refers to one's cognitive capacity to rationally direct one's life according to relevant information about one's considered values and the world. It demands a minimal degree of instrumental and substantive rationality or, to put it in Rawlsian terms, the capacity to rationally pursue and critically revise one's aims. Somewhat more precisely, the latter requires possessing to a relevant degree the necessary mental capacities to gather generally reliable information about the world, one's emotions, desires and convictions necessary to form and revise one's life plans. Moreover, these intentions and plans must be of certain complexity, that is to say, the autonomous person need to be able to realise that different goals require specific means and also that aims usually have a nested structure the more important one's sometimes dependent on the realisation of other less central. Let's call it *the cognitive condition*.

⁹⁴ This precision is meant to avoid what I take to be unhelpful dichotomies present in the relevant literature between externalist/internalist, monological/dialogical/relational conceptions of autonomy. From my point of view, the problem isn't that the authors using these dichotomies make invalid remarks but rather that the labels they use often obscure relevant disagreements on the distinct normative requirements for autonomy with agreements on empirical matters. For the use of these categories by many authors see, for instance: Stoljar, Natalie, 'Feminist perspectives on autonomy', The Stanford Encyclopedia of Philosophy (Fall 2015 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2015/entries/feminism-autonomy/>>.

It is worth noting that some fundamental criticisms made by the so-called communitarian theorists such as Michael Sandel, Alasdair MacIntyre and Charles Taylor against liberal thinkers such as John Rawls are based on this kind of misunderstandings and flawed readings of the latter remarks on persons. For a detailed overview and assessment of the discussion see, for instance, Mulhall, S., & Swift, A., (1992) *Liberals and Communitarians*, Oxford, Blackwell Press, particularly parts 1 and 2.

In order to negatively illustrate the importance of the cognitive condition imagine an adult with no mental or physical handicap but who at the present moment is in coma. Doctors have no way to discern to what extent he is sensitive to any internal or external stimuli. He can't react to any stimuli in any way that others can perceive. Obviously, this seriously *Disabled* person is not autonomous because he fails to the first individual condition for autonomy. It needs to be emphasised that this condition should be understood in terms of a threshold over which differences in competence doesn't matter. For instance, a severely cognitively impaired individual would share the status of the disabled insufficient to qualify as autonomous while any individual with average cognitive capacities will share status with an individual with the cognitive capacities of Stephen Hawking.⁹⁵

The second intrapersonal condition refers to a person's degree of congruence between one's emotional reactions with respect to one's attitudes, actions and

⁹⁵ Note that there is a genuine philosophical problem on the relation between autonomy and rationality implicit in my vague use of the expressions 'relevant information about the world and one's values' and my definition of the cognitive requirement as only implying a 'minimal degree of instrumental and substantive rationality'. The controversy in question divides what has been called 'procedural' as opposed to 'substantive' conceptions of autonomy. For opposed views on the issue see, for instance, on the proceduralist side, Harry G. Frankfurt's 'Freedom of the Will and the Concept of a Person' *The Journal of Philosophy*, vol. 68, n.1, (1971) and Gerald Dworkin's *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988) On the other substantive stance, Phillip Pettit and Michael Smith's 'Freedom in Belief and Desire', *The Journal of Philosophy* 93:9 (1996) and O' Shea, T. (forthcoming) 'Autonomy and Orthonomy' *Journal of Moral Philosophy*

Although I'd say that the view of autonomy I favour could be labeled as 'weakly or partially substantive' because it includes some minimal normative requirements for autonomy beyond the possession of second-order reflexive capacities while it refrains from demanding a high degree of substantive rationality, in this paper I follow Joseph Raz *The Morality of Freedom*, p. 407-12, in framing the debate as an intramural discussion between different conceptions of autonomy as an aspect of freedom rather than as a dispute between defenders of 'autonomy as self-rule' or procedural and 'orthonomy as right-rule' or substantive. For a similar weekly substantive account of autonomy see, for instance, Benson, P. (2005) 'Taking Ownership, Authority and voice in autonomous agency' in Christman, J. and Anderson, J. eds. (2005). *Autonomy and the Challenges to Liberalism: New Essays*, New York: Cambridge University Press

convictions. This distinctively human capacity for establishing emotional bonds with values and persistently pursuing aims as expressions of them is commonly considered as a valuable kind of integrity of character. Indeed, we say that autonomous persons have the capacity to sincerely embrace, be attached or identify with values, goals, attitudes that centrally guide his conduct. The idea is that the character of an autonomous individual is sufficiently shaped by himself in a way that avoids feeling alienated from his own self-image, sense of his own self-worth, self-esteem and self-respect. For instance, consider the case of an *Alienated* person who even though he succeeds in every pursuit of his consciously endorsed aims is permanently dissatisfied with his way of life due to an inescapable sense of strangeness and dissatisfaction with regard to his achievements. Let me call it *the identity condition*.

Note that the identity condition should not be understood as requiring a high degree of rational consistency for the whole lifespan of a person who is to count as satisfying it. Nor a very high degree of temporal continuity in one's aims through a whole lifespan, as long as the rational evolution of one's character and loyalty to one's previously set aims or emotional attachment to the past are not especially valuable for oneself. All that is required is a certain amount of positive emotional stability with respect to one's present commitments and attitudes.

Furthermore, it is important to note that one's sense of identity or one's psychological identity that concerns us here, should not be confused with the term of art used by philosophers, such as Derek Parfit, in metaphysical debates about numerical identity. Rather, my use of identity aims to convey some sort of psychological consistency among one's mental states such as beliefs, goals, one's self-concept and self-esteem. Therefore, I shall use identity in this article as interchangeably with one's sense of identity. Other authors use terms such as authenticity or integrity to refer to similar aspects of autonomy. But there are two reasons for which I think those terms may be misleading. First, I do not want to imply identity presupposes the existence of some authentic or true self to be discovered and preserved but I want to refer to something has to be

created or revealed by one's actions and their relation to one's mental states. Second, by identity I do not want to imply either that some sort of strong consistency is required. Rather, I want to include views of the self as a set of character traits, values and attitudes systematically divided without this implying that any distinguishable self or consistent set of attitudes is more authentic than the other.⁹⁶

I turn now to interpersonal conditions for autonomy. The first of the interpersonal condition refers to a certain ethical context the absence of which leaves people's life without an adequate range of options to pursue an autonomous life. In other words, in order to allow the pursuit of autonomy an adequate range of options should be open to people. Adequate options are those that provide a genuine variety of meaningful choices. That is, options to make not only trivial and life-covering choices but also to choose life-long plans, relationships and commitments inspired by different ethical outlooks. It may be worth considering here the well-known case of the *Hounded Woman* given by Joseph Raz, who lives in a small island with sufficient resources for survival, yet finds herself

⁹⁶ For a clear distinction between one's sense of identity and numerical identity see, for instance, Velleman, D. (2006) *Self to Self*, Cambridge: Cambridge University Press, particularly, chapters: 2, 8, 9, 10, 11. D. Velleman's discussion of 'selfhood' in this book which I take it as particularly insightful and empirically documented interestingly distinguishes between four uses of the word 'self'; the *autonomous* self or casual agency, the *metaphysical* self or numerical identity, our *sense of identity* or self-concept and *selfhood* merely referring to the our common use of the word 'self' such 'self-consciousness' as the indexical we use for cases in which the subject and the object of awareness is the same describing the psychological capacity that only some a few mammals with certain psychological complexity have.

For a critique of the discovery view of one's authentic identity see Appiah, A. P. (2007) *The Ethics of identity*, Princeton: Princeton University Press, ch. 3 'The Demands of Identity' and Williams, B (2002) *Truth and Truthfulness: An Essay in Genealogy*, Princeton: Princeton University Press. ch. 8, 'from sincerity to authenticity'. For defences of non-unitary of one's identity see, for instance, D. Meyer 'Decentralizing Autonomy: five faces of selfhood' in (2005) *Autonomy and the challenges to Liberalism* by J. Christman and J. Anderson and see also M. Oshana 'Autonomy and Self-Identity' in same book for a plausible case in which important characteristics for one's identity can be acknowledged and yet not welcomed. Dworkin, R (2011) *Justice for Hedgehogs*, Cambridge, Mass.: Harvard University Press, ch. 9, develops an account of well-being part of which is based on a notion of authenticity similar to the identity condition here.

spending a great amount of her life-time escaping from a fierce beast who regularly tries to hunt her.⁹⁷ Evidently, the *Hounded Woman* could not meaningfully count as autonomous person since the whole of their efforts and actions ought to be directed one sole aim, say, not to be eaten. I shall call this the *contextual condition* for autonomy.

The second interpersonal condition for autonomy refers to an interpersonal situation the autonomous person should enjoy. This condition refers to the independence to act and value free from illegitimate coercion and manipulation. In the coercive case the focus is on the absence of somebody forcing someone else to do what the latter would not otherwise legitimately do –or, conversely, not to do what they would like to– without the presence of the former’s commands or threats. In the manipulative case the emphasis is placed on one’s actions not being directed by other’s intentional actions aiming to bypass one’s rational scrutiny and systematically controlling one’s behaviour. Let me call it the *political condition*.

For illustration we could think on an adult in his plenitude of cognitive capacities and a well-defined and robust character who is forced, after a coup d’état by a totalitarian regime, to always purchase things in state-driven shopping malls that use all kinds of marketing subliminal strategies to buy what the planners have decided that people need to buy in order to follow the lifestyle the official ideology dogmatically establishes is the good kind of life. Call this non-autonomous new character, the *Indoctrinated*.

In the following section I characterise the most common options available in the literature for answering our main question about the permissibility of parental transmission of values to their children. I take it the fact that the views that I will

⁹⁷ For Raz’s imaginary cases of what he calls the ethical conditions for autonomy, say, the ‘hounded woman’ and the ‘man in a pit’, see his *The Morality of Freedom*, p, 374. A less extreme case where survival is granted yet the range of ethical options is too narrow could also illustrate the condition. For the reader familiarised with the literature on multiculturalism, the notion of ‘societal culture’ may be useful to grasp what I am referring to by an appropriate ethical context. See, Kymilcka, W. (1996) *Multicultural Citizenship*, ch. 5, ‘Freedom and Culture’.

expose could be described as including, under a somewhat plausible interpretation, the latter concerns should count as a reason in favour of their plausibility. This implies that I disregard as clearly implausible the kind of views that allow harming other people, disregard the promotion of autonomy described by any conception of the value, or require exaggerate levels of parental self-abnegation and submission for the sake of their children's well-being incompatible with their self-respect and physical integrity. For a paradigmatic illustration, I take it as implausible the illiberal views that allow parents to coerce or indoctrinate their children in unshakable ethical commitments even if those are culturally entrenched within their family or society. On the contrary, the following views converge on asserting the constraints just mentioned based on third parties' interests as well as the one based on children's interest on autonomy that requires parents to foster the development of autonomy in their children in a way that, as adults, they will be capable to revise his values whether or not their parents choose to transmit their ethical views to them.

3.4 Two Common Views on Parental Influence

It is natural to think that proponents of distinct conceptions of autonomy will take a different stance with regard to how parents should behave with respect to the transmission of values to their children granted they are sufficiently concerned with the value of autonomy. By sufficiently concerned I mean here that parents' concern with children's interest in autonomy either outweigh or is understood as compatible with other interests that children and other third parties, including parents and other compatriots, may have. There are two distinct and common conceptions of autonomy that I find somewhat plausible. The differences between them will often be a matter of emphasis rather than categorical. That is to say, different conceptions of autonomy emphasise one condition over another by defining it in a more ambitious way. Let me describe

each conception by presenting their advocates as if they were having a dispute.⁹⁸

a) The Moderate View

Probably the most widespread view among liberal political theorists about education in democratic societies allow and even encourage parents to further the well-being of their children without principled limits beyond the ones established by authoritative legislation and other's basic rights. For instance, parents are morally permitted to further their children's opportunities by spending as much resources as they want in their education regardless of the consequences it may have for other children's opportunities. In addition, they are also allowed to raise their children with a strong commitment to his parent's religious or ethical views provided they will be capable of revising or abandoning them as adults in light of new evidence, further reflection or mere change of preferences. Let's call the advocate of this view the *liberal moderate* or, in short, *The Moderate*.⁹⁹

The Moderate view has two main components; it gives certain *options* while also establishing some *constraints* for parents in promoting the well-being of their children. First, it offers options for parents to choose what to do with regard to the transmission of ethical values. More precisely, the view claims that parents should be permitted, if they consider it appropriate, to transmit ethical views to their children within certain constraints based on third-parties' interests mentioned above. For instance, parents ought not to wrong third parties for the sake of increasing their children's well-being or transmit certain intolerant attitudes to them which are incompatible with living in a kind of society where

⁹⁸ For an excellent instance of the expositive strategy consisting in characterising different conceptions of autonomy as disputants arguing for them I rely on Kagan, S. (1989) *The Limits of Morality*, Oxford University Press. I also borrow the terminology of options, constraints, requirements and permissions from Kagan (ibid), ch. 1, p. 3-4.

⁹⁹ This view is defended, for instance, in Feinberg, J. (1992) 'The Child's right to an Open future' in *Freedom and Fulfilment* and Gutmann, A. (1987) *Democratic Education*. Princeton, New Jersey: Princeton University Press. ch. 1, p. 26-28

everybody's autonomy to pursue their view of the good is respected. Moreover, parent's promotion of their children's well-being is also limited by the maintenance of parents' self-respect too so that levels of self-abnegation are kept within reasonable levels.

The Moderate commonly appeals to four different kinds of grounds, mainly focused on parents' interests, to justify his view, namely; parent's rights, the costs of parenting, parental autonomy-related values and democracy. As I already mentioned, I take it children's interests generally outweigh third parties' interests with regard to children's education so I shall only briefly mention the reasons why I think the aforementioned are not strong enough grounds for giving parents options to transmit their ethical views to their children.

First, Amy Gutmann has argued that people's justifiable fear of a state's tyranny over children's education is a strong reason for giving parents a permission to shape the ethical convictions of their children.¹⁰⁰ Although I agree that an unrestricted statist monopoly of children's upbringing would be morally problematic, there are two reasons to be skeptical to this line of argument. First, even if the later claim is true, there may still be good reasons to give the state a restricted prerogative to shape children's education. Moreover, even if there are good reasons to fear state's intrusiveness in upbringing it does not follow that giving parents a permission to shape their children's ethical views is the right thing to do. For if our fear of state's tyranny is rightly based on a rejection of a despotic education, the right reaction that naturally follows from it is to reject the intrusiveness of an aristocratic or oligarchic state in children's education. However, a democratic state may be a more legitimate social institution than the family to shape people's ethical and

¹⁰⁰ See Gutmann, A. (1987) *Democratic Education*, Princeton: Princeton University Press, ch. 1, p. 19-29, the author favours parental shaping of the ethical views of their children by appeal to democratic values and parental rights. However, she neither explicitly argues for parental shaping of the *ethical* views of their children in the particular sense I use the term.

moral views. Yet, even under a democratic regime, why we shouldn't fear the tyranny of the majority?¹⁰¹

A second kind of argument appeals to the burdens that childrearing normally put on parents. For instance, it is claimed that the widespread parental inclination to raise their children's according to their ethical views is psychologically too strong to be apt for state's strong regulation without major drawbacks. Moreover, prohibiting the transmission of ethical views would disincentive many parents to have children by making the project too burdensome, distasteful or simply too alien from their own understanding of what parenting means.¹⁰²

However, we may be skeptical about this justificatory basis. First, because one may question parent's preferences or beliefs about parenting by noting that parenting may only be conditionally valuable depending on the nature of the relations established between parents and children. Second, one may also be skeptical about the appeal to the costs of parenting being consistently defended. For if costliness is considered as a valid reason for giving options for parental choice, it is unclear why we should not also give them permission to disregard the constraints on the promotion of their children's well-being based on children themselves or third party interests whenever it is too costly for parents to refrain from doing something they desire. After all, respecting other's claims is also costly for parents. So, taking the appeal to costs as a valid reason would imply that we could always balance the costs for parents of repressing their inclinations, for instance, to increase the well-being of their children against others' interests. But it is surely implausible to argue that a

¹⁰¹ See Kolodny, N. 'Being Under the Power of Others' in Elizar, Y., and Rousselière, G., *Republicanism and Democracy*, (forthcoming, available on-line: <http://sophos.berkeley.edu/kolodny/papers.htm>)

¹⁰² See, for instance, Galston, W. (2002) *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge: Cambridge University Press, p. 102-116, and Levinson, M. (1999) *The Demands of Liberal Education*, Oxford: Oxford University Press, p. 50-52.

parent can legitimately harm another child competing with his own child, say, in a recreational activity, on grounds that a cost-benefits analysis favours it.¹⁰³

Now, The Moderate may well be unimpressed by the value of consistency in our moral views. Indeed, a plausible explanation of why The Moderate view is the most widespread in society is not its internal consistency but rather that it tracks to a large extent people's actual moral views. Moreover, one may reject consistency as a virtue to pursue in ethical and moral reflection on the basis that the realm of value is not a consistently ordered one.¹⁰⁴

But even if one is somehow persuaded by the appeal to costs of restricting people's preferences, it is useful to recall G. A. Cohen's distinction between two ways in which something may be considered hard for someone, namely, either because it is a *difficult* thing to do or because it is a *costly* thing to do.¹⁰⁵ It may be worth reminding this is not a distinction which is present in our ordinary use of the terms hard, difficult and costly, but it is a technical one. So, while the level of *difficulty* of actions in this technical sense should be understood as a matter of actual possibility, *bearability* refers to the degree of sacrifice that some action involves for a person. Cohen puts forward an illustrative example that helps to grasp the distinction.

Consider the case of a *Poor* person whose friend asks him for help to get quickly to the airport to take his flight and thereby faces a choice between two

¹⁰³ I follow Shelley Kagan strategy to criticise an appeal to costs to give individuals options see Kagan, Sh (1991) *The Limits of Morality*, Oxford: Oxford University Press, p. 19-24.

¹⁰⁴ This view has been prominently defended by Williams, B. (1985) *Ethics and the limits of Morality*, Harvard University Press, particularly, ch. 2 and 6. However, from a realist stance, it has also been defended, for instance, by Raz, J. (1986) *The Morality of Freedom*, Oxford University Press, part IV, ch, 13. Moreover, Derek Parfit, in what is probably the most extended, rigorous and forceful defence of truth, consistency and systematicity in moral theory concedes to Bernard Williams that even though he believes in those features of moral truths we can't neither assume nor prove the non-existence of inconsistency in normative inquiry. See Parfit, P. *On What Matters*, vol. 1, ch. 34, especially p. 552 and 564.

¹⁰⁵ See Cohen, G., (1989) 'On the Currency of Egalitarian Justice' in *Ethics*, vol. 99, n. 4, p. 906-944 for the distinction between costliness and unbearable.

hard options. He can either give his friend 10 pounds that he has in his pocket so that the friend can get a taxi to the airport or take him on a ride to the airport on the bar of his bicycle. The latter option is a *difficult* thing to do insofar as Poor needs to a large amount of energy and skilfulness to do it successfully. As it turns out, Poor enjoys both riding his bike and physical challenges. So it is not a *costly* thing for Poor to take his friend on a ride because it doesn't involve a sacrifice for him. On the contrary, giving money to his friend isn't a difficult thing to do for Poor. He doesn't even need to go the bank to get the money because he already has it in his pocket. Yet, it is a very *costly* option for Poor because, given his financial situation, it would involve a significant sacrifice.

Now let's get back to the case of The Moderate's appeal to costs in defence of parental options to transmit their ethical views to their children. Plausibly, while it would be possible to remove newborns from their parents in order to raise them in state-driven institutions, it may plausibly be considered as unbearable for parents to do so. I take it the historical example lead by Pol Pot in Cambodia provides empirical support for the claim a statist monopoly over childrearing would be a moral tragedy yet a possible one. However, refraining from intentionally shaping their children's ethical views does not necessarily require state's enforcement and I take it for many parents wouldn't be too difficult to refrain from intentionally doing so. Moreover, even if it were significantly costly and therefore imply an important sacrifice for parents, it still may not be unbearable for them.

The third kind of defence of parental options appealing to parents' individual rights suffers from a similar inconsistency as the costs-based one.¹⁰⁶ One may think this line of argument a stronger one because the entrenchment by law of individual liberties has been a moral victory historically attributed to liberalism

¹⁰⁶ For different versions of a right-based defence of the moderate view see, for instance, Fried, Ch. (1976) *Right and Wrong*, Cambridge, MA: Harvard University Press, p. 152, Galston, W. (2002) *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge: Cambridge University Press, p. 102, Nozick, R. (1989) *The Examined Life: Philosophical Meditations*, New York: Simon and Schuster, p. 28, Callan, E. *Creating Citizens*, Oxford: Oxford University Press, 1997, p. 143 and MacLeod 'Conceptions of Parental Autonomy' *Politics and Society* 25, n. 1 (1997) p. 117-141

and usually put forward in terms of a private sphere of personal inviolability against the power of publicly enforced legislation. However, no plausible liberal defence of the distinction between the public and the private domains would give an unlimited prerogative to do whatever one wishes in private.¹⁰⁷ To think about the domain where the state cannot legitimately regulate in spatial terms it is a common yet unfortunate picture. For no reasonable person can argue that a husband should be allowed to use violence against his wife whenever he considers she is not behaving as she should in the home. Thus, insofar as we plausibly agree that personal liberty can't be understood as giving an unrestricted prerogative for acting as one wishes, mere appeal to individual rights cannot constitute a sufficient reason for granting parental options.

Finally, The Moderate may appeal to the inevitability of parental transmission of ethical views. This is an intuitive empirical claim which is difficult to test. However, even if we grant it, we may question the extent to which ethical enrolment is produced. We may aspire to lessen its degree to the maximum possible extent.

b) The Culturalist View

A somewhat different view agrees with The Moderate on the constraints for parents' promotion of their children's well-being but gives parents no options with regard to the transmission of ethical values. This view will be represented by *The Culturalist*. From his perspective, The Moderate gives too much room for parental choice in a way that probably jeopardises the promotion of children's autonomy. In brief, The Culturalist is mainly concerned with the psychological and development basis of autonomy because he fears a kind of upbringing of distressing insecurity, anomie, and absence of purposiveness in life, as a consequence of parental negligence in the provision of the emotional comfort

¹⁰⁷ For the claim that no properly liberal view would give an unlimited prerogative to parents' rights see Rawls, J., 'The Idea of Public Reason', p. 456-8 and 466-474 For the remark about the private sphere see Brighouse, H. & Swift, A. (2014) *Family Values. The Ethics of Parent-Child Relationships*, Princeton: Princeton University Press. p. 9-10

necessary to form a robust character grounded in a coherent set of ethical convictions.¹⁰⁸

More precisely, according to *The Culturalist*, in order to become autonomous children need a sufficiently developed and stable personality. This implies:

- (1) First, that children need to enjoy significant degrees of self-respect, self-esteem and self-trust and a coherent set of already internalised convictions to scrutinise others' views from a particular perspective in order to be capable of revising any of their convictions without losing their sense of identity,¹⁰⁹
- (2) Second, that these psychological needs can only be fostered by maintaining, especially during early childhood, a close, loving and intimate parent-child relationship.
- (3) Third, and particularly important for the purposes of *The Culturalist*, that in order to satisfy the former conditions, children and young adults need a significant degree of continuity between their parents' cultural background and their own. Jointly, these three conditions are understood by *The Culturalist* as necessary for becoming an autonomous person capable of understanding, assessing and responding to others' critical remarks coming

¹⁰⁸ Its more conspicuous representative seems to me be Levinson, M. (1999) *The Demands of Liberal Education*. Oxford: Oxford University Press, p. 55-57

¹⁰⁹ Eamon Callan considers the further psychological capacity of 'sympathetic imagination' with other's points of view. See his (1997) *Creating Citizens*, Oxford: Oxford University Press, 1997, p. 8, 28-42. M. Clayton disagrees. See his (2004) *Justice and Legitimacy in Upbringing*, Ox:Oxford University Press, ch.1, p. 24, footnote 45. I take it the dispute about the particular psychological capacities required to become fully autonomous is an important and interesting one which raises deep normative issues about the relevance of emotions and empirical-psychological limitations for ethics and morality. To clarify it further I would rather distinguish between 'sympathy' and 'empathy' since the former, understood as only requiring companion in sentiment, is less demanding than the latter, requiring companion in sentiment from the sharing of personal perspective. However, for the sake of simplicity, I shall leave aside this question and assume complete perspective sharing is not a necessary condition at least for achieving autonomy in a satisfying enough degree even if it may well be desirable.

from a manageable set of alternative ethical considerations and standing from a structured and secure normative standpoint that allows these persons to critically scrutinise if necessary his convictions without completely losing his sense of identity.¹¹⁰

In order to make the latter empirical claim more plausible it may be useful to illuminate a bit more what is the link that may be established between ethical values, culturally transmitted norms and practices and psychological well-being.

¹¹⁰ A prominent argument in the literature that wrongly assumes the implication that parents can permissibly transmit *their* culture on grounds that freedom has some specific cultural necessary preconditions can be found in Kymlicka, W. (1995) *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Ox: Oxford University Press, ch. 5. W. Kymlicka actually acknowledges that something more needs to be argued in order for this implication to following his (1997) 'Do We Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Parekh and Forst' in *Constellations*, vol. 1, n. 1. See, particularly footnote 6 in which Kymlicka says: 'In principle, either the minority's own culture or the dominant culture could satisfy people's autonomy-interest in culture, but considerations of identity provide powerful reasons for tying people's autonomy-interest to their own culture. Identity does not displace autonomy as a defence of cultural rights, but rather provides a basis for specifying which culture will provide the context for autonomy'.

It is also noteworthy that similar conclusions have been defended in the literature on different grounds. Three different argumentative strategies used in defending the importance of culture's continuity through generations have been helpfully distinguished by D. Archard who defends the third one; group-centered interests, parents-centered interests and familial values-centered ones. See Archard, D. 'Children, Multiculturalism and Education' in Archard, D. & Macleod, C, (2002) *The Moral and Political Status of Children*, NY: Oxford University Press. However, my characterisation significantly differs from the group and parent-centered strategies in being child-centered. The latter familial strategy is probably the one that is closer to the one defended by the perfectionist here. However, what has been called the family values view is best characterised by appeal to values such as love and intimacy as *constitutive of valuable familial relationships* which are considered as *generally*, yet not necessarily, required for children's developmental needs. So, according to that view, the transmission of ethical views is only indirectly required because of the *probable* link between having an intimate and loving relationship and the sharing of values and projects. In that sense, it is not necessary compromised with step (3) of the perfectionist reasoning. For the original extended version of the familial goods view, see, Brighthouse, H. & Swift, A. (2014) *Family Values: the ethics of parent-child relationships*, Princeton University Press, particularly ch. 6. I have benefited from personal conversation with Adam Swift to verify his agreement with the claim that familial goods may be achieved without ethical enrolment in many cases.

One way to do it is to look at what it is that people who subscribe to the practices and values of a particular culture find valuable beyond the values that might be publicly affirmed by the traditional practices themselves and the fact that those have been followed in the past. This means that people who follow those practices do not merely do so because those are old practices or because they consider the practice a means to affirm other values. They may also follow those practices because they consider that inter-generationally transmitted norms give reasons for action by themselves. Here is a plausible enumeration of what could give us those reasons for action; (1) coordination problem solving and reduction of burdensome deliberation of conventions, 2) carrier of wisdom from past experience, 3) interpretation and application of principles and imperfect duties to particular situations, 4) repository of values for people other than me, 5) respect or loyalty with loved ones, 6) link with one's sense of identity and 7) link with personal habits and various attitudes with respect to time and our lack of control of it that give a reassuring sense of control.¹¹¹

Now, as Matthew Clayton has pointed out, the latter are empirical remarks that are hard to prove given the difficulties associated with designing the requisite experimental set up. However, via everyday observations I am also inclined to say that, even though the remarks advanced by The Culturalist could plausibly be seen as true to a large extent and important for our concerns, they are also compatible, at least to a sufficient degree, with the view that will be presented in the following chapter.¹¹² So, a third character now comes into play to criticise both The Moderate and The Culturalist views because of the allegedly narrow understanding of the political dimension of autonomy they defend.

¹¹¹ For an adequate explanation of the elements enumerated here see: Scheffler, S., 'The Normativity of Tradition' in (2010) *Equality and Tradition*, Oxford University Press, p. 287-311 for what might be of value in traditions *per se*, that is, beyond other values that may be honoured by traditional practices-based on an illuminating discussion of what people may plausibly be seen to find valuable in traditional practices.

¹¹² Here I agree with Matthew Clayton (2006) *Justice and Legitimacy in Upbringing*, Ox: Oxford University Press, p. 119-120,

CHAPTER 4: THE INDEPENDENCE VIEW

Last chapter has accomplished two main aims. It has properly presented our main concern with the permissibility of parental transmission of value and reconstructed two common liberal answers to it. Chapter four advances my revisionary proposal. The view I shall argue for will be represented by *The Independentist* named by reference to the political condition of autonomy inspired in Joseph Raz's *The Morality of Freedom* and John Rawls's *Political Liberalism*.

In order to present The Independentist's view it may be helpful to divide it in two parts corresponding to the two aspects of the value of political autonomy or independence. The positive aspect prescribes what kind of reasons parents may permissibly appeal to in order to ground the values they transmit to their children while the negative aspect forbids appealing to another kind of reasons in doing so. These two components could be described as follows.¹¹³

4.1 The negative aspect of the Independence View

Let me begin by the negative aspect of The Independentist's view, which is probably the most controversial component of the view because it constraints parental conduct in a highly revisionary way, that is, in a way that condemns the conduct of most parents in pluralistic democracies. It constraints parents' reasons for action in transmitting values to their children. In other words, it is a central claim made by The Independentist that it is impermissible for parents to aim at ethically enrolling children in the sense of intentionally transmitting their ethical views and practices before children have developed the capacities necessary for rational acceptance and revision of their convictions. Somewhat more precisely, the claim is that there is a very weighty pro tanto reason which

¹¹³ I use 'independence' to refer to a particular conception of the ideal of self-determination or political autonomy inspired in Raz and Rawls. However, 'political freedom' is how Raz labels his view and John Rawls refers to a different conception but the same ideal as jointly constituted by the two aspects of freedom; its intra-personal aspect or 'rational autonomy' and its interpersonal aspect or 'political or full autonomy'.

is generally decisive, prohibiting parents to intentionally transmit ethical views to their children, even if those views are supported by the soundest reasons for leading a flourishing life taking into account all the relevant empirical facts and values.¹¹⁴

It is worth emphasising that it is only behaviour with the aim of enrolling their children to their ethical views that parents need to refrain from. Inevitable or non-intentional transmission of ethical values that necessarily comes from children closeness to their relatives is out of the reach of the ban. So, although it is also part of The Independentist's view the conviction that the necessary transmission of ethical values from parents to children is quite narrow or, at least, surely narrower than commonly thought, The Independentist crucially relies on the conviction that there is a morally significant distinction between

¹¹⁴ I owe this conception of the value of autonomy as independence in children's upbringing to its first proponent Matthew Clayton, who called it 'the precondition view of autonomy' to put an emphasis on the original insight of the view which precludes ethical enrolment *before* having developed the capacities for autonomous choice. Note, for instance, how this departs from the conditions to develop autonomy in traditional liberal accounts, for instance, in the case of Rawls' second moral power that refers to our fundamental interest to form and rationally pursue one's view of the good. See Clayton, M. (2006) *Justice and Legitimacy in Upbringing*, Oxford; Oxford University Press, p. 87-111.

intending and foreseeing allowing in that way for some non-intentional yet inevitable transmission.¹¹⁵

For illustration of the particular concern that shapes The Independentist's negative claim imagine *Ghandi*. His capacities for autonomy are intact. Moreover, he is the complete opposite of the *Alienated*. He has such a high regard and attachment for his convictions that he carried on with his pacifism even at the cost of his legitimate interests. However, imagine that we somehow discover that his strong commitment to his convictions is the product of the following manipulation. Imagine that the secret services of a very powerful nation had recruited a highly attractive spy with the aim of seducing Gandhi while transmitting her ethical views. Imagine further that before falling in love, Gandhi had no contact with those ethical views. After becoming aware of how Gandhi acquired his convictions, we may plausibly think, *Gandhi* has been manipulated rather than thinking of him as an autonomous person who has chosen an admirable life-project of supererogatory moral action. So we may rather call such a character *The Indoctrinated*.

The worry of The Independentist is that intuitively plausible views such as the ones advanced by The Moderate and The Culturalist that allow the transmission

¹¹⁵ The fundamental normative relevance of this distinction is not only a crucial but also a controversial issue in dispute among contemporary philosophers. For an extended critique of its fundamental normative significance see, for instance, Kagan, S. *The Limits of Morality*, Oxford University Press, ch. 4 and Scanlon, T. (2013) 'Responsability and the Value of Choice' in *Think* 12, p. 9-16, for a contractualist account of the instrumental, yet not intrinsic or fundamental, value of intentionality in one's actions. For a defence of the value of intentions see, for instance, Raz, J. (2015) 'Intention and Value', in *Columbia Public Law Research Paper*, n. 14-491. Someone may think that the original formulation of the view could be improved by also condemning unintentional yet clearly negligent parental behaviour. For once we accepted that actions that pervasively affect other's independence ought to be subjected to higher levels of justificatory burdens, we may be pressed to acknowledge that full publicity would be best honoured by requiring not influence children 'decisively' in the following sense: trying to make it the case that the fact that parents' ethical views are X, has the less possible impact on their children's having ethical views Y no matter how similar X and Y turn out to be at the end. To be sure what we gain in publicity may have a significant effect on the level of demandingness. However, this would be a scalar ideal which may be too costly to fully realise yet may be worth pursuing insofar we value the independence of our children.

of ethical values from parents to children reproduce what is morally objectionable in the fancy example of the *Indoctrinated* in everyday upbringing styles.

At that point, one may wonder here, given that parents can't be guided by their beliefs about what are the best reasons for action, a natural question to ask is the following: if well-being is not a permissible aim to pursue in educating children, what is the appropriate metric of advantage to decide who and to what extent ought to receive the benefits of parental transmission of value? Or, in other words, by reference to what kind of reasons parents must guide their actions in educating their children?

4.2 The positive aspect of the Independence View

One plausible way to answer the question just raised appeals to the interests or needs that ideally free and equal persons would acknowledge to have as members of an ideally well-ordered society regardless the ethical views they embrace. The ideal of person just mentioned serve to describe the positive aspect of the Independentist's proposal.¹¹⁶

The positive part of The Independentist's view asserts that parents ought to transmit to their children the subset of ethical values that we labeled as political values. Crucially, it leaves parents with *no options* but the moral requirement to educate their children by reference to their fundamental interests characterised by sufficiently plausible conceptions of the ideals of free and equal moral

¹¹⁶ Another way to answer the same question, rather than focus on the needs or interest of an ideal of persons, would appeal to an ideal situation in which the true preferences of different people are discovered thanks to a fair set up of equal bargaining power to buy their impersonal resources and insure against unlucky personal endowments. This is the strategy to find a metric of advantage used by Ronald Dworkin. Note that the independence view could also be defended in that way without losing its central aim of preserving people's independence. However, significant changes in its characterisation and argumentative strategy would need to be made because Dworkin rejects any perspective that presupposes what kind of resources people ought to value in order to carry on with his life plan. See Dworkin, R. (2011) *Justice for Hedgehogs*, Cambridge:Mass.Harvard University Press, p. 346-363.

persons ready to agree on fair terms of social cooperation with others. Roughly put, the ideals about the person and society just mentioned imply first, that parents ought to behave politically with the aim of sustaining social institutions that eventually will provide children a fair level of resources sufficient to effectively enjoy the opportunity to pursue their legitimate aims in life.¹¹⁷

¹¹⁷ As the reader may have noticed, by 'resources' I am implicitly appealing here to the Rawlsian political metric of advantage, the so-called, primary social goods that include: basic individual liberties—such as freedom of conscience, expression, association and political participation—, a fair amount of occupational, educational opportunities, wealth, income and the social basis of self-respect in order to be able to develop and effectively pursue their own considered view of the good life in a responsible way. I am also appealing to what Rawls has called the highest-order interests of persons as ideal citizens. Moreover, note that I left unspecified what is it a fair level of basic liberties and a fair amount of opportunities. An interesting question about the best distributive principle arises here. Is it a sufficientarian or an egalitarian one? I shall leave the question unanswered because, for reasons of brevity, I can't argue here about those different options.

This ideal of education is compatible yet not determined by empirical psychology, according to Rawls, due to his account of moral psychology, *Political Liberalism*, lecture II, p. 81-88. Here J. Rawls rejects Humean accounts of moral motivation by putting forward the notions of conception and principle-dependent desires. I want to agree both with J. Rawls rejection of simple human motivation and his remarks in p. 85 , footnote 33 about the compatibility of his moral psychology with the more subtle Neo-Humeanism defended by B. Williams notion of 'motivational set'. The only thing I would like to bracket of Rawls' remarks on moral psychology is what he says in p. 82-83, footnote 31 about the strength of all moral aims being entirely determined by the strength of the principles. I take it this is an unnecessarily Kantian and perfectionist in Rawls political liberalism which may be reasonably rejected.

For a detailed exposition of the model conception of political persons see J. Rawls' *Political Liberalism*, preface to paperback ed. p. xlv, lecture I, p. 29-35, lecture II, p. 48-88, lecture III, 'Kantian Constructivism' in *Moral Theory*, vol. 77, n. 9, p. 535-554 and Rawls, J.(2001) *Justice as Fairness, A restatement*, section 7, p. 43-50. For how this highest interests are related with the ideals of fair social cooperation and the primary social goods, see: Rawls, J. (1980) 'Kantian Constructivism in Moral Theory' *The Journal of Philosophy*, vol. 77, n. 9, p. 521-528. For an extended exposition of the positive aspect of the independentist's view see, Clayton, M. (2004) *Justice and Legitimacy in Upbringing*, Ox:Oxford University Press, ch. 4, especially from p. 144 - 172 and 'Anti-Perfectionist Childrearing' in Bagattini, A. Macleod, C. (ed.) (2015) *The Nature of Children's Well-being. Theory and Practice*. Netherlands, Springer. Note that the independentist follows M. Clayton's in departing from J. Rawls' interpretation of the capacity for a conception of the good' as compatible with the transmission ethical of values during childhood. With regard to that aspect Rawls fits in what we have called the moderate view.

Moreover, the two ideals also imply that in order to make possible the stable reproduction of these social institutions, parents ought to promote in their child certain emotional, intellectual and behavioural capacities necessary to be able to exercise their moral power for developing a sense of justice, their capacity for pursuing their own view of the good and certain political virtues. The content of the particular conception of citizenship that is described by the ideals of the person and society described above is shaped by the following values; freedom or independence, equality, reciprocity, and tolerance or mutual respect. So let me begin by characterising The Independentist's conceptions of freedom and equality that ought to guide parental reasons for action in educating their children.

The ideal of *freedom as independence* for children gives parents generally decisive reasons to develop to a sufficient level their children's intellectual, emotional and behavioural capacities to become self-governed adults capable of setting for themselves, rationally pursuing and critically revising, if necessary, what they freely consider their most important ethical aims in life. Moreover, as ideally free persons they ought to be raised with conviction and comfort that their claims on matters of political relevance are to be respected and fairly attended even though they also need to be ready to adjust and take responsibility for them. Responsibility here means, recalling our previous remarks about the metric of advantage of parental benefits, that children are entitled to a fair share of resources that won't necessarily coincide with their unreflective desires.

Now, a full characterisation of the ideal of independence would deepen our understanding of what exactly is meant by 'rationally pursuing and critically revising' one's aims in life or in other words, to what level a person's instrumental and substantive rationality should be developed in order to count as self-governed. For reasons of brevity, here I only want to emphasise that both aspects should be considered as satiable according to the Independentist.

Somewhat more accurately, we may say that with regard to instrumental rationality a self-governed individual ought to develop his *legislative* rationality to the extent that his beliefs and desires are sufficiently consistent in the sense that he is capable of understanding that goals are nested in structured so that more general ones require the previous attainment of less general ones, is also capable of ordering his preferences and aims according to their importance and not to adopt mutually inconsistent aims at the same time. Moreover, parents also need to promote children's *executive* rationality in helping to develop a robust enough character so that he effectively coordinates his intentions and their actual realisation in a regular basis. In other words, some degree of executive irrationality can be compatible with legislative rationality so that some akratic behaviour is compatible with qualifying as a self-governed person. Moreover, parents do not need to educate their children in order to maximise their expected satisfaction of preferences. With regard to the degree of *substantive* rationality to count as self-governed individuals, I want to make similar remarks. Parents are not required to educate their children so that they follow only the best reasons for action but parents should motivate children to align their attitudes in accord with their own aims, they should also encourage to critically assess their aims and reasons for action, they should educate them to be willing to listen to others' opinions about their reasons for action and be

open to know more about the aims of other people especially if they endorse other ethical outlooks.¹¹⁸

As ideally *equal* persons children ought to be raised by their parents with a sense of their own worth as beings capable to develop and exercise a sense of justice and morality consisting in cultivating certain virtues of character so that their future attitudes in relation to the main social institutions and their co-citizens satisfy certain moral standards. More precisely, to develop a sense of justice means to be able to understand and desire to propose, justify, agree and follow *fair* terms of cooperation that others equally disposed to comply cannot *reasonably* reject. The content of fairness and reasonableness just mentioned

¹¹⁸ For the political metaphor of legislative and executive rationality refers to what we called the two individual conditions for autonomy, say, the cognitive and identity condition, and I borrow it from MacLeod, C. 'Conceptions of Parental Autonomy' and in Rorty, A. 'Self-deception, 'akrasia' and irrationality' in Elster, J. (ed.) (1986) *The Multiple Self*, NY:Cambridge University Press

Moreover, note that here there is another point of departure from what J. Rawls has said about his highly ambitious ideal of rationality. For the clearest exposition of Rawls ideals of instrumental and substantive rationality in the pursuit of one's plans of life see Rawls, J. (1999) *A Theory of Justice*, rev. ed. Cambridge, Mass: Belknap Press, p. 360-380 Unfortunately, neither in *Political Liberalism* nor in *Justice as Fairness*, Rawls discusses further how his 'political turn' affects what kind rationality free and equal citizens ought to have. As I already mentioned, my account of rationality aims to be rather minimalist. For illustration of how minimal it aims to be, I just want to mention that I take it free and equal people's interests should be understood as compatible with J. P. Sartre's view of human flourishing which includes the acknowledgement of what J. Elster has called 'non-realizable life aims due to logical or conceptual incoherence' say, the universal yet impossibly realizable human desire of reconciling the structures of consciousness called by Sartre *en-soi* and *pour-pour-soi*. See Elster, J. (1983) *Sour Grapes, Studies in the Subversion of Rationality*, Cambridge:Cambridge University press, ch. 1. I take it Elster misinterprets here Sartre's insight at least in terms of subjective phenomenology or how it feels for humans to be self-conscious, free and existing in time. It is precisely the acknowledgement of this that makes us inevitably free according to Sartre rather pessimistic view of well-being. Another interesting question arises if one thinks how buddhists views of the self would be accommodated. But this is out of the aspirations of this work.

should be understood as given by a particular conception of the values of *reciprocity and mutual respect*.¹¹⁹

As we already noted, for children to internalise the *duty of reciprocity* parents ought first, to help their children to become sufficiently conscientious to conceive their social life as a shared cooperative project among equals desiring to agree on fair terms of cooperation when deliberating about the setting of the main social institutions. It also implies that in their personal decisions they are capable of adapting their life-aims in a way that is compatible with all equally disposed citizens pursuing their aims in a way that all of them take advantage from the cooperative venture. It is important to note that the value of reciprocity does not demand children's character to be modelled either in light of an ideal

¹¹⁹ Note that the extension of the scope of Rawlsian sense of justice by a sense of morality also make demands on individuals when acting *within* the legally enforced social institution and discussing questions which may not be considered as constitutional essentials that have large effects on the life of individuals. See footnote 42 in next section for the sources I rely on for embracing this extension. It is worth noting that this extension in scope in conjunction with what we the interpersonal conditions of autonomy, say the ethical and political ones, we cover what has been called structural injustices by Iris Marion Young and Nancy Fraser in criticising the 'distributive' approach to injustices and the concerns raised by contemporary Republican thinkers' notion of non-domination. See Young, M (1990) *Justice and The Politics of Difference*, Princeton University Press, ch. 1, p. 15-38 or her 'Taking the basic structure seriously, in *Perspectives on Politics*, issue 01, March 2006, p. 91-97. See also Fraser, N. 'Recognition Without Ethics?' p. 86-111 in McKinnon, C & Castiglioni, D., (2003) *The Culture of Toleration in Diverse Societies*, Manchester University Press. For my claim about the inclusion of Republicans' concerns, see, for instance; Laborde, C. (2006) 'Female Autonomy, Education and the Hijab' in *Critical Review of International Social and Political Philosophy* vol. 9, n. 3, 351–377, more extensively developed in her book (2008) *Critical Republicanism, The Hijab Controversy and Political Philosophy*, Oxford University Press.

of self-abnegating altruism nor by reference to self-interested agents only disposed to agree on strategic terms but something in between.¹²⁰

Second, the duty of reciprocity requires parents to foster children's deliberative virtues. This means that children ought to be educated on the following habits: being appropriately informed about public affairs, willing to seriously and responsibly engage with matters of social relevance, able to revise their own views, to defend them avoiding manipulative and inconsistent reasoning as far as possible and sincerely disposed to listen, understand and be influenced by others' sound claims.

¹²⁰ This is inspired in what Rawls calls the virtues of reasonable persons and the ideals of full political autonomy and well-ordered society. See, for instance, his *Political Liberalism*, lecture II, p.48-88 and lecture III. It is important to note that the duty of reciprocity as Rawls understands it, excludes Nozickean libertarianism and accounts of stability as 'modus vivendi' due to their implausible interpretations of the values of reciprocity and toleration, see *P. L.*, preface to paperback ed., xviii and lecture VII, p. 262-265. However, from my point of view, while Rawls' characterisation of reciprocity and reasonableness plausibly excludes views that conceive society as a continuous struggle for domination between self-interested people and classical utilitarianism for his disrespect for individual rights, his rejection of libertarian and mutual advantage views of justice is not well-grounded beyond its intuitive appeal for already egalitarian people. For instance, mutual advantage views are described by him as taking people unequally situated and endowed in search of a compromise for equal advantage. The problem is that Rawls does not give reasons to reject mutual advantage views from a standpoint of equality where people could reason, for instance, on rule-utilitarian or other kind of rational grounds rather than from a sense of justice based on an allegedly 'natural duty' of justice and the idea of 'reasonability'. See Rawls, *P. L.*, lecture I, p. 16-17 and lecture II, p. 51-54, Barry, B. (1989) *Theories of Justice*, Berkeley: University of California Press and Gibbard, A. (1999) 'Constructing Justice' in *Philosophy and Public Affairs*, n. 20, for more on this important discussion. For Rawls evolution of thought see his Rawls, J., (1995) 'Two Concepts of Rules' in *The Philosophical Review*, vol. 64, n. 1, *A Theory of Justice*, s. 18, p. 96-7 and s. 52, p. 301-8 and his last *Political Liberalism*, preface to paperback ed., p. xlv, footnote ¹⁴ where he admirably acknowledges there is no argument in his book for the pivotal ideal of reasonableness from which the duties of justice arise and he refers to Scanlon, T. (1990) 'Promises and Practices' *Philosophy and Public Affairs*, vol. 19, n.3 for this line of reasoning. I also think that more is needed to reject other views on justice that might interpret mutual respect, social unity and even reciprocity differently yet also plausibly conceived. Therefore, I think the view I put forward here as the independence view inherits the same problems even if for the sake of brevity I stick here to the Rawlsian independentist.

Third, the duty of reciprocity includes the *duty of civility* which is inspired in the ideal of *mutual respect* and implies that parents ought to educate children to adequately recognise and interpret the burdens of judgment in order to see as justifiable the transmission of the moral virtue of political restraint to them. To acknowledge the burdens of judgment is to accept a certain account of the sources of ethical disagreement among reasonable people, that is, among people able to exercise their sense of justice and to develop a view of the good to a sufficient degree, freely using his reasoning capacities. These sources make reference, roughly put, to the intrinsically complex nature of human practical reasoning and empirical knowledge. The virtue of political restraint or, as I shall call it, the *liberal restraint* consists in using public reason, that is, fully justifying one's claims with reasons that all co-citizens as ideally free and equal could accept without rejecting their broader ethical convictions rather than appealing to what one takes to be the whole truth in ethics when judging others' behaviour in public and acting in the political domain in ways such as voting for

public offices or discussing questions related to the main social institutions that have pervasive effects on the life of individuals or are enforced by law.¹²¹

At that stage of the exposition we are already acquainted with The Independentist and we can see how his view mainly emphasises the political condition for the proper understanding of autonomy. But before closing this section let me make two classificatory remarks in order to prevent some misunderstandings.

First, note that the positive aspect of the view describes the value of independence as only *conditionally* valuable, that is to say, that being capable to set one's ethical views in life is only valuable if one's political views are rightly shaped according to the ideal of citizenship described above. In order to illustrate the importance of not valuing independence unconditionally it may be useful to recall the case of the *Indoctrinated* who had been manipulated. Now, imagine opposite extreme case in which independence is a value to be

¹²¹ See Rawls *Political Liberalism*, lecture II, p. 54-58 for the burdens of judgment, that is, the list of sources of reasonable ethical disagreement. Moreover, note that the burdens of judgment not only justify the parental transmission to children of the virtue of political restraint but also explain the negative aspect of the independentist's view. In other words, that parents ought to politically restraint themselves in upbringing their children too. It is noteworthy to emphasise that Rawls' notion of *public reason* needs to be specified further to see how it shapes the negative anti-perfectionism aspect of the independentist's view and the duty of civility. This will be done in next section where I expose Rawls argument for political anti-perfectionism by developing the ideal of publicity. The ideal of *full publicity* includes the ideal of a *well-ordered society* of free and equals and jointly contain; first, in a well-ordered society the agreed principles of social cooperation are effective and publicly known to be so. For the principles of justice to be effective means that the main social institutions satisfy them and citizens' sense of justice generally prevails. That they are publicly known means; 1) that principles are accepted and known to be effective by everyone, 2) that the latter fact is also publicly known, 3) that all can recognise by public methods of inquiry when the main social institutions satisfy the principles agreed upon, 4) that the kind of reasoning and the general beliefs in light of which principles of social cooperation are accepted must be given by scientific theories and beliefs non- controversially shared within the culture of the relevant society and, finally 5) that the full justification of how and why political power shapes people's life as a whole is accessible for any person willing to understand it so that everybody is able to endorse the constraints they face in life. See Rawls, *Political Liberalism*, lecture I, p.35-39, lecture II, p. 66-67 or 'Kantian Constructivism in Moral Theory' p. 536-40.

preserved unconditionally. This would be a case where a human being wouldn't have been socialised and educated to follow any life-aims or convictions at all. Let's call him *Mowgli*.

The problem with Mowgli is not only that the kind of independence he enjoys would not be valuable according to the independents but also that if a sufficient amount of people acted upon this implausible conception of independence no society would be capable of reproducing itself through time. Obviously, this must not be confused with the aims the Independentist argues for. Moreover, if instead of Mowgli we imagine a *Fascist* we should also be reminded that respect for the conditional value of ethical independence allows us to offend him or his sense of self-respect in public discussion, to coercively reeducate him so that he comes to respect the ideals of freedom, equality and tolerance and finally, if we are not capable of the latter, contain him by appropriate coercive means.¹²²

Second, the rationale for the distinction between the positive and the negative aspect of The Independentist's view needs some clarification. Here, again, I want to emphasise the fact that The Independentist's negative claim is a constraint on reasons for action rather than on actions themselves. For illustrative purposes, imagine a religious conservative family that wants their daughter to occupy a social position related to care-giving because it is what women should do according to their religion. Imagine further that her daughter's early revealed preferences seem to incline her, say, to be a gymnast. Now, if these parents acted upon their desire and shaped her daughter's attitudes and

¹²² Since Rawls mentions he was inspired by Kant's (1784) *What is Enlightenment?* (available on-line: <http://www.columbia.edu/acis/ets/CCREAD/etscc/kant.html>), may be worth illustrating the conditional value of independence or, in other words, that political freedom should not be characterised as absence of obstacles, by paraphrasing Kant words at the end of *What is Enlightenment?* "Argue as much as you like and about whatever you like, but obey! This reveals to us a strange and unexpected pattern in human affairs (such as we shall always find if we consider them in the widest sense, in which nearly everything is paradoxical). A high degree of civil freedom seems advantageous to a people's intellectual freedom, yet it also sets up insuperable barriers to it. Conversely, a lesser degree of civil freedom gives intellectual freedom enough room to expand to its fullest extent."

preferences with the intention of directing her to a life devoted to care-taking, for instance, to be employed as a nurse, they would be acting wrongly according to the Independentist.

However, the reason why religious parents would be acting wrongly is not directly related neither to the fact of being parents' beliefs rather than any other agent's beliefs about what would make a better life for their daughter that guide their action nor to the fact of becoming a nurse actually making the daughter's life better all things considered or not. Rather, it is the kind of justification the parents would sincerely give for their actions that makes their actions wrong. In other words, what is morally objectionable are parents' reasons for acting being based on reasonably controversial ethical judgements, that is, parents' reasons for action being based on particular answers to ethical questions about which people willing to agree with others on fair terms of social cooperation may freely answer differently.

For instance, imagine that the parents mentioned in the last example lived in a society where the proportion of the elderly has steadily been increasing during the last years up until a point where there is an urgent social scarcity of nurses. Imagine further that the daughter, though interested in learning socially useful things, has not developed a strong preference for a particular kind of job. Given that things were so, their parents could permissibly direct her to become a nurse provided that they justify their actions by public reasons that may appeal in that case, say, to the social usefulness of the kind of occupation in question. Moreover, the independence view could be interpreted as even more permissive in some special cases where people are not able to access to an available justification by appeal to the positive aspect of the Independentist's view or where flagrant injustices are prevalent.¹²³

¹²³ I am referring here to the wide sense of public reason and cases where appeal to perfectionist reasons are needed to combat grave injustices. See Rawls, J. (1995) *Political Liberalism*, lecture VI, p. 247-254 and part IV, 'The Idea of Public Reason revisited', p. 462-3 for the use of public reason in non-ideal circumstances and also for the inclusive view or public reason, the so-called proviso.

4.3 The political argument for children's independence¹²⁴

The Independentist uses a parallel case argument by drawing an analogy between on one hand, political morality defined by the relationships between the state and its citizens and, on the other hand, familial relationships between parents and their children. According to The Independentist, both domains share certain features thereby imposing in both cases certain justificatory burdens for the more powerful parties' commands to be morally permissible in light of the ideal of independence.¹²⁵

¹²⁴ Reminding our discussion of the best characterisation of political liberalism in chapter one, this is what I take to be the best answer to the where question for political liberalism.

¹²⁵ This argument, although not endorsed by Rawls, is inspired in the Rawlsian idea of public reason. However, another major figure who defends an anti-perfectionist kind of political liberalism is R. Dworkin, for instance, in his last book *Justice for Hedgehogs*. So, although I focus here on a Rawlsian argument for the independence view it is interesting to note how, even if one rejects the independence view because of being reluctant to accept the 'discontinuity' between ethics and politics, it is in principle possible to argue for the same view in Dworkinian terms since he also criticises Rawls' distinction between ethics and politics. In that case, the argument for the independence view would need to be appropriately modified and appeal to a plausible interpretation of the political ideal of equal concern and respect for all citizens requiring full autonomy too. Moreover, even if one accepts the Rawlsian argument, one may adopt a Dworkinian resourcist metric of children's advantage instead of the needs-based primary social good based on the moral conception of persons as free and equal.

It is also noteworthy an important difference between Raz's view on political freedom and the independentist's characterisation refers to its scope of application. Raz only applies it the state and its organs regulated by law and mine also applies to the conduct of individuals within the limits enforced by law. See, Raz, J. *The Morality of Freedom*, Oxford University Press, p. 3-4. Rawls' scope of application of the same ideal is also narrower than the independentist's because he does not include the familial domain within the scope of application of his principles of justice. Yet, following G. Cohen and M. Clayton, I include it. For a detailed discussion of why we should include it, see: Clayton, M. (2006) *Justice and legitimacy in Upbringing*, Oxford University Press. ch. 1, section 5. Cohen, G. A. (1997) 'Where the Action Is: On the Site of Distributive Justice', *Philosophy and Public Affairs*, 26, 3-30 and Williams, A. (1998) 'Incentives, Inequality, and Publicity' *Philosophy & Public Affairs*, 27, p. 225-47 and Quong, J. *Liberalism Without Perfection*, Oxford University Press, ch. 9, particularly, p.273-287

For the argument to succeed we need first to accept the normative claim made for the political domain, say, that the ideal of independence for all citizens requires the state to enforce legislation supported on reasons acceptable to all. Second, we need to agree on the presence of some specific features in the political domain giving us reasons for making the normative claim. Moreover, we should identify the very same features in the familial domain and note why other dissimilarities do not outweigh the reasons favouring the validity of the analogy. This will allow us to draw a similar conclusion.

The major normative premise of The Independentist's argument basically asserts his *liberal anti-perfectionism* within its original domain, say, political morality. Liberal anti-perfectionists share with other liberals the conviction that we ought to set and sustain political institutions for preserving basic individual liberties such as freedom of conscience, association, press and political participation. Yet, anti-perfectionists go one step further relative to the understanding of the political condition for autonomy by characterising the value of independence in a more ambitious way.

More precisely, anti-perfectionists claim that there is a principled inhibition on the kind of justificatory reasons a government may legitimately act on based on the value of independence rightly understood. In other words, they believe the state has strong principled reasons not to interfere in people's lives with the aim of promoting their well-being based on their independence. On the opposite side, perfectionists assert that there is no fundamental or principled opposition beyond pragmatic and prudential considerations for the government to guide political action for the sake of increasing citizens' well-being. For instance, a public policy subsidising opera on grounds that it makes citizens flourish to a greater extent than, say, tennis could be plausibly accepted by a

perfectionist understanding of the political condition for autonomy but rejected by any anti-perfectionist.¹²⁶

Now let me go deeper in the exposition of the ideal of independence by placing it in a broader account of social justice. Rawls's influential version of political anti-perfectionism completely lay out in *Political Liberalism* describes the author's mature conception of justice and legitimacy by answering the following question: how is it possible for there to exist over time a just and stable society of free and equal citizens who remain profoundly divided by reasonable ethical doctrines?¹²⁷

¹²⁶ For this understanding of perfectionism and anti-perfectionism see: Raz, J. (1989) 'Facing Up: A Reply', *Southern California Law Review*, 62, p. 1230. Even though the ideal of independence is partly inspired on Raz's conception of political freedom he is the most prominent advocate of perfectionism due to his narrow understanding of manipulation. For doubts about the compatibility of the ideal of independence and perfectionism see, for instance, Quong, J. (2011) *Liberalism without Perfection*, Oxford University Press, ch: 2, 3, p.45-108.

¹²⁷ For an outline of the project see: Rawls, J (1995) *Political Liberalism*, Columbia University Press, (intro. paperback ed.), in which Rawls, inspired by Rousseau's *Social Contract* and Hegel's *Philosophy of Right* raises and answers the main question addressed in P.L. as a revision on his conception of justice as fairness in his previous major work *A Theory of Justice*. Rawls acknowledges this influence in *Political Liberalism*, lecture VI, p. 219. Hegel is also acknowledged as a source of inspiration according to Rawls in 'The Idea of an Overlapping Consensus' in *Collected Papers*, p. 426, n. 10. To be sure, this is not the only view on liberal legitimacy, let alone non-liberal account of legitimacy. Rawls' conception is a particularly substantive view of legitimacy as opposed to purely procedural ones because it poses justice-based limits to legitimate statist actions. An even stronger substantives theory is Raz's service conception of authority in *The Morality of Freedom*, Oxford University Press, ch. 4, p. 70-99. One way to disagree with Rawls it is to reinterpret how reciprocity and toleration should be understood. However, one may even doubt about the distance between those views by pointing out the substantive elements or idealisations also present in Habermas' view on legitimacy based on an ideal speech situation. In noting the proximity between Rawls and Habermas views on legitimacy I agree with Rawls' remarks in 'Ideal of Public Reason Revisited' last chapter in *Political Liberalism*, p. 451. See also *Political Liberalism*, lecture VI, p. 220, for Rawls' reply to the criticism made to his view on public reason and legitimacy from proceduralist and feminist accounts claiming that his conception of public reason is 'monological' and reifies the exclusionary distinction between the private and the public domains. Rawls explicitly rejects the traditional private/public dichotomy and claims practical reason always to involve interaction with others, in other words, it is 'interpersonal' and 'dialogical' although he prefers to use the words social or domestic referring to the political and familial contexts of practical reasoning.

4.4 John Rawls' anti-perfectionism

As an answer, Rawls puts forward his political conception of justice based on an ideal of democratic citizenship among free and equal people. According to him, this ideal of social justice includes two further ideals; a moral conception of citizens with three highest order interests and a moral conception of social unity, namely, the so-called *well-ordered society*. Central for the Rawlsian interpretation of the three ideals just mentioned are the values of freedom, equality, reciprocity, and mutual respect which give content to Rawls' conception of democratic citizenship as *civic friendship* chiefly characterised by his encompassing ideal of public reason. Moreover, Rawls points out that his conception and ideals are inspired in a tradition of democratic thought enjoying an implicit appeal among the citizens of contemporary democratic regimes which is reflected by their presence in the public political culture.¹²⁸

Rawls's argumentation in *Political Liberalism* starts by a diagnosis of the problem of how to realise his ideal of social justice in a perdurable way in pluralistic democracies. His diagnosis mainly consists in an interpretative characterisation of five social facts in a way that will crucially shape his solution. The social facts Rawls identifies are the following:

¹²⁸ Rawls notes that his moral conceptions of persons and society are thought as reconciling the tension that B.Constant labelled as the modern vs the ancient conceptions of freedom and equality represented by Locke and Rousseau. See Rawls, J. (1995) *Political Liberalism*, Columbia University Press. Lecture I, p. 5.

Since advocates of republicanism have criticised political liberals for mischaracterising freedom, it is also worthy to see Kolodny, N. 'Being under the Power of Others' for a detailed analysis and critique of the republican notion of freedom as non-domination. Particularly interesting for our purposes is his claim that republicans and kantians such as Ph. Pettit and A. Ripstein give no justification for the permissibility of domination by many or a state and the critique of conceiving political freedom as an all-or-nothing value. Note the independentist described here takes into account the value of independence as only conditionally valuable on citizens' reasonability taking into account that independence is only valuable to a certain degree and compatible with a fair share of political power for all citizens. In that sense, it avoids Kolodny's insightful critique of Republicanism.

(1) The fact of *reasonable pluralism*, that is, that the presence of deep and persistent disagreements between ethical doctrines cannot only be based on ignorance, malice or group-centered interest but is the predictable result of sincere and conscientious persons under conditions where basic liberties are effectively protected, given the complexity of the subject matter at hand. Related to the latter, Rawls points to the necessity that (2) a *relevant majority* of these rightly disposed people willingly accept the public commands of coercive institutions in order to sustain the *right kind of stability* (3) or social unity any society needs. Jointly, these two just mentioned facts imply that political power cannot be uniquely justifiable only by reference to a particular ethical doctrine. For if a relevant amount of citizens who have freely come to endorse an ethical doctrine are forced to abide by the commands of political power by threat or pragmatic considerations, because coercion is uniquely justifiable to adherents of a particular ethical doctrine, the kind of social stability that would be achieved - a *modus vivendi* - would neither be based on the ideal of a fair distribution of political power nor would be respectful with the ideal of civic friendship. This is the *fact of oppression* (4). Finally, Rawls identifies the further fact that the ideal of fair cooperation between free and equals as the basis of

social unity enjoys at least an *implicit appeal* (5) among actual citizens in contemporary ethically plural societies.¹²⁹

The interpretation of these facts lead Rawls to the idea that we need to fix the basis public life and political authority in our societies by appeal to publicly endorsable ideals accessible to all free and equal creatures with a capacity for practical and theoretical reasoning rather than with reference to the whole truth in ethics.¹³⁰

So, the two necessary conditions for social justice to be achieved are:

- 1) to make possible an overlapping consensus on *publicly endorsable ideals* rather than by appeal to ethically controversial ones, and
- 2) to make possible a kind of social unity grounded on reciprocity rather than self-interested calculations.

¹²⁹ For a further explanation of these facts see, for instance, Rawls, J. (1995) *Political Liberalism*, Columbia University Press, lecture 1, p. 36-38, including footnote 41. Note that I said that the mentioned facts are interpretative ones because otherwise one may be lead to some important misunderstandings. The clearest examples of those 'facts' being interpretative in light of Rawls' ideal of civic friendship rather than merely factual are, from my point of view, the three following ones; 1) rejection of taking as relevant actual pluralism, 2) analogous rejection of the possibility of social stability based on strategic interests, 3) his interpretation of the possibility of a political consensus based on public reason thanks to an implicit appeal of his conception of social justice. See also Rawls (1980) 'Kantian Constructivism in Moral Theory' in *Journal of Philosophy*, vol. 77, n. 9, p. 518-19, where he clarifies that the 'implicit' appeal of an ideal does not necessary mean for him the actual presence of a shared understanding on some ideal but the acceptability for all of some potential characterisation of an ideal on which it may not be an actual agreement about its content, and p.554-560 where one can understand better what Rawls means by 'facts' in light of his meta-ethically constructivist perspective on moral theory committed to the recognition of any facts relevant for moral philosophy logically prior and independent from practical reasoning.

¹³⁰ See Rawls (1996) *Political Liberalism*, p. 137 for his liberal principle of legitimacy. It is important to note that the content of the Rawlsian overlapping consensus based on public reason contains ethical ideals even though it aims at reconciling reasonable yet incompatible ethical doctrines. For a detailed exposition of these ideals see Rawls (1996) *Political Liberalism*, lecture IV, 'Priority of ideas of the Right over the Good'.

This is the most original insight in *Political Liberalism*, inspired by, in Rawls' own words, 'the liberal ideal of toleration applied to political philosophy itself' consisting in narrowing the scope of application, the content and the cultural sources of values of his conception of justice. Framed in terms of legitimacy Rawls famously claims: 'our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in light of principles and ideals acceptable to their common human reason'.¹³¹

Now, Rawls uses 'publicly endorsable ideals' as a rather technical term of art referring to the ideal of *full publicity* which is part of the ideal of a *well-ordered society* of free and equals which jointly contain the following elements:¹³²

First, in a well-ordered society the agreed principles of social cooperation are effective and publicly known to be so where effective means that the main social institutions satisfy them and citizens' sense of justice generally prevails and publicly known means; 1) that principles are accepted and known to be effective by everyone, 2) that the latter fact is also publicly known, 3) that all can recognise by public methods of inquiry when the main social institutions satisfy the principles agreed upon, 4) that the kind of reasoning and the general beliefs in light of which principles of social cooperation are accepted must be given by scientific theories and beliefs non-controversially shared within the culture of the relevant society and, finally 5) that the full justification of how and why political power shapes people's life as a whole is accessible for any person willing to understand it so that everybody is able to endorse the constraints they face in life.

¹³¹ Here I say framed in terms of legitimacy because, as I shall argue in a following chapter, there are compatible yet distinct values and arguments that can be appealed as a reasons for endorsing Rawls' political liberalism.

¹³² For the ideals of well-ordered society and the full publicity condition see Rawls, *Political Liberalism*, lecture I, p. 35-39, lecture II, p. 66-67 or 'Kantian Constructivism in Moral Theory' p. 536-40. Note that, as Rawls himself acknowledges, it is a highly idealised notion which aims at preserving the value of independence understood as embracing the constraints one faces in life that resembles to the Marxist ideal of eradicating false consciousness or ideologies.

It is worth to emphasise that it is the ideal of full publicity and, more precisely, its fifth condition, which makes Rawls' proposal an anti-perfectionist one. Moreover, the leitmotiv for putting forward this ambitious ideal, cannot be fully understood without taking into account the practical and educative role Rawls attaches to moral and political philosophy. Rawls explicitly aims with his work at reconciling traditional conceptions of political freedom and equality. The ideal of full publicity needs to be understood in this sense, as trying to link his ideal of persons, the ideals of well-ordered society and pure procedural justice. Now, Rawls' ideal of pure procedural justice can't be adequately developed here and would lead us to a complex discussion which is not very relevant for our concerns.¹³³ But, for our purposes, it suffices to define it, very roughly, as Rawls meta-ethical position that conceives moral objectivity or validity as dependent and resulting from the human capacity for practical reasoning in some specific sense. Thus, it is part of Rawls' ideal of free persons in its most abstract and fundamental sense.

Finally, the ideal of a well-ordered society has already been presented along with the ideal of full publicity. But the explanation why the conditions for a well-ordered society are so was left unexplained. Rawls' conception of the educative role of moral philosophy is one of the explanations why Rawls requires the ambitious condition of full publicity as an ideal aim towards which his ideal society aspires. A further explanation of the stringent conditions for this ideal has been less noticed and can be described as follows. Rawls implicitly subscribes to the Aristotelean principle stating that for any inquiry on the appropriate normative criteria governing a particular thing or domain we need to take into account the nature of the domain that concerns us. Now, political philosophy is particularly concerned with the political domain, more precisely, its main social, political and economic public institutions and practices. Distinctive of the political domain are according to Rawls the following elements; its non-voluntariness, inescapability, coerciveness and pervasive impact in one's future

¹³³ For more on it see, for instance, Freeman, S., (2007) 'The Burdens of Public Justification: Constructivism, Contractualism, and Publicity' in *Politics, Philosophy & Economics*, vol. 6, n. 1

life chances. It is by considering these particularities that we need to understand the stringency of Rawls' conception of well-ordered society.¹³⁴

Once we have a better understanding of the anti-perfectionist position advanced in the first premise of The Independentist's argument, we can proceed to the second step in his argument. An appeal to the just mentioned characteristic elements of the political domain is what constitutes the next step in the Independentist's political argument.

4.5 The analogy

The following are the three common features between the familial and the political domains are understood as sufficient for running the parallel case argument. Political relationships are 1) *non-voluntary*; 2) *coercive* and have a 3) *profound impact* in the characters and behaviour in lives of the people living under their power.¹³⁵

¹³⁴ See, Barnes, J. & Kenny, A. (ed.) (2014), *Aristotle's Ethics, Writings from the Complete Works*, Princeton University Press, ch. 'Nichomachean Ethics', p. 215-218 "Every craft, and every inquiry and similarly actions and choices, are thought to aim at some good; that is why the good has rightly been declared to be that at which all things aim" "Our discussion will be adequate if it is as illuminating as the subject-matter allows; for precision is not to be looked for alike in all discussions, any more than in the products of the crafts" "for it is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits" See also: Rawls, J (1995) *Political Liberalism*, lecture VII, 'The Basic Structure as Subject' p. 262 for Rawls endorsement of the Aristotelean principle mentioned "it is the distinct purposes and roles of the parts of the social structure, and how they fit together, that explains there being different principles for distinct kinds of subjects. Indeed, it seems natural to suppose that the distinctive character and autonomy of the various elements of society requires that, within some sphere, they act from their own principles designed to fit their peculiar nature".

¹³⁵ See Rawls (1996) p. 135-137 for the peculiarities of basic structure as coercive, non-voluntary. See also Rawls (1996) lecture VII, p. 269-270 for the importance of the basic structure as having pervasive effects and Rawls (1980) 'Kantian Constructivism in Moral Theory' in *Journal of Philosophy*, vol. 77, n. 9, p. 536 for the ideal of a well-ordered society as closed and ongoing society. For Rawls' remarks on possibly extending the scope of public reason once we've shown it is required in cases regarding constitutional essentials and basic justice, see his (1996) *Political Liberalism*, 214-215.

Of the three features of the political domain just mentioned, the first one is probably the easiest to explain. For understanding what non-voluntariness means, it is useful to contrast political relationships -as paradigmatically non-voluntary- with the kind of relations that we commonly establish in private associations which we typically take to be voluntary. Most commonly, when we join, say, an sports team, we do it voluntarily, that is, as a result of our own choice and we have the option to leave the team whenever we want. In contrast to the associational domain, we enter the political domain by birth -which has obviously not been something we've chosen- and we only exit it by death. If there is something that we commonly take to be incompatible with voluntariness, this is coercion. However, quite recently, philosophers have shown that how coercion should be understood is a rather complex matter despite what it may initially appear.¹³⁶

The following elements have been commonly proposed as constitutive of coercion; a) physical interference, b) being subject to or controlled by another person and c) significant impact over others' action. Perhaps the most cases we most commonly say coercion exists are the one where a) obtains. For instance, it is common to say that we coerce prisoners by forcing or making physically impossible for them to do anything outside their cells. However, there are also cases where it seems natural to say that coercion exists and yet, no physical interference has occurred yet. For instance, imagine a case where a robber asks for your money while threatening your life with a gun. Moreover, we can also think about modern states' legal systems which are commonly qualified as coercive. Yet, on many instances, legal rules are effective without the need of its physical enforcement. Thus, it seems plausible to think that the potential enforcement rather than actual physical intervention is what actually distinguishes cases of coercion. Or, to put it in more precise terms, we may say

¹³⁶ Note, for instance, that R. Nozick's influential account of coercion makes it dependent on the presence of coerced's choice. See Anderson, Scott, "Coercion", *The Stanford Encyclopaedia of Philosophy* (Winter 2017 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/win2017/entries/coercion/>>.

that even though a) is a sufficient condition for coercion to obtain, it is not a necessary one.¹³⁷

In coercive scenarios, we may plausibly think, there is a particular kind of interpersonal relationship in which the coercer has the capacity to control coercee's intentions by way of a conditional threat that, if the coercee does not comply with, can effectively be implemented by the coercer's use of force. Condition b) above refers to this kind of consideration.

Now, at this point, it seems that we are committed to say that all instances of conditional threats, are cases of coercion. Yet, imagine a very weak state that issued commands backed by the threat of the use of force to implement it in cases of non-compliance. Imagine further that given its weakness, no one changed their behaviour in any way and the state could do nothing to prevent it. It would be weird to label such a state as a coercive one. It follows then, that for a certain type of relationship to be properly labelled as a coercive one, the coercer's threats need to have a relevant impact in the coercee's plans or dispositions to act. In other words, completely ineffective threats do not count as coercive one's insofar as they have no relevant impact on coercee's acts or intentions.

In a parallel way, children have no choice whether or not to enter the parent-child relationship and abide by their parents commands. They enter into their families' life as newborns. They are made to accept many constraints on their conducts fixed mainly by their parents' will. And parents have ample discretion and pervasive impact with regard to both the content and the way in which values are shaped in their children. Thus, by analogy, when asking for the moral permissibility of parental transmission of values we should ask parents for the same kind of justificatory burden we demand to a liberal state to be legitimate because the parent-child relationship shares three relevantly analogous features with the state-citizens relation.

¹³⁷ Note R. Nozick's account do not include a). See Anderson, Scott, "Coercion", The Stanford Encyclopaedia of Philosophy (Winter 2017 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/win2017/entries/coercion/>>.

Granted both the normative content of the liberal principle of legitimacy and the analogous features of both domains we can see now why The Independentist is an anti-perfectionist with regard to the familial domain and so why it argues against the permissibility of parental shaping of their children's ethical views justified by appeal to any particular view of the good for children.

Yet, before putting an end to this section, it is worth emphasising that it is also plausible to claim that we have good reason to consider the ideal of independence for children as more plausible than independence for adults. That is, although the Political Argument for Independence is based on signalling some significant similarities between the case for adults' independence and the case for children's independence, there is reason to accept the ideal of independence for children even if someone rejects the case for adults' independence. Or, put it differently, even if we endorse the ideal of independence both for adults and children, we have reason to regard the latter as more robustly grounded. The reason is that, in the case of children, disrespecting the value of independence will plausibly have significantly major impact than in adults' case.

4.6 Objections against the analogy

Numerous objections have been raised to the analogy and the independence view based on children's interests. Yet, I shall argue no one gives us sufficiently reason to defeat the Independentist's case.¹³⁸

In brief, some object that children cannot count as non-voluntary parties in their familial relationships since, as opposed to citizens, they are normally able to escape their parents' control at some point. However, we should emphasise the

¹³⁸ For a more detailed treatment of these objections and a few more, see Clayton, M. *Justice and Legitimacy in Upbringing*, ch. 1 and 3, 'Anti-Perfectionist Childrearing' in Bagattini, A. Macleod, C. (ed.) (2015) *The Nature of Children's Well-being. Theory and Practice*, Netherlands:Springer. All in all, I agree with Matthew Clayton that no one can plausibly be depicted as sufficiently strong to make the case by analogy irrelevant or a flawed one.

fact that human beings are the mammals that depend on their progenitors the most extended period of time so that all children pervasively affected by the upbringing in some particular family where they have been involuntarily born.

Others plausibly claim that children cannot be counted as having the status of citizenship since they lack the relevant capacities that normally functioning adults have thereby making them incapable of rejecting the views they are educated in. But even if children are not fully autonomous persons it does not follow they do not have an interest in becoming autonomous which ought to be protected by their parents as guardians or trustees. Moreover, their future capacity and probable retrospective rejection of some ethical views may plausibly be considered for parents as an *ex ante* reason for refraining to shape their children's attitudes in a particular ethical direction for the sake of their independence. The reason why retrospective rejection is probable has already been put forward. In agreement with Rawls' interpretation of the fact of reasonable pluralism, reasonable people should acknowledge the possibility that conscientious exercise of their practical reason may result in distinct ethical convictions under free conditions. In addition, support for the claim that children's independence may be affected even if they presently lack capacities for self-determination and critical rejection of ethical views, come from cases of postmortem respect for the will of a dead person. This is a commonly accepted case where respect for a person's ethically significant decisions call for other's refrain from changing them in spite their incapacity for critical rejection.

Finally, some have pointed to what I take it to be the strongest case against the analogy between the political and the familial domains based on the different nature of both domains. Indeed, one may plausibly claim that the most relevant feature of familial relationships as opposed to political ones is that the former is usually conceived as relying on love, intimacy, affection and care rather than coercion. In that sense, parents could not be plausibly conceived as impartial administrators adjudicating between conflicting claims as ideally neutral and dispassionate judges or state officials. I think we should grant these claims. However, they are compatible with anti-perfectionist

concerns and insufficient to deny the importance of the value of independence as understood by the Independentist which may come in degrees. For illustrative purposes think about how we conceive loving relationships between adults as substantially different, for instance, from civic ones and yet, we still distinguish between good and bad instances of loving partners.¹³⁹

At that point, an available rejoinder of the objection could say that because we love our children more than our fellow citizens it is both more *costly* and more *difficult* to comply with the liberal restraint in our familial relations. Arguably, we may grant that the latter provides some reason to accept that the argument is less likely to be decisive as a *full justification* of parental conduct even if it can be considered a sound *pro tanto justification*.¹⁴⁰

¹³⁹ An account of the kind of general civic concern that may plausibly be required among citizens even if we grant the disanalogy pointed by this objection has been provided by R. J. Leland and S. Schwarzenbach. See chapter 2 of this thesis.

¹⁴⁰ See, pages 52-53 for more on the distinction between pro tanto justification and full public justification in Rawls, J., (1995) 'Political Liberalism: Reply to Habermas' in *Journal of Philosophy*, vol. 92, n. 3, section 2

CHAPTER 5: TWO COMMON VIEWS ON PARENTAL LANGUAGE TRANSMISSION

Chapter four has presented my positive proposal with regard to parental transmission of value to children. The following two chapters will be devoted to a particular case of transmission of value, namely, the case of language. The present chapter five, similarly to chapter three, presents two common liberal views defended again by The Moderate and The Culturalist. Moreover, it presents the main criticism The Independentist raises against them.

5.1 Introduction

I take it as uncontroversial to claim that an important part of parental transmission of value to children necessarily has a linguistic vehicle. In other words, parents inevitably use a language-or a quite limited number of languages-to transmit their values to children. Moreover, in liberal democratic societies, parents also indirectly choose the languages that will be transmitted to children in schools in voting for a particular political option. So the following interesting questions arise for liberals committed to the value of children's autonomy: Do liberal parents have any reasons to choose (a) particular language(s) in interacting with their children? What reasons do citizens have in choosing the language(s) available in public institutions such as the school? And what reasons do parents have in choosing the language their own child will use in school?¹⁴¹

¹⁴¹ It is worth noting that I have simplified the issue as parents facing only two choices, say, the usual language used within the family and the one learnt in school. Yet, parents also determine the language that public institutions other than schools use so they also face other relevant public choices concerning state's regulation on language matters that will shape children's social environment. I have in mind choices such as the language used by public officials, courts, public signalling, symbols, commercial packaging, warning labels, immigration policies, TV, etcetera. An obvious reason for this simplifying assumption appeals to simplicity of the discussion itself. But a further reason here is that, since we are concerned with children's autonomy as children, the school's language is the parental public choice that will most pervasively affect children's language acquisition along TV. So, if one wills, each time I mention schools one could also think in public television too.

Fortunately, contemporary moral and political theorists have recently drawn their attention to this kind of interesting and quite under-explored questions about linguistic justice.¹⁴² In this chapter I shall draw on recent literature about linguistic justice in order to answer the just mentioned questions about parental transmission of language. More precisely, I shall defend what I take to be the best view on liberal transmission of language. Again, it will be represented by the Independentist who will reencounter the Moderate and the Culturalist as opponents. But first some of clarifications are in place.

The Moderate view on language transmission will represent the views of many people, including some of those that have academically reflected on issues about linguistic justice who mainly emphasise the instrumental value of language. This does not imply that we should understand The Moderate as only representing the more extreme views that take languages to be *merely* instrumentally valuable. The Moderate's view should rather be understood as compatible with giving *some* relevance to the considerations that will be advanced later by The Culturalist, who emphasises the non-instrumental aspects of language. Yet, The Moderate will advance a set of interests, values and arguments as the considerations that, overall, outweigh other considerations that might have some relevance. Conversely, I will proceed in the same way representing with The Culturalist the views that emphasise the non-instrumental aspects of language. Quite naturally, some reader could plausibly protest that, by proceeding in this way, I will misrepresent the debate and be unfaithful to middle-ground views or views different from the one I argue for here. But my concern here is not a descriptive in the sense of aiming at presenting a faithful description of the state of art. Rather, the characters of The

¹⁴² For complete accounts of the relevance of language issues for contemporary moral and political philosophy see, for instance: Patten, A., & Kymlicka, W., (2003) 'Introduction: Language Rights and Political Theory: Context, Issues and Approaches' in *Language Rights and Political Theory*, Oxford University Press. In brief, they signal as practical factors of interest: ethnolinguistic and nationalist conflicts, migration, global democracy, language diversity and loss. And as theoretical factors of interest: the debate on liberal neutrality and communitarianism, and common language as a requirement of deliberative democracy as opposed to aggregative views of democracy. See also Van Parijs, P. (2011) *Linguistic Justice for Europe and for the World*, Ox:Oxford University Press, Introduction.

Moderate and The Culturalist are used here to clarify the main types of arguments and counterarguments that I take to be worthy of consideration in order to pave the way to argue for The Independentist's view on parental transmission of language.

Here's a second related clarificatory point. I am not aware of much literature on linguistic justice that is specifically concerned with its implications *for children's autonomy*. But, since we are particularly concerned here precisely with this issue, I shall reconstruct the main arguments and considerations present in the literature on linguistic justice with this particular concern in mind. Thus, especially for the reader familiar with the relevant literature on linguistic justice, it will be useful to keep in mind that some of the interests individuals are commonly said to have in relation to language are re-described here in relation to children's interest in autonomy.

A third clarification concerns the distinction between three questions which are often intermingled in the relevant literature on linguistic justice. We should be careful in distinguishing the question about the specific *content* of linguistic policies, from the question about the *grounds*, that is, the linguistic interests, reasons or arguments that are advanced in their support, and also from the question about *who* should decide on linguistic matters or, in other words, what is the political jurisdiction or constituency that is relevant for discussing arguments and policies related to language. With regard to the first question on the content, one may for instance favour public monolingualism, or bilingualism, or multilingualism, and these options may, in turn, take various specific forms in policy terms. With regard to the question on the grounds, it will be useful to distinguish, on one hand, between instrumental and non-instrumental reasons for valuing language and, on the other hand, between outcome-oriented and justification-oriented kinds of views. Finally, focusing on the third question about the decision level, we may distinguish between linguistic policies at the level of regions or provinces, nations, states, supra-state institutions or even global ones. In the following, I will be mainly concerned with the second question about the best grounds for arguing about matters of linguistic justice. Yet, I will

also make some general remarks about its implications for the question on the content of linguistic policies. Moreover, I also believe discussing the question about the best grounds for linguistic transmission should have a significant weight on the who question, but this is a claim I shall not try to defend here.¹⁴³

¹⁴³ Thus, as the reader familiarised with the relevant literature may have noted, I will not frame the discussion in terms of an often proposed dichotomy between the so-called principles of personality and territoriality because, discussions framed in those terms, often define the principles in relevantly different ways blurring the three questions distinguished here. I follow here Branchadell, A. (2005) *The Morality of language policy. A comparative study of the liberal democratic legitimacy of Quebec and Catalunya's language regimes*, Barcelona: Institut d'Estudis Catalans, p. 98-107. For other careful discussions of the principles also singling to the problem just mentioned see, for instance, Réaume, D. 'Beyond Personality: The Territorial and Personal principles of language policy reconsidered', ch. 12 and Patten, A. 'What kind of bilingualism?', ch. 13 both in Kymlicka, W. and Patten, A., eds. (2003) *Language Rights and Liberal Theory*, Oxford University Press, A. Patten's same remarks are restated in his book, (2014) *Equal Recognition. The Moral Foundations of Minority Rights*, Princeton University Press, ch. 6, p. 227-23

Will Kymlicka and Brian Barry provide prominent examples of such conflation. W. Kymlicka is often categorised as a defender of the territoriality principle because he argues for public regimes favouring the promotion of the languages of territorial concentrated nations within larger states. For this reason, many label his theory as ethnocultural nationalist. The second author, on the contrary, is often categorised as a defender of the personality principle because he argues for the public promotion of one single language, say, the language of the majority. It is for this reason that he is often labelled as a civic nationalist or even an anti-nationalist. However, once we take into account how they answer the who question of the demos that should decide on linguistic matters as a distinct question from the other two, both can be similarly categorised as majoritarian nationalists that, depending on how we define the personality and territoriality principles argue according to either one or the other. For both argue for a monolingual public regime and answer the who question by appeal to territorially concentrated linguistic communities. One may think of W. Kymlicka's context of choice argument in his (1989) *Liberalism, Community, and Culture*, Oxford University Press, p. 166 along with his appeal to societal cultures in (1989) p. 76 and see also B. Barry following remarks (1993) *Culture and Equality. An Egalitarian Critique of Multiculturalism*, Harvard University Press, p. 227: 'Political communities are bound to be linguistic communities, because politics is (in some sense) linguistically constructed. We can negotiate our way across language barriers but we cannot deliberate together about the way in which our common life is to be conducted unless we share a language. Where historic communities based on language exist already, there is no satisfactory alternative to recognising them as political communities as well, at any rate where they occupy geographically compact areas'.

Fourth, the following discussion will be concerned with what has been called 'ideal theory'. That is to say, I will address issues of linguistic justice in parental transmission of language abstracting from two important features of reality. First, I will assume that agents are generally willing to comply with the agreed principles of justice whatever they are and I will also assume the absence of past injustices. Second, I will also make the idealising assumption that people live under favourable social conditions in the sense that no extreme circumstances such as a natural catastrophe or famine thwart people's will to cooperate. It is particularly important to have these assumptions in mind in our present conditions because violence, linguistic rights violation and migration due to severe scarcity have been the norm rather than the exception in the past nation-building processes of our liberal democracies. Yet, the present exercise is not futile because in approaching past injustices not only background-looking considerations might be taken as relevant but also forward-looking ones. That is to say, we might counter-factually think how things would have gone or what present social institutions as the causal products of past injustices. But we should also look at how far are we in present circumstances from our ideal of a just society and what is the best way to come closer. Thus, even if we abstract from past injustices, the considerations that we will discuss may be helpful in thinking about how to act in non-ideal circumstances.¹⁴⁴

Finally, let me present here an argument already known by the reader which is shared by all the characters who will defend different views on parental linguistic transmission. I take it any minimally plausible liberal view on linguistic transmission claims that parents ought to secure their children's linguistic freedom as adults. That is, they ought to keep their future open concerning their future linguistic choices. In other words, parents cannot try to prevent their children, when they grow up, from abandoning the use of the language(s) that

¹⁴⁴ For a helpful discussion on this issue see, for instance, Simmons, J., (2010) 'Ideal and Nonideal Theory' in *Philosophy and Public Affairs*, vol. 38, n. 1, Rawls, J (1999) *A Theory of Justice*, rev. ed., Harvard Univ. Press, p. 8, 215, Stemplowska, Z., & Swift, A., (2012) 'Ideal and non-ideal theory' in Estlund, D, (ed.) *The Oxford handbook of political philosophy*, Oxford University Press and Valentini, L., (2012) 'Ideal vs. non-ideal theory: a conceptual map' in *Philosophy Compass*, vol. 7 n. 9.

they have transmitted to them in the family or in the school in any of the following ways; by physically preventing them to learn different languages, by threatening them with familial and social exclusion in case they choose to express themselves in a different language or by making their attachment to the transmitted language(s) excessively strong in way that it would be not merely difficult but emotionally unbearable for them to abandon its use as adults. As the reader already knows, the latter seem to involve clear violations of the political condition of autonomy in any plausible understanding of the ideal. This is what I labelled as the *open future argument* which should also apply in the language case.

5.2 The Moderate

Let me begin by describing The Moderate's view that, as I already advanced, mainly emphasises the instrumental value of language as a communicative tool. The Moderate's view may again be divided between the options and constraints it places on parents' linguistic choices in relating with their children.

With regard to parents' *private* linguistic choices, that is, parents' choices within the familial domain or in direct interactions with their children, The Moderate claims that parents are *permitted* to freely choice the language they use in interacting with their children. To be more precise, we may qualify the latter claim by saying that parents have a free choice given that their preferences do not lead them to use a language that make their relationship with their children awkward. I have in mind here the weird case of parents that, for ideological reasons, might choose a language in which they are not competent enough to sustain fluid and affectionate communication with their children.

With regard to parents' *public* linguistic choices, that is, in choosing as citizens the languages that will be transmitted to their children in the school and other public institutions, The Moderate favours *public monolingualism*, that is, a linguistic policy regime in which public institutions use the majority's language. Now, although I will not be mainly concerned with the question about the

specific shape or content of public linguistic policies, a few clarifications are in place here.

For simplicity's sake, I shall assume the following features of a public monolingual regime. First, that public monolingualism may be accompanied by the availability of minority language learning options such as optional or mandatory second-language courses in public schools and/or in publicly funded academies. Second, when I refer to public monolingualism I will assume the language chosen as the public one is the majority's language. Moreover, I assume that all public institutions have roughly the same linguistic policy. A critical reader may wonder why I do not more naturally characterise The Moderate's view on public transmission of language by giving parents the option to freely choose the language used in the school of their child which may be a different one from other schools. The reason is that The Moderate gives a central place to considerations of efficiency, social unity and democratic deliberation as the reader will see in the following. Thus, on these grounds, it seems more natural for The Moderate to favour homogeneous rather than heterogeneous public linguistic policies.¹⁴⁵

¹⁴⁵ The Moderate's view is inspired in the many authors that have emphasised the value of language for nation-building. See, for instance, Miller, D., (1995) *On Nationality*, Oxford University Press, particularly ch. 5, Barry, B., (1993) *Culture and Equality, An Egalitarian Critique of Multiculturalism*, Cambridge: Mass, Harvard University Press, Habermas, J., (1993) 'Struggles for Recognition in Constitutional States' in *European Journal of Philosophy*, vol. 1, n. 2, Kymlicka, W. (1989) *Liberalism, Community and Culture*, Oxford University Press, (1995) *Multicultural Citizenship*, Oxford University Press, particularly, ch. 5, 6 and 9 and see also his (2001) *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*, Oxford university Press, particularly, ch. 16.

It is worth clarifying that by *common language or common public language* I shall merely refer to a language that aims at making possible communication with and among citizens within a political unit. So it should not be confused with its non-technical or ordinary usage in politics, nor with other related notions with further connotations such as lingua franca, official language, national language, dominant language, L1 or majority language. I've benefited here from reading: Riera G., E., (2013) 'Sobre el concepte polític de llengua comuna: una aproximació teòrica i comparada' in *Revista de Llengua i Dret*, n. 60 and Riera, E. (2013) 'Una federació necessita una llengua comuna?' in *Political Theory Working Papers*, n. 14, available online in: <https://www.upf.edu/web/grtp/entry/-/-/U77659/adscriccion/elvira-riera>

One common way to justify the parental options with regard to parents' linguistic private choices is to appeal to parents' basic liberty as an individual right. However, The Moderate's strongest characterisation does not appeal to such a rights because, as I argued in chapter three, a rights-based justification of individual liberties as a completely unrestricted domain of choice is implausible. For there are some basic moral and legal norms that although they limit individual liberty, are arguable uncontroversial. We may think, for instance, in norms abasing physical abuse. Alternatively, one could reframe The Moderate's argument by appealing, more plausibly, to the fundamental interests parents have in self-expression as supporting parents' moral permission to use the language they want in every circumstance.¹⁴⁶ I do not want to imply that considerations about parents' self-expression are unimportant or irrelevant for our purposes. In fact, I believe the latter would be, all things considered sufficient in support of parents' linguistic freedom within the private domain.

However, as I previously said, our discussion is mainly focused on children's interests. So The Moderate's view on parental options is best grounded on children's fundamental interests in autonomy and self-respect. A plausible argument based on children's development of a secure sense of one's own worth, self-esteem and self-respect may be constructed along the following lines.

a) The familial adequacy argument

First, it is plausible to claim that there are some psychological requirements for developing children's self-respect and self-esteem.¹⁴⁷ Second, a plausible

¹⁴⁶ See, for this kind of parent-centered claim, Van Paris (2011) *Linguistic Justice for Europe and for the World*, Oxford University press, ch. 3, p. 89.

¹⁴⁷ For empirical evidence supporting the psychological claims on children's development see, for instance, the numerous citations from different psychological schools in Rawls, J (1971) *A Theory of Justice*, revised edition, Harvard University Press, ch. VIII. For another more complete view on the implications of children's psychological needs for liberal transmission of values to children see, for instance, Brighouse, H. & Swift, A., (2014) *Family Values*, Princeton University Press, particularly, ch. 3 and 6

candidate for being one of the mentioned preconditions consists in having a psychologically adequate relationship with one's parents as a child, that is, an affectionate, supportive and *somewhat* intimate, sincere and spontaneous relationship.¹⁴⁸ Third, excessively constraining or monitoring parents' self-expression may probably undermine an adequate relationship between parents and their children. Thus, parents should be free in their linguistic choices for the sake of their children's development of self-respect and self-esteem. Let me call this argument the *argument from adequate familial relationship* or, for short, the *familial adequacy argument*.¹⁴⁹

b) The context of choice argument

Now, as I already advanced, The Moderate also claims that children's autonomy constrains parents' public linguistic choices with the following line of argument. First, as the reader may recall, what I've called the contextual condition for autonomy establishes the necessity of an ethically adequate social environment for the meaningful exercise of an individual's autonomy. Second, the following can arguably be said to constitute some of the fundamental elements of an ethically adequate society; a) the existence of a public sphere for democratic deliberation, b) the opportunity to attain valuable social positions in the job market and public offices c) an ethically diverse range of private associations of the civil society and d) at least a minimal level of social unity, stability and economic solidarity. Third, elements from a)-d) either require or are significantly strengthened by the availability of a common language among citizens. Thus, according to The Moderate, parents ought to make sure that children learn the

¹⁴⁸ For the psychological remarks on spontaneity see, for instance, MacLeod, C, (1997) 'Conceptions of parental autonomy' in *Politics & Society*, vol. 25 n. 1 and (2003) 'Shaping Children's convictions' in *Theory and Research in Education*, vol. 1, n. 3.

¹⁴⁹ It is worth noting the difference between The Moderate's view here on the implications of the identity condition for autonomy and self-respect with regard to the transmission of *language* and The Culturalist previous argument arguing for the transmission of *ethical doctrines* in 1.4.b. In other words, while it seems to me plausible to claim that parents should be free to express themselves in the language they want as a psychological requirements for autonomy's development, it doesn't appear as similarly necessary for parents to transmit one's whole ethical views.

language of the majority in the school. Let's call it the *context of choice argument*.¹⁵⁰

The latter paragraph has outlined The Moderate's argument from context of choice. Yet, it is worth developing some of its contents that remain unclear. At first glance, for instance, under some views of representative democracy a common language in which all citizens are competent may not be required. For we just need to ensure that all citizens can understand public institutional instructions and the political discourses of the electoral candidates which may be available in different languages or may only require minimal understanding skills in that language. Thus, according to this view of democracy, there are fewer people who need to communicate among themselves and therefore who need to master a common language. However, a more plausible ideal of democracy requires a public and ongoing debate that engages different ideological proposals exchanging reasons in favour of their respective political claims. Thus, arguably, we should aim at making possible the formation of a *common deliberative community* of citizens by facilitating the spread of one language among all citizens.¹⁵¹

¹⁵⁰ Note this line of reasoning resembles the popular argument put forward by W. Kymlicka based on the cultural preconditions of autonomy. See Kymlicka, W. (1989) *Liberalism, Community and Culture*, Oxford University Press, p. 165-66 and also his (1995) *Multicultural Citizenship*, Oxford University Press, p. 83-4. The reader familiarised with the literature however, may object that I mischaracterised W. Kymlicka's argument which argues for transmitting *their* national language rather than the majority's language. However, while it is certainly true that the most sympathetic reconstruction of W. Kymlicka's view would be different, something more that the appeal to a context of choice is needed for the argument to be valid as we will see below. This is a common criticism to W. Kymlicka's argument. For a good discussion of it see, for instance, Patten, A (1999) 'Liberal Egalitarianism and the case for supporting national cultures' in *Monist*, vol. 82, n. 3, p. 7-8 and Patten, A, (1999) 'The Autonomy Argument for Liberal Nationalism' in *Nations and Nationalism*, vol. 5, n. 1, particularly, p. 8-11. Note further that even if the common language coincides with one's familial language, parents' have also a say via the voting system in what other children learn in school. So, according to The Moderate, they are required to try to make learning the common language not only to their children but also non-native speakers.

¹⁵¹ For an argument along these lines see, for instance, Van Parijs, Ph. (2011) *Linguistic Justice for Europe and for The World*, Oxford University Press, ch. 1, p. 24-30

Furthermore, an ethically adequate democratic society considers its citizens as equal persons. In turn, under a minimally plausible conception of civic equality *offices are open to all*, that is, that all citizens are able both to communicate with, and aspire to be part of, courts, legislatures and governmental positions. In addition, citizens enjoy an adequate level of *opportunities, economic solidarity and social unity or stability* that is, citizens have a variety of types of jobs, opportunities to develop meaningful relationships, participate in different kinds of cultural associations and have a minimal level of economic security and health care.

Now, it is The Moderate's claim that a common language makes possible citizens' social mobility, their access to valuable opportunities and promotes trust, solidarity and stability thanks to the effective communication and emotional bonds facilitated by a common linguistic vehicle. Finally, considerations of institutional, economic *efficiency* such as economies of scale and opportunity costs recommend the promotion of all the mentioned elements in a)-d) via one common language rather than more.¹⁵²

To sum up then, The Moderate's view on parental transmission of languages gives parents, on one hand, the permission to communicate with their children in the language they prefer *in familial interactions*. This may be the majority's language or not. This is because, as the reader may remind, The Moderate allows parents to choose the language they use in private interactions with their children unless this precludes an adequate familial relationship. So, in cases where parents' native language coincides with the majority's language, they will naturally transmit it in both the public and the private domain. But it is noteworthy that The Moderate also allows parents to choose the majority's

¹⁵² For this line of argument see, for instance, Mill, J. S. (1861) 'Considerations on Representative Government' in (1991) *On Liberty and Other Essays*, Ox:Oxford University Press, p. 428, Patten, A. 'What Kind of Bilingualism' in Kymlicka, W., & Patten, A., (2003) *Language Rights and Political Theory*, NY:Oxford University Press, ch. 13, p. 296-321, Kymlicka, W. (2001) *Politics in the Vernacular: Nationalism, Multiculturalism, Citizenship*, Ox:Oxford University Press, p. 212-216, Van Parijs, Ph. (2011) *Linguistic Justice for Europe and for The World*, Oxford University Press, ch. 1, 2 and 5 and Stiliz, A. (2009) 'Civic Nationalism and Language Policy' in *Philosophy and Public Affairs*, p. 10-11

language for private communication, even in cases that parents' native language does not coincide with the majority's, *given that they are sufficiently competent in it*. This naturally happens in many cases in which parent's mother tongue is a minority language that offers less economic returns in the labor market compared to the majority's one. In fact, someone may arguably claim that this is what parents should best choose for their familial interactions with their children. On the other hand, the view requires parents to transmit to children a common language, say, the language of the majority of the citizens, in their political jurisdiction via *their public choices* such as, paradigmatically, in choosing the language transmitted in school.

5.3 The Culturalist

A distinct but also common view will be represented by The Culturalist who objects to The Moderate on two main grounds. First, he claims The Moderate gives too much weight to the instrumental functions of language or, conversely, that he underestimates the non-instrumental value of languages. Second, while The Culturalist agrees on the relevance of the instrumental aspects of language emphasised by The Moderate's appeal to children's autonomy, he disagrees with what The Moderate thinks follows from them and his conception of autonomy. So let me begin the presentation of The Culturalist's view by putting forward his objections against The Moderate.¹⁵³

The Culturalist accuses the Moderate of committing twice the so-called fallacy of *non-sequitur* in his context of choice argument. He objects first, that even if one agrees with the relevance of the contextual condition of autonomy and its linguistic requirements, it only supports a parental requirement to transmit a

¹⁵³ For prominent theorists who have defended such a view, see, for instance, May, S. (2001) *Language and Minority Rights*, London: Pearson Education, Kymlicka, W. (1995) *Multicultural Citizenship*, Ox: Oxford University Press, Tamir, Y. (1993) *Liberal Nationalism*, Princeton University Press, Margalit, A. and Raz, J. (1990) 'National Self-determination' in *Journal of Philosophy*, vol 87, n. 9, Taylor, Ch. (1994) 'The Politics of Recognition' in *Multiculturalism and The Politics of Recognition* (ed. by A. Gutmann) Princeton University Press, Margalit, A. and Habertal, M. (1994) 'Liberalism and the Right to Culture' in *Social Research*, vol. 61, n. 3

common public language to children. It does not, however, exclude the transmission of *more than one* public language for accessing an adequate range of life options. In other words, The Culturalist claims that the context of choice argument does not exclude a *public multilingual regime*. Second, even if one agrees on the need of *the same* common language *for all* citizens, it is unclear in The Moderate's reasoning why the preference for the majority along efficiency considerations should prevail over other considerations.¹⁵⁴

I shall understand public multilingualism as the public promotion of linguistic diversity understood as aiming at the promotion of the variety of languages with a considerable number of speakers in a given society. Depending on the sociolinguistic circumstances, public multilingualism may adopt different forms in policy-terms. For instance, public schools may all use more than one language in roughly equal proportion, different public schools may mainly use only one of the languages viable in the society in question while making children acquainted with other languages also present in their society for the sake of mutual understanding or, in addition, it may also take the form of immersion schooling in a minority language assuming that with a small percentage of courses imparted in the majoritarian language everyone will be literate in it thanks to its sociolinguistic prevalence.

The Moderate may naturally argue that making children learn further languages

¹⁵⁴ Another common way of arguing against The Moderate's view appeals to respect for democratic choices. See, for instance, Latin, D. & Reich, R. (2003) 'A liberal democratic approach to language justice' in Kymlicka, W. & Patten, A. (eds.), *Language Rights and Political Theory*, Oxford University Press, particularly, p. 92-104, for his positive proposal in which they put a stronger emphasis on the moral permissibility of parents' following their preferences via democratic decision-procedures along with a weak interpretation of the constraints put by the contextual condition of autonomy as advanced here by The Moderate. For similar arguments see, for instance: Gianni, M. (2017) 'On the political and democratic preconditions of equal recognition', Branchadell, A., (2017) 'Missing the overlap between theory and practice: Patten's 'equal recognition' in the face of the Catalan case' and Srajlick, E. (2017) 'Neutrality, autonomy, and power' all in *Critical Review of International Social and Political Philosophy*, vol. 20, n. 1. However, even though I believe this is a crucial point in terms of policy advice, I also believe it is worth discussing it apart from the distinct question on what are the best grounds on which individuals should vote which is the questions that concerns us here.

based on parents' preferences has considerable opportunity costs, namely, those associated with not learning other more instrumentally valuable languages or acquiring other kinds of knowledge and skills different from second-languages. In addition, in order to support his preference for the majority's language as the common one, he may appeal to the democratic resolution of reasonable disagreements and the desirability of maximising the number of preferences satisfied by majoritarian decision procedures given their minimal acceptability.¹⁵⁵

However, it is unlikely that these kinds of answers satisfy The Culturalist. First, he may reply that considerations related to economic efficiency are usually taken to be relatively weak ones when they collide with important values. Second, he may question both the Moderate's appeal to opportunity costs, for instance, by pointing out to the empirical evidence on the benefits of multilingualism for children and the instrumental benefits that non-majoritarian

¹⁵⁵ For the claim with regard to the opportunity costs, see: Barry, B., (1993) *Culture and Equality, an Egalitarian Critique of Multiculturalism*, Harvard University Press, ch. 3, p. 106-7 who, in turn, borrow the point from Offe, C. (1998) 'Homogeneity' and Constitutional Democracy: Coping with Identity Conflicts through Group Rights' in *The Journal of Political Philosophy*, vol. 6, n. 2, p. 22

For a detailed discussion of the costs associated with the promotion of minority-languages see, for instance, Green, L & Réaume, D. (1989) 'Education and Linguistic Security in the Charter' in *McGill Law Journal*, vol. 34, n. 4, p. 13-29, who object against the opportunity costs claim on the grounds that it would make virtually impossible for promotion policies to be enacted and yet, the authors also accept the relevance of numbers and costs for the desirability of implementing such policies

For the claim that reasonable preference satisfaction is a relevant consideration see, for instance: Still, A. (2009) 'Civic Nationalism and Language Policy' in *Philosophy & Public Affairs*, vol. 37, n. 3 who, in turn, borrows the remark from Dahl, R. (1989) *Democracy and Its Critics*, New Haven, Conn: Yale University Press, p. 135-52

languages have in certain contexts.¹⁵⁶

At this point of the controversy, it seems necessary to introduce the countervailing considerations that, according to The Culturalist, make implausible The Moderate's appeal to efficiency in arguing for publicly transmitting the majority's language. So let me proceed to introduce The Culturalist's positive arguments.

The Culturalist's view is mainly shaped by his claim that parents are permitted to transmit their mother tongues not only in private but also via public institutions. His view may be described as advancing the following main

¹⁵⁶ For the claim that efficiency considerations are not overriding ones relative to other values see, for instance, Patten, A. (2003) 'Liberal Neutrality and Language Policy' in *Philosophy and Public Affairs*, vol. 31, n. 4, p. 24

For empirical evidence pointing out the benefits of bilingualism and multilingualism see, for instance, Bhatia, T. K. & Ritchie, W., (2013) *The Handbook of Bilingualism and Multilingualism*, Blackwell, specially, part II, and Bialystok, E. (1991) *Language processing in bilingual children*, Cambridge: Cambridge University Press, her (2008) 'Bilingualism: the good, the bad, and the indifferent' in *Bilingualism: Language and Cognition*, vol. 12, n. 1, also her (2004) 'Attention and inhibition in bilingual children: evidence from the dimensional change card sort task' in *Developmental Science*, vol. 7, n. 3, Martin, M.M. & Viswanathan, M. (2005) 'Bilingualism across the lifespan: The rise and fall of inhibitory control' in *International Journal of Bilingualism*, vol. 9, n. 1, Craik, F.I.M. & Freedman, M. (2007) 'Bilingualism as a protection against the onset of symptoms of dementia' in *Neuropsychologia*, vol. 45, Costa, A, (et. al.) (2008) 'Bilingualism aids conflict resolution: Evidence from the ANT task' in *Cognition*, vol. 106, Hernández, (et. al.), (2010) 'The impact of bilingualism on the executive control and orienting networks of attention' in *Bilingualism, Language and Cognition*, vol. 13, n. 3, Lambert, W., (1974) 'Effects of Bilingualism on the Individual: Cognitive and Socio-cultural Consequences' in Hornby (ed.), *Bilingualism: Psychological, Social and Educational Implications*, NY: Academic Press, MClauGhlin, B, (et. al.) (1989) 'Processing a new language: Does knowing other languages make a difference?' in Dechert, H. W, & M. Raupach, M., *Interlingual processes*, Tübingen: Gunter Narr and Peal, E., & Lambert, W. (1962) 'The relation of bilingualism to intelligence' in *Psychological Monographs*, vol. 76, n. 27

For the argument that minority languages can also be considered as instrumentally more valuable in certain contexts see Riera, E. (2016) *Why Languages Matter to People, Communication, identity and justice in western democracies. The case of mixed societies*, Col.lecció Institut d'Estudis de l'Autogovern, p. 68-74

arguments in support of his view. First, The Culturalist agrees with The Moderate with regard to the open future and familial adequacy arguments. Second, with regard to the instrumental role of language for autonomy, he conceives autonomy as more sensitive to the relation that particular languages have with one's worthwhile aims in life, one's sense of identity and self-respect. Arguing along these lines, The Culturalist advances what I shall call the *identity argument* which may be framed in different ways by emphasising different senses in which the public treatment of people's linguistic identification may be said to impair people's well-being. On the other hand, The Culturalist also argues that languages have non-instrumental value for everyone. I shall call the argument along these lines *the argument from linguistic diversity* which may also be differently framed depending on the sense in which languages are said to be non-instrumentally valuable.

a) An argument for linguistic diversity

Let me begin addressing the latter line of *argument from linguistic diversity*. The Culturalist claims that linguistic diversity may plausibly be regarded as a particular kind of public good which I've called *essentially shared good* in the following way.¹⁵⁷

First, The Culturalist draws an analogy between linguistic diversity and other public goods. Linguistic diversity, like paradigmatic cases of public goods such as clean air, has the following features:

a) *common production*, in the sense that securing it requires the cooperation of

¹⁵⁷ For the notion of shared goods see the civic friendship argument for political liberalism I presented in chapter 2 of this thesis. For a helpful reconstruction of the argument for linguistic diversity and its discussion, see Boran, I. (2003) 'Global Linguistic Diversity, Public Goods, and the Principle of Fairness' in Kymlicka, W. & Patten, A., *Language Rights and Political Theory*, Oxford University Press, ch. 8. See also Green, L. (1987) 'Are Language Rights Fundamental?' in *Osgoode Hall Law Journal*, vol. 25, n. 4, particularly, p. 20-22, Réaume, D. (1988) 'Individuals, Groups and Rights to Public Goods' in *The University of Toronto Law Journal*, vol. 38, n. 1 and Green, L & Réaume, D. (1989) 'Education and Linguistic Security in the Charter' in *McGill Law Journal*, vol. 34, n. 4, p. 8-9

a plurality of agents,

b) *common distribution*, in the sense that it possesses the two properties of a public good, namely, (i) *non-rivalry*, since one agent possessing more of the good does not reduce the ability of others to possess the good, and (ii) *non-excludability*, since it is, contingently or inherently, impossible to efficiently supply the good to one agent without supplying it to all agents

c) *common consumption*, in the sense that its benefits cannot be enjoyed by an individual in isolation but can be enjoyed only with others.

From this analogy it follows that all languages can arguably be considered not only instrumentally valuable when they are chosen as the common or public one for a given polity, but also non-instrumentally valuable insofar as they constitute an essentially shared good which is jointly produced and jointly consumed.

However, The Moderate natural reaction at this point would be to argue that once the latter line of value can be promoted by making the majority's language the common one, the reasons for making children learn other minority languages are relatively weak ones compared to the opportunity costs it would suppose even if we accept doing so would be somewhat valuable.

But The Culturalist's argument for linguistic diversity is not only based on the value of languages as essentially shared goods. The Culturalist further claims that linguistic diversity can arguably be said to be valuable for everyone, that is, for speakers and non-speakers of a given language, in two further senses, namely, as *aesthetically* or as *scientifically* valuable. Thus, if linguistic diversity could plausibly be said to be aesthetically and/or scientifically valuable, The Culturalist could argue that the fact that linguistic diversity can be conceived an essentially shared good only provides a *further but not necessary reason* for its promotion.

Here's how The Culturalist may appeal to its *aesthetic value* as a reason for preserving linguistic diversity. Consider, for instance, the following illustrative

scenario. Imagine you travel or move to a new country. The experience can arguably be said to be more interesting, beautiful and enjoyable if we can deepen in the discovery of a new city with its distinct way of life, by discovering the local tongue(s) spoken by locals with its particular tone, expressions, jokes, and lexicon rather than merely being able to order, most probably in English, the same kind of coffee in a Starbucks hundreds of miles away from home.

However, The Moderate may wonder whether this kind of aesthetic experience is important enough in terms of human well-being relative to the costs of preserving language diversity. Moreover, The Moderate may also add, there is a huge range of disagreement among people on matters of subjective experiences, pleasure or beauty. The natural reply by The Culturalist would be to argue that beauty or great aesthetic experiences can arguably be good for everyone even if people do not subjectively feel so. Yet, even if The Moderate granted that the beauty of linguistic diversity benefits everyone regardless of their subjective awareness, he could still object first, that it does not directly follow that the good of linguistic diversity outweighs other the value of other goods such as the ones mentioned as instrumental aspects of language convergence. Furthermore, The Moderate may finally add that, even if we assume linguistic diversity is valuable for everyone regardless of their subjective appreciation and we also grant that the good of linguistic diversity is weighty enough to overcome the countervailing reasons given by other kinds of values, it does not directly follow from it that liberals ought to publicly promote linguistic diversity against the will of people. For, in other words, this would be a worrisome illiberal measure. At most, we might incentivise the preservation of linguistic diversity via public subsidies, for instance, to minority language courses.¹⁵⁸

¹⁵⁸ It may be worth emphasising that some policy measures aiming at linguistic survival in the indefinite future are morally problematic not only because they may collide with others' fundamental rights and liberties but also because they may go against the basic linguistic right of free expression of people within minorities. Think for instance, in policy measure forcing children born with a minority-language speaking family who are forced by some policy not to learn the language of the majority. The remark is emphasised by Green, L & Réaume, D. (1989) 'Education and Linguistic Security in the *Charter*' in *McGill Law Journal*, vol. 34, n. 4, p. 4-5.

Alternatively, The Culturalist may prefer to argue that losses in linguistic diversity imply losses in human knowledge or, in other words, that language diversity is *scientifically valuable* for everyone. There are at least three different ways to interpret the latter claim.¹⁵⁹

First, The Culturalist may mean that particular *languages constitute essentially distinct human forms of categorisation, apprehension and expression*. That is to say, that some human experiences are only available in particular languages because distinct languages represent the world in significantly different ways essentially linked to syntactical, morphological, lexical or phonetic features of a tongue. However, contemporary advances in cognitive science and linguistics have falsified or at least significantly softened this kind of Romantic linguistic relativism, at least, *in its strong deterministic interpretation*.¹⁶⁰

By linguistic relativism I generally refer to the thesis that linguistic categorisations, implicit or explicit, may influence aspects of non-linguistic categorisation, memory, perception or thinking in general. In its strong sense, linguistically uncoded concepts determine non-linguistic categories in a way that particular languages *incommensurably* refer to significantly distinct non-linguistic pieces of reality which remain unattainable from other languages. This is the thesis that, if true, would give strong support to The Culturalist's line of argument. Yet, our present scientific knowledge has falsified it. In its weak form however, one may more plausibly understand linguistic relativism in the two following interesting senses. First, our present scientific knowledge allows us to claim that certain specific concepts which happen to be coded in a particular language are *more easily available* to speakers of that language in the sense that they would be accessible in a cognitively less costly way. Moreover, The Culturalist could also claim that particular languages may be valuable insofar as

¹⁵⁹ In distinguishing between different sense of the notion of linguistic diversity I've benefited from Philippe Van parish helpful discussion in Van Parijs, (2011) *Linguistic justice for Europe and for the World*, Oxford University Press, ch. 6

¹⁶⁰ For a good overview of this area of knowledge supporting my claims on this matter see, for instance, Gumperz, J. J., & Levinson, S. C. (1996) *Rethinking linguistic relativity*, Cambridge: Cambridge University Press

they may *reflect popular patterns of interaction, stereotypical styles of thought and behaviour* distinctively linked to speakers of those languages. Thus, recalling the contextual condition of autonomy, The Culturalist could argue that meaningful political freedom requires a certain kind of ethical environment in which a meaningful variety of distinct ways of life for potential experimentation are available.

But The Moderate could plausibly advance the following two replies. First, he could argue that The Culturalist's remarks only would grant a transitory preservation of language diversity because in order for everyone to have access to a diversity of significantly distinct ways of life, those particular patterns of interactions and thought should be available for speakers of other languages and, once they are, the preservation of language becomes irrelevant for that purpose. Second, The Culturalist claim should be adequately tempered by attending to the precise scope that our scientific knowledge presently gives to the claim that particular languages may reflect distinct patterns of interaction and behaviour. For instance, one may point out that the latter claim does not directly apply to all languages but only to those that present interestingly distinct features and that not every difference may be an interesting or valuable one. In addition, The Moderate should also point out to the fact that the interesting links between language and certain patterns of interaction and thought often concern quite limited areas of social life. Moreover, he could further point out that the patterns of interaction and thought may certainly be more cognitively accessible by a certain language and yet, what our provisional scientific knowledge does not allow us to claim is that those modes of interaction and thought are inaccessible or completely unfamiliar to people who speak other languages. So, in other words, The Moderate may plausibly doubt the claim that preserving diversity of the kind we are specifically concerned here is of ethical fundamental relevance.¹⁶¹

But The Culturalist could appeal to still another way to understand the link

¹⁶¹ Again, for scientific evidence in support of these claims, see Gumperz, J. J., & Levinson, S. C. (1996) *Rethinking linguistic relativity*, Cambridge: Cambridge University Press

between particular languages and human knowledge. He may claim that different *languages are historical repositories of distant traditions, historical backgrounds and experiences*. A plausible reply by The Moderate here would point that, even if we could plausibly regret this kind of loss in terms of historical knowledge, our present needs and interests should outweigh it. Moreover, the mentioned losses in knowledge that came from particular words or expressions in a particular culture can most probably be more or less exactly translated, relevantly accessed by specialised linguists via translation or incorporated thanks to neologisms or lexical borrowing.

The Culturalist may finally prefer to argue that linguistic diversity is valuable for everyone because it may be the *repository of human knowledge potentially beneficial for all*. One reason that can be given for claiming that particular languages can encapsulate pieces of knowledge valuable for all is to maintain that insofar as there are many languages of small communities in the world that have not yet been thoroughly studied, losing them might imply we lose some helpful piece of human knowledge that has only been described by a particular linguistic community. For instance, some exotic culture may plausibly know about a plant anybody else knows about that, if discovered by others, could potentially lead to further medical research valuable for all.

However, The Moderate may plausibly object against this argument by claiming that the prudential reasons we may be said to have because of the probable loss of knowledge in losing a particular language are very weak insofar as we are talking about probable or potential yet not actual losses of knowledge. Moreover, the argument implies a false correlation between language loss and language injustice insofar as regrettable losses of human knowledge may plausibly come from permissible human choice. Similarly, The Moderate could also be worried about the illiberal implications someone may derive from this line of argument in the sense that it may be taken to imply that people should preserve their language or try to maximise the number of languages in the world even if they do not want to do so.

Although the discussion could surely be continued, at this point, I believe the latter considerations suffice to address The Culturalist's argument from linguistic diversity here. So let me move now to The Culturalist's *identity argument*.

b) The identity argument

One way to frame the identity argument appeals to the *accessibility* to fundamental options required by the contextual condition of autonomy. The argument claims that competence in the particular language in which ethically fundamental options are available is necessary for the satisfaction of the contextual condition of autonomy. As the reader knows, fundamental options may plausibly include educational and professional opportunities, option for various kinds of valuable personal relationships, options for cultural and political expression and so on. Framed in this way, the argument seems to be the same as The Moderate's context of choice argument. However, while The Moderate's interpretation of the contextual condition implied the requirement for parents to publicly transmit *the majority's* language to children, The Culturalist argues that it requires parents to educate their children in schools in which *their* mother language is the main language used.

The Culturalist may support the latter claim by noting that options can be open for all in a formal sense and yet, de facto, not being *equally accessible* to all. In other words, The Culturalist may plausibly be concerned with linguistic minorities suffering opportunities disadvantage relative to members of the linguistic majority. Access disadvantage may arise due to clearly problematic ways involving discrimination, prejudice, stigmatisation, exclusion, etc. Alternatively, it may also be the product of non-clearly wrongful mechanisms due to relevant differences in linguistic competence between native and non-native speakers of a language or because of economies of scale linked to

majoritarian languages.¹⁶²

The main problem of this way of framing the identity argument is that while the relevance of linguistic competence for accessing adequate options is uncontroversial, it is unclear why The Moderate's majoritarian integrationist proposal based on the public transmission of a common language to children in early stages of their lives isn't the best way to cope with accessibility disadvantage. In other words, The Moderate may plausibly argue that once all children learn the same common language in schools at early age it is not obvious that anyone's autonomy would be impaired for linguistic reasons. Moreover, The Moderate may grant that children may be benefited in some way by being competent speakers of their parents' native language, while at the same time pointing out that this does not require the kind of linguistic literacy on this particular language taught in schools. Thus, the availability of minority language learning as second-language learning courses or in publicly funded academies may be sufficient for that purposes. In addition, if The Culturalist focuses its case in cases of unequal accessibility with a non-discriminatory aetiology, The Moderate could agree that compensatory measures are at place without giving up the promotion of a common public language. The Moderate may even claim that adequate policies for linguistic integration in the majority's language along with the necessary compensatory measures is arguably the

¹⁶² For a more detailed account of such discriminatory mechanisms. See, for instance, Patten, A. (2014) ch. 3, p. 79-83 where he mentions; direct control of positions of advantage, indirect control mediated by social networks, outright prejudice and stereotyping, identifiability through accent, different levels of majority language proficiency or associated social norms and conventions.

For other ways how unequal opportunities may arise without the presence of the latter discriminatory mechanisms, see: Ph. Van Parijs (2011) ch. 3, p. 91-95: a) high proficiency at native speaker level is valued in some jobs b) native speakers tend to communicate with more ease and effectiveness in a broad range of social situations c) native-speakers are more participatory, expressive, self-secure d) native-speakers have a greater audience in the media and the market. For a proposal of a compensatory mechanism for such cases see Ph. Van Parijs (2011) ch. 2

most effective way to eradicate forms of cultural exclusion and disadvantage.¹⁶³

The Culturalist's common reaction against the latter integrationist reply appeals to the *costs of assimilation*. That is, he may argue that while it is in fact possible that an integrationist package of policies succeeds in giving everyone the same valuable range of opportunities, it is *too costly* for children that speak a minority language at home to lose its language in the public domain. The kind of costs The Culturalist would have in mind would be related to the children's self-respect and sense of identity which, arguably, cannot be secured by privatising their familial identity in a polity where a significant amount of the population links it to people's capacity to fully express themselves in a broad range of life areas.¹⁶⁴

The Moderate's reply here may begin by appealing to the distinction we already

¹⁶³ The integrationist reaction to this argument is a familiar response in liberal theory and practice. See Kymlicka, W. (2001) *Politics in the Vernacular, Ox: Oxford University Press*, p. 53-54, Barry, B (2001) *Culture and Equality. An Egalitarian Critique of Multiculturalism*, Cambridge, MA: Harvard University Press. p. 104-9

The specialised reader may recognise here a common criticism to W. Kymlicka's first presentation of the argument from context of choice in support of promoting minority-national cultures in (1995) *Multicultural Citizenship*, Oxford University Press, ch. 5. See, for instance, Danley, J. R., (1991) 'Liberalism, Aboriginal Rights and Cultural Minorities' in *Philosophy and Public Affairs*, vol. 20, n. 2, Latin, D. & Reich, R. (2003) 'A liberal democratic approach to language justice' in Kymlicka, W. & Patten, A. (eds.), *Language Rights and Political Theory*, Oxford University Press, p. 88-92

For a more charitable of W. Kymlicka's argument see Patten, A., (1999) 'Liberal Egalitarianism and the Case for Supporting National Cultures' in *Monist*, vol. 82, n. 3. Yet, note that A. Patten gives strong reasons to doubt this stronger version of the argument. For a helpful discussion of the case for promoting minority rights instead of integrationist policies see Patten, A. (2014) ch. 3, p. 83-89. He puts forward the following demanding list of conditions for minority rights to follow over the integrationist alternative: 1) existing exclusion mechanisms 2) efficacy of minority rights measures 3) non-aggravation of minority's status by ghettoisation 4) Non-existence of better integrationist alternatives.

¹⁶⁴ See Kymlicka, W. (1989) p. 183 and (1995) ch. 6, p. 107-115. W. Kymlicka's claim here could be differently and more strongly interpreted as an appeal to fairness in the distribution of costs of people's circumstances. Yet, for expository reasons, I postpone the discussion of this argument from fairness.

advanced between difficulty and bearability.¹⁶⁵ That is, The Moderate may concede that it may be difficult for some people to change their language in the public domain while insisting that it is not unbearable. Moreover, the latter claim is strengthened by emphasising we are focused on children's rather than adults. In other words, it seems more plausible to claim that it is not excessively costly for children to find that the common public language is not the one they have been raised in and use within the family than for adults because the public language has been learned by children in schools from a very early age. Thus, insofar as the link between one's collective identification and one's sense of identity is malleable through immersion schooling in the common language, The Moderate could argue that one's capacity for self-expression and self-respect are adequately secured. Moreover, the degree of perceived difficulty or uneasiness children may perceive is affected by the attitudes parents transmit to children with regard to the languages they ought to learn and use in schools.¹⁶⁶ Finally, The Moderate may plausibly emphasise that The Culturalist's appeal to costs is somewhat more plausible when we talk about *cultural* loss. Yet, we are here talking only about publicly transmitting a common *language* which is compatible with familial transmission of minority languages and other forms of symbolic recognition of minority cultures.

At this point, The Culturalist may change the way to develop the identity argument by appealing to the *adequacy of options* rather than to its access. So the argument does *not* locate the inadequacy of options in people's linguistic *incapacity to understand* the options in question. Rather, it locates it in people's *incapacity to equally value* a set of options due to their beliefs and attachments

¹⁶⁵ See ch. 1 of this thesis, p. 21-22 for the distinction between difficult and unbearable costs to assume.

¹⁶⁶ For empirical evidence on the effects of parents' transmitted beliefs and attitudes on children's perception of school's linguistic requirements and their linguistic learning, see: Cummins, J. (1979) 'Linguistic interdependence and the educational development of bilingual children' in *Review of Educational Research*, n. 49, Vila, I., (2010) 'How can bilingual education contribute to language education in the 21st century?' in *Avances en supervisión educativa: Revista de la Asociación de Inspectores de Educación de España* or Vila, I. (1995) 'Aspectos psicolingüísticos en el desarrollo bilingüe' in *El Ciervo: revista mensual de pensamiento y cultura*, n. 531

acquired along with language as parameters for autonomy.¹⁶⁷

Joseph Raz offers what I take to be the most sophisticated and comprehensive account for understanding the mentioned inadequacy. It is based on his general view on well-being and its social dependency on available social forms. First, Raz plausibly argues that people's fundamental aims in life including, projects, relationships, ambitions, commitments affecting a broad range of aspects in people's life set the parameters of people's well-being. Second, he claims that fundamental aims worth pursuing life are based on existing *social forms* that give people more or less explicit orientation both about what to value and how to behave. The notion of social forms can be further specified by the following features. First, in saying that social forms orient people's beliefs and attitudes we should not understand that there is only one possible interpretation of these social practices. Rather, it only implies that valuable options are only socially available as more or less eccentric variations of a common genre. For instance, the fact that people often choose to live with loving partners under a variety of legal and non-legal arrangements does not imply that they are not following a variation of marriage as a socially acquired social form. Second, social forms cannot be accessed as a deliberated choice or explicit learning but through habituation. That is, the attitudes, feelings and conventions that are socially sanctioned as adequate for each social form that one may or may not strictly follow, cannot be completely acquired by explicit instruction. Rather, they need to be learned by habituation and day to day implicit learning of highly contextualised dispositional attitudes. Finally, available social forms give value to people's options because they can be acknowledged as parts of a historically construed complex network of shared beliefs, socially recognised attitudes and

¹⁶⁷ For the distinction between accessibility and adequacy of options with regard to culture I have been inspired by Patten, A. (2014) *Equal Recognition*, Princeton Univ. Press, ch. 3. In order to understand how the notion of options-adequacy related the contextual and the identity conditions of autonomy, see my previous remarks in ch. 1, s. 1.3. See W. Kymlicka's remarks on the compatibility of his context-of-choice argument and identity-base arguments (1995) ch. 5, Tamir, Y. (1993) *Liberal Nationalism*, Princeton Univ. Press, ch. 1, 2, Taylor, Ch. (1989) *The Sources of The Self*, Cambridge, Mass:Harvard Univ. Press, ch. 2, who uses the notion of *recognition* and *dignity* or Raz, J., (1986) *The Morality of Freedom*, Oxford Univ. press, who frames it in terms of people's interest in securing their *sense of belonging* and identity.

values. Now, how J. Raz's notions of well-being and social dependency may be related to The Culturalist identity argument from linguistic inadequacy? Here it is one possibility:¹⁶⁸

Membership in a linguistic community can arguably be seen as a social form in which we all participate in some way from very early on by acquiring a language with parents or, more generally, with our significant others. Moreover, on one available interpretation, linguistic membership implies the following. The establishment of special affective bonds with the language that is normally used at home and the acquisition of affective bonds that make oneself disposed to feel mutually attached to other people with the same mother tongue and attachments.¹⁶⁹ In addition, members of the same linguistic community may come to realise that they share a history of interaction with many other people that has contributed to the persistence of a particular language and a collective achievement. Moreover, it may imply that one's self-expression is not complete or truly felt as such if one's language is not available in a sufficiently broad range of areas of life. For instance, the non-availability or scarcity of cultural products, job-market or economic opportunities and social settings where one can express oneself in one's preferred tongue may plausibly be seen as impairing one's autonomy that requires non-alienating forms of self-expression.

¹⁶⁸ See J. Raz's discussion of personal well-being in Raz, J., (1986) *The Morality Of Freedom*, Ox: Clarendon Press, ch. 13 p. 288-320, see also his discussion of social relativism in (2003) *The Practice of Value*, Oxford University Press. Similar remarks are made in Patten, A., (2003) p. 313-314.

It is worth noting that, by emphasising the importance of the identity condition for autonomy, The Culturalist endorses a mixed view of well-being or advantage that includes both objective and subjective contributors to well-being or advantage. See, for instance, Raz, J. (1986) ch. 13 and see also Fletcher, G (2016) *The Routledge Handbook of Philosophy of Well-Being*, Routledge, ch. 13. Yet, note that even a fully objectivist theory of well-being plausibly include pleasure, enjoyment and achievement as constituents. See, for instance, Scanlon, T (1998) *What We Owe to Each Other*, Harvard Univ. Press, p. 113-125.

¹⁶⁹ For empirical evidence supporting the claim that people generally identify with their first learned language see Riera (2016) *Why Languages Matter to People, Communication, identity and justice in western democracies. The case of mixed societies*, Col.lecció Institut d'Estudis de l'Autogovern. p. 179

Finally, they may also consistently show reactive attitudes in accordance to what they take to imply valuing or respecting the language and linguistic community.¹⁷⁰

Without locating within a general theory on people's well-being, Anna Stilz also argues that people raised in a particular tongue or with *particular personal history with a language* may plausibly value it over other languages with similar or better instrumental potentialities: 'One person's history can often make it

¹⁷⁰ Other authors prefer to frame this line of argument as an argument based on the basic liberal ideal of *equal respect* for all citizens. Yet, they do not have in mind a culture-blind ideal of equal respect for citizens as many other liberals, but they include collective identification or affiliations to cultural groups as a plausible element of one's civic identity. See, for instance, Gutmann, A., (2003) *Identity in Democracy*, Harvard Univ. Press, ch. 1 on cultural identity groups, Stilz, A., (2009) 'Civic Nationalism and Language Policy' in *Philosophy and Public Affairs*, vol. 37, n. 3. Similarly, P. Van Parijs uses the notion of *parity of esteem*. See Van Parijs (2011), ch. 4 and 5. Others, similarly use 'linguistic security'. See Green, L. (1987) 'Are Language Rights Fundamental?' in *Osgoode Hall Law Journal*, vol. 25, n. 4, Réaume, D. (1988) 'Individuals, Groups and Rights to Public Goods' in *The University of Toronto Law Journal*, vol. 38, n. 1 and Green, L & Réaume, D. (1989) 'Education and Linguistic Security in the Charter' in *McGill Law Journal*, vol. 34, n. 4. The reason I think appeals to equal respect, parity of esteem, recognition and other similar notions are weaker ways to frame the argument is that, arguably, all these ideals are only plausible understood as *conditionally* valuable. In other words, a common and strong objection against arguments appealing to these notions consists in questioning the correctness or moral pertinence of the beliefs about value supporting The Perfectionist's claim for recognition, respect, etc. So, ultimately, this is the relevant question. I do not mean to claim that authors using the notions of equal respect, esteem or recognition do not address this question. However, I think they ultimately end up arguing for specific values and interests beyond mere appeals to unconditional respect for their claims and preferences. See Scanlon, T (2018) *When Does Equality Matter?*, Oxford Univ. Press, ch. 3, p. 43-52. For the reader familiarised with the relevant literature, it is worth noting what might be seen as a fundamental difference between my reconstruction of the argument and the arguments advanced by many of the authors mentioned in this footnote. I try to follow the argument applied to language while the authors talk about 'cultures', 'encompassing cultures' or better, 'national cultures'. Thus, it is possible to think that the arguments only work when applied to the transmission of national cultures rather than languages. Yet, note that all of them affirm in their arguments that linguistic transmission and survival is essential for transmitting and survival of national cultures in the majority of the cases. So, at least in this limited sense, assessing my argument concerned only with language, can be interpreted as relevant for the arguments advanced by these authors. Exceptions of theorists who, like me, argue in terms of linguistic rather than national communities are Philippe Van Parijs, Anna Stilz, Leslie Green and Denise Réaume.

reasonable for her to value one object, person, or practice more highly than another object, person, or practice that is of exactly the same objective value. To see why, suppose for a moment that I grew up playing basketball. I believe basketball is of some objective value: it provides amusement and helps to acquire strength, speed, and dexterity. In this sense, it is like many other games that serve the same ends: soccer, for example. But it is entirely appropriate for me to spend more time watching basketball, playing in a local league, and contributing my time and money to coaching a team, while not doing any of these things for soccer. I am justified in this preference for basketball over soccer just because I have a personal history with basketball. Analogously, it is not irrational to value one language more highly than another because I have a personal history with it. I acknowledge that, in principle, Chinese is as valuable a semantic practice as German, and even that speaking it would allow me to coordinate with a much larger number of (more needy, or economically useful, or intellectually interesting) people. Nevertheless, I prefer speaking German, simply because I have studied it for many years and lived for a time in Germany'.¹⁷¹

Another example of how the social dependency of people's well-being on available social forms may plausibly explain the inadequacy of some linguistic options for certain people is constituted by appealing to the value of *intergenerational linguistic continuity*. Note that the following line of argument can be said to be The Culturalist's extension of The Moderate's previous argument from familial adequacy. Again, A. Stilz's remarks may be of help here:¹⁷²

¹⁷¹ Stilz, A., (2009) 'Civic Nationalism and Language Policy' in *Philosophy and Public Affairs*, vol. 37, n. 3 p. 21-22

¹⁷² Stilz, A., (2009) 'Civic Nationalism and Language Policy' in *Philosophy and Public Affairs*, vol. 37, n. 3 p. 21-22

See also Green, L. (1987) 'Are Language Rights Fundamental?' in *Osgoode Hall Law Journal*, vol. 25, n. 4, Réaume, D. (1988) 'Individuals, Groups and Rights to Public Goods' in *The University of Toronto Law Journal*, vol. 38, n. 1 and Green, L & Réaume, D. (1989) 'Education and Linguistic Security in the Charter' in *McGill Law Journal*, vol. 34, n. 4

‘One very good reason for wishing to speak the same language as one’s child, however, is the parental need to participate fully in that child’s life. This is not simply an imposition of a parental wish at the expense of the child’s well-being, since parental involvement in children’s lives is crucial for healthy child development. Even if a minority child retains some facility in the ancestral language for use in familial contexts, parental participation will be attenuated to a considerable degree under a linguistically integrationist regime in the majority’s language, since the language of the child’s public life is one in which the parents are not fluent. Indeed, the conventional pattern of linguistic assimilation sometimes impose severe burdens on family relationships over several generations. The children of that assimilated child are unlikely to speak their ancestral language well at all, decreasing the extent to which the grandparents can communicate with their grandchildren. Since most people do have an interest in fulfilling family relationships, full linguistic assimilation imposes costs on them that, other things equal, it is rational for them to wish to avoid’.

To sum up then, when The Moderate offers speakers of a minority language the range of options required by the contextual condition of autonomy in the majority language he is not taking into account the adequacy of these opportunities for all. Thus, The Culturalist claims that parents should transmit their language to children not only within the family but also in schools and other public places because, otherwise, they will not be able to access valuable opportunities, secure their sense of identity and self-respect. This implies that

The Culturalist favours public multilingualism rather than monolingualism.¹⁷³

At this point, The Moderate would probably rehearse his later claim appealing to the malleability of children's attachments and beliefs about value. That is to say, he could argue, again, that even if we accept the plausibility of The Culturalist's remarks on the adequacy of fundamental options, the availability of immersion schooling in the majority's language at very early stage in life, may adequately help to educate children raised in families with minority languages as their mother tongues so that their beliefs about value will not have the undesirable implications The Culturalist worries they will have. Moreover, The Moderate could further argue that The Culturalist's claims would only apply to a more restricted set of cases than he thinks. For The Culturalist has not taken into account the considerable amount of cases in multilingual societies in which adults with children have different mother tongues one of which is the majority's one. Why shouldn't parents speak in private with their children in the majority's language given that both adults are sufficiently competent in that language? Or, even if they chose to speak to the children in different languages, why should we think that the child's adequate options or sense of identity would be impaired

¹⁷³ For this type of argument see, for instance, A (2014) p 96: Margalit, A. and Raz, J. (1990) 'National Self-determination' in *Journal of Philosophy*, vol 87, n. 9, Tamir, Y. (1993) *Liberal Nationalism*, Princeton University Press, p. 41, 71-73, Taylor, Ch. (1994) 'The Politics of Recognition' in *Multiculturalism and The Politics of Recognition* (ed. by A. Gutmann) Princeton University Press, Margalit, A. and Habertal, M. (1994) 'Liberalism and the Right to Culture' in *Social Research*, vol. 61, n. 3, Kymlicka, W. (1995) *Multicultural Citizenship*, Ox:Oxford University Press, 89-90, Forst, R. (1997) 'Foundations of a Theory of Multicultural Justice' in *Constellations*, vol. 4, n. 1

One plausibly objection the latter authors could raise against my reconstruction of the identity argument appealing to fundamental options' inadequacy could be stated along the following lines. Someone could claim that a stronger argument for the adequate recognition or treatment of people's sense of identity is based on the ideal of equal respect, recognition or dignity understood as independent from autonomy and its contextual condition. I do not want to oppose this potential objection. Rather, I just want to say first, that my reconstruction of the argument, as I advanced in the introduction, is conditioned by my particular concern in this thesis on children's autonomy. And second, I believe that both my reconstruction of the argument and the following discussion of it can be, if the reader wills, similarly framed by appeal to the mentioned ideals of equal respect, dignity or recognition without significant changes.

if one of the language he has acquired within the family is not the one favoured in a broad range of areas in his life including public schooling?

Here The Culturalist should grant the claim that children's attachments and beliefs about value are malleable. He should also accept that his case is stronger in cases in which both parents are not *sufficiently* competent in the majority's language. Yet, he would also have something to say about cases in which parents are sufficiently competent in the majority's language but one of both of them would prefer to speak with their children in his minority language.

One line of reply would be to recall the linguistic diversity argument in order to note that options adequacy is not the only reason for promoting linguistic diversity. Another kind of reply would appeal to intergenerational linguistic continuity.¹⁷⁴ That is, The Culturalist could appeal again to the kind of relationship that cannot be fulfilled when a parent or grandparent do not have the same mother tongue as their children or grandchildren. Even if immigration cases offer instances of this kind which do not completely impair this kind of intergenerational relationship it is also easy to find and imagine what is lost when this happens. Adults cannot fully participate in the lives of their descendants when they cannot share the jokes, music, costumes and other kinds of traditions in the language they use. Similarly, they cannot understand and enjoy together the new activities, games, relationships and interests their children develop in another language.

Another line of reply by The Culturalist consists in reminding his previous remarks on the value of tradition and one's connection with the past made in chapter three.¹⁷⁵ The Culturalist may argue again that maintaining the same language of their parents may be seen as valuable as an expression of loyalty to people to whom one feels closely tied. Moreover, contributing to the

¹⁷⁴ For A. Stiliz's remarks on intergenerational continuity see her (2009) 'Civic Nationalism and Language Policy' in *Philosophy and Public Affairs*, vol. 37, n. 3 p. 21-22

¹⁷⁵ For the remarks on the value of having a connection with time and loyalty to the loved ones see: Scheffler, S., 'The Normativity of Tradition' in (2010) *Equality and Tradition*, Oxford University Press, p. 287-311

maintenance of the social practice of speaking the same language as their parents, children may obtain a kind of reassuring sense of connection with the past and future that, due to our lack of control over them, often are experienced as sources of insecurity and anguish.

Thus, as a reply to The Moderate's point about the possibilities of using immersion schooling or the cases of bilingual parents who may choose to speak to their children only in the majority's language, The Culturalist could reply that the latter values would be lost. Moreover, he could also argue that in cases of bilingual parents the just mentioned values recommend that children develop their sense of identity linked to a bilingual linguistic identity rather than a monolingual one. Finally, The Culturalist could appeal to the cognitive benefits of being bilingual for which we have strong evidence.¹⁷⁶

Now, there are other important objections against the identity argument that could be raised by The Moderate at this point. However, let me, for expository reasons, postpone its discussion for a moment and call first to the stage The Independentist.

¹⁷⁶ For empirical evidence pointing out the benefits of bilingualism and multilingualism see, for instance, Bhatia, T. K. & Ritchie, W., (2013) *The Handbook of Bilingualism and Multilingualism*, Blackwell, specially, part II, and Bialystok, E. (1991) *Language processing in bilingual children*, Cambridge: Cambridge University Press, her (2008) 'Bilingualism: the good, the bad, and the indifferent' in *Bilingualism: Language and Cognition*, vol. 12, n. 1, also her (2004) 'Attention and inhibition in bilingual children: evidence from the dimensional change card sort task' in *Developmental Science*, vol. 7, n. 3, Martin, M.M. & Viswanathan, M. (2005) 'Bilingualism across the lifespan: The rise and fall of inhibitory control' in *International Journal of Bilingualism*, vol. 9, n. 1, Craik, F.I.M. & Freedman, M. (2007) 'Bilingualism as a protection against the onset of symptoms of dementia' in *Neuropsychologia*, vol. 45, Costa, A, (et. al.) (2008) 'Bilingualism aids conflict resolution: Evidence from the ANT task' in *Cognition*, vol. 106, Hernández, (et. al.), (2010) 'The impact of bilingualism on the executive control and orienting networks of attention' in *Bilingualism, Language and Cognition*, vol. 13, n. 3, Lambert, W., (1974) 'Effects of Bilingualism on the Individual: Cognitive and Socio-cultural Consequences' in Hornby (ed.), *Bilingualism: Psychological, Social and Educational Implications*, NY: Academic Press, MClauGhlin, B, (et. al.) (1989) 'Processing a new language: Does knowing other languages make a difference?' in Dechert, H. W, & M. Raupach, M., *Interlingual processes*, Tübingen: Gunter Narr and Peal, E., & Lambert, W. (1962) 'The relation of bilingualism to intelligence' in *Psychological Monographs*, vol. 76, n. 27

CHAPTER 6: THE CASE FOR LINGUISTIC INDEPENDENCE

As the reader may have noted, our discussion of language transmission until here has been parallel to our previous one about the transmission of ethical doctrines. That is, while the Moderate has argued for a view that only constrains parental conduct by appeal to a quite uncontroversial view of children's autonomy, the Culturalist has put forward an alternative view of autonomy that understands it as necessarily linked to a particular culture or language. So, it may seem natural to elaborate The Independentist's view on language transmission by following the same framework used before. In other words, one may reconstruct The Independentist's view on linguistic transmission by establishing an analogy between language and ethical doctrines such as religion, and argue against the transmission of particular languages by appeal to the political argument for children's independence.

6.1 Two objections against the analogy

However, The Culturalist would naturally object that there is an obvious disanalogy between language and ethical doctrines such as religions, namely, that the former cannot be *disestablished*. In other words, parents cannot avoid transmitting (a) particular language(s) to children.¹⁷⁷

The Independentist's appropriate reply at this point would be to grant the truism that language cannot be disestablished in the same way as ethical doctrines such as religions. Yet, The Independentist could plausibly point out that accepting the impossibility of disestablishment is compatible with preserving independence. For, according to The Independentist, the political condition of autonomy should be understood as imposing constraints on the reasons that

¹⁷⁷ See, for instance, Kymlicka, W. (1995) *Multicultural Citizenship*, Oxford University press, p. 110-11, his (2001) *Politics in the Vernacular*, Oxford University Press, p. 23-7, 43, Carens, J. (2000) *Culture, Citizenship and Community*, Oxford University press, p. 10-11, Van Parijs (2011) *Linguistic Justice for Europe and for the World*, Oxford University Press, ch. 3, p. 88-91 and Patten, A. (2003) 'Liberal Neutrality and Language Policy' in *Philosophy and Public Affairs*, vol. 31, n. 4, p. 11-16

should guide parents' choice of *which* language to transmit even if parents inevitably transmit a language to children.

In other words, The Independentist's view on language transmission will be mainly shaped by his understanding of the political condition of autonomy that constraints parental conduct in order to prevent violations of children's independence. So the following question arises: how can parents avoid violating children's independence given that they will inevitably transmit at least a language to their children?

The Independentist's answer to this question consists in distinguishing between *outcome-oriented* and *justification-oriented* views on language transmission. The former kind of views may be labelled as different version of *language planning* in the sense that they both aim at particular outcomes with regard to language provision. Crucially, The Independentist claims that outcome-based views on language transmission violate children's independence precisely because of them aiming at particular outcomes. This is The Independentist's main objection against both The Moderate and The Culturalist who both aim at particular linguistic outcomes, namely, public monolingualism in the former case and linguistic diversity promotion in the latter. Alternatively, The Independentist defends a justification-based approach to linguistic justice, that is to say, he appeals to a certain kind of reasons that ought to be given in justifying parental decisions concerning the transmission of language. This range of reasons that make permissible the transmission of language are specified by his conception of the political condition of autonomy, which is mainly shaped by the value of

independence.¹⁷⁸

At this point, both The Moderate and The Culturalist may want to protest against the claim that their views violate independence. They may claim that there are relevant dissimilarities between languages and religion that make language an implausible instance of an ethical doctrine and, therefore, an implausible candidate for violating the value of independence when it is transmitted across generations. It is worth noting how this objection differs from the first one. In the former case, the objector was implicitly accepting, or at least not questioning, that language was considered an ethical doctrine but just pointing out the impossibility of language disestablishment. So an available reply consisted in noting that public intervention may still take into account children's independence. In the latter case, however, the objector may or may not accept that the value of independence can be honoured in cases of impossible disestablishment of ethical doctrines and yet, what does *not* accept is the fact that language is considered as an instance of an ethical doctrine.

In order to assess the claim that language transmission cannot be relevantly treated as an instance of ethical enrolment, let me remind how we defined ethical conceptions. By ethical views we have been broadly referring to one's answers to fundamental questions about one's general understanding of the world and what, if any, is valuable in it, one's life's significance, ideals of character and occupational career, religious convictions, as well as ideals about

¹⁷⁸ For this view see, for instance, Patten, A. (2003) 'What Kind of Bilingualism' in Kymlicka, W. & Patten, A. (eds.), *Language Rights and Political Theory*, Oxford University Press, Patten, A. (2003) 'Liberal Neutrality and Language Policy' in *Philosophy and Public Affairs*, vol. 34, n. 4, Patten, A., (2014) *Equal Recognition: The Moral Foundations of Minority Rights*, Princeton University Press and Carens, J. (2000) *Culture, Citizenship and Community*, Oxford University press, even though the latter conceives it as a fair approach to multicultural departing from neutrality justice rather than an interpretation of liberal neutrality. Note that my version of the view is based on liberal anti-perfectionism and the value of independence rather than as an interpretation of liberal neutrality.

See also Stiliz, A., (2009) 'Civic Nationalism and Language Policy' in *Philosophy and Public Affairs*, vol. 37, n. 3 and Rubio-Marin, R., (2003) 'Language Rights: exploring the competing rationales', in Kymlicka, W. & Patten, A. (eds.), *Language Rights and Political Theory*, Oxford University Press, ch. 2, for similar views

human relationships. Now, what The Moderate and The Culturalist claim is that languages cannot be relevantly be treated as ethical conceptions.

In order to assess their claim it may be helpful to distinguish between different senses the notion of ethical conceptions may blur. By ethical conceptions or views different liberal theorists have referred to distinct things such as; a) *the good*, that is, value judgements about specific activities, outcomes, experiences or character traits, b) *the good life* that specify the main values, activities and aims of a flourishing life as a whole c) to *a way of life* more specifically referring to concrete ways of consistently realising a life worth living or, finally, to d) the meaning of life, that is, general answers to existential questions about the significance of human life. Moreover, paradigmatic appeals to ethical conceptions such as religions refer to overreaching doctrines including the following three components; judgements about the most valuable a) *virtues* or dispositions to act, b) *goods*, activities or relationships and d) *a way of life* which refers to, as specified in las paragraph, complete rankings of the elements in a) and b) concretely realised by in a specific person's consistent pattern of living. Furthermore, *complete* ethical doctrines in the sense just specified, that is including the a), b) and c), normally refer to doctrines that require both exclusivity and a strong kind of commitment and loyalty. So, for instance, being a Catholic believer is incompatible with being Muslim, requires being loyal to beliefs about value, traditions and attitudes covering a broad range of areas of life.¹⁷⁹

With the help of this clarificatory work The Moderate and The Culturalist may want to argue that appeals to the moral impermissibility of imposing an ethical doctrine are plausible insofar as they refer to what we've labelled here as *complete* and *exclusionary ethical doctrines*. Moreover, they may contrast it with the case of language by pointing to the following features of language absent in religion:

¹⁷⁹ In clarifying the notion in this way I follow Joseph Chan in his (2000) 'Legitimacy, Unanimity, and Perfectionism' in *Philosophy & Public Affairs*, vol. 29, n. 1, p. 6-7

- 1) language is *neutral* with regard to fundamental existential and metaphysical questions,
- 2) language use, attachment and self-identification is *not exclusive*, and
- 3) judgements about the value of a language can be considered an ethical view *only in the weak sense* referred in b), that is, as referring to a particular good.¹⁸⁰

¹⁸⁰ Note that someone may have plausibly appeal to further features that distinguish language from religion. See Van Parijs, P. (2011) *Linguistic Justice for Europe and for the World*, Oxford University Press, ch. 3, p. 88-91 for a discussion of relevant similarities and dissimilarities between the case of language and religion.

With regard to analogous features he lists the following: a) inter-generationally transmitted, b) constituents of people's sense of identity, c) objects of recognition as negative rights for self-expression and self-ownership. With regard to relevant dissimilarities: a) impossibility of disestablishment, b) language as public good c) language as an economically relevant asset and d) pervasive presence in social interactions. Moreover, someone may want to add that adherence to a religion, unlike valuing languages, often requires to e) sustain patterns of *uncritical thinking, beliefs that are patently false, not supported or incompatible with our scientifically uncontroversial knowledge*. Think, for instance, on the consideration of non-heterosexual sexual preferences as an illness in many religions or religious accounts on the origins of life and the universe. Moreover, religions, unlike languages, also f) commonly *go in hand with hierarchical structures of power* such as the Church. However, since the latter two features are only true for some religions or a certain kind of way to adhere to a religion I prefer to leave aside these more controversial issues. For an illuminating discussion of e) see Nagel, T (2008) 'Public Education and Intelligent Design' in *Philosophy and Public Affairs*, vol. 36, n. 2

With regard to its practical implementation, the analogy between religion and language identification may also be plausibly questioned along the following lines: g) *religious disestablishment and theoretical abstraction from people's religious beliefs have historically been promoted with the aim of eradicating violent conflicts*. On the contrary, nation-building projects have often been implemented with the help of violence and basic rights violation. However, since we are discussing the issue of language transmission at the level of reasons rather than at the level of actual politics I also leave aside this disanalogy.

Finally, note further that feature 3) within the main text of the article is the only sense in which 1) could be said to be not rigorously true. For believing in the value of languages implies one is not neutral on the meta-ethical question on the value of languages. However, it would be hard to maintain that this is a fundamental question every human faces in life. Moreover, even if it were, it would remain neutral with regard to other fundamental questions that complete ethical doctrines typically address.

One way The Independentist may reply consists in accepting that violations of children's independence may come in degrees, thereby accepting that there is a *weightier* reason against the transmission of religion than against the transmission of a less complete ethical view or an ethical view in the weak sense.

Nonetheless, The Independentist could still insist that in order to transmit any kind of ethical view we ought to aim at supporting it by justificatory reasons appealing to political rather than ethical values. Otherwise, we are violating the value of children's independence *to some extent* even if we may plausibly distinguish between more and less grave violations of it. In other words, The Independentist could plausibly appeal again to the principled distinction between outcome-based and justification-based views on transmitting value to children as a principled one.¹⁸¹

Another line of reply by The Independentist would be to argue that even if language itself isn't an ethical conception, parents may be moved by a disputed ethical conception when they select a language to transmit to their child. Consider the case of two couples who share the same minority language but only one couple decides to transmit it beyond the inevitable minimum because that couple, like The Culturalist, holds a more positive view about the essential role of the mother tongue in contributing the child's well-being; in contrast, the other couple is more optimistic about the child flourishing without being literate in the same mother tongue. Someone could argue that the first couple is acting moved by an ethical conception while the latter could justify their conduct by

¹⁸¹ Note that Joseph Chan further supports his argument against extreme anti-perfectionism on the basis that ethical views understood in the weak sense, namely, those that only make reference to particular value judgements about specific virtues, goods, relationships and activities, do not generate *disagreement*. Yet, after reader our previous discussion of the asymmetry objection, the reader already knows that the best arguments for Political Liberalism are not crucially based on disagreement. See Joseph Chan in his (2000) 'Legitimacy, Unanimity, and Perfectionism' in *Philosophy & Public Affairs*, vol. 29, n. 1

appeal to political values.¹⁸²

However, it is unclear why the first couple behaviour should be described as being moved by an ethical doctrine. For, while it is true that in developing The Culturalist's remarks on options inadequacy we appealed to Raz's notion of well-being, the claim advanced by The Culturalist was rather about the identity condition for children's political autonomy or independence. So it seems that the first couple behaviour could be modified or just redescribed as being moved by one of the diverse reasonable conceptions of political autonomy and therefore as publicly justifiable.

Now, having discussed two important objections against The Independentist analogy between language and complete and exclusionary ethical doctrines such as religion, the following important point has been vindicated. Even if language transmission cannot be addressed by The Independentist exactly in the same way of other ethical doctrines such as religion, the question about how we ought to respect children's independence stills calls for an answer that differs in kind from the ones offered by The Moderate and The Culturalist.

The first step of The Independentist's reply on how to honour the value of independence in parental language transmission has been already mentioned with the distinction between outcome-oriented or language planning views and justification-based views. That is, the first claim that The Independentist advances with regard to parental linguistic transmission says that parents ought to refrain from pursuing linguistic outcomes according to their particular views on the value of languages. Put it in positive terms, parents ought to preserve children's independence by justifying their choices that affect language transition to children by following the liberal restraint or, in other words, by

¹⁸² It is noteworthy that according to Rawls' *proviso* in his political liberalism ethical values in some cases can guide our conduct when they are congruent with our sincere convictions about the most reasonable political values, Moreover, it is also noteworthy that J. Rawls allows ethical establishment when it may generate more compliance with the political values. For J. Rawls' remarks on the proviso see his (1997) 'The Idea of Public Reason Revisited' in *The University of Chicago Law Review*, vol. 64, n. 3.

exclusive appeal the so-called *political values*, namely, the values of political autonomy, equality, fairness, reciprocity, mutual respect and publicity.

Now, on one available interpretation of The Independentist, both The Moderate's argument from context of choice, which favours public monolingualism, and The Culturalist's identity argument from options adequacy favouring public multilingualism can arguably be said to preserve children's independence. For, as the reader may recall, both appeal to certain conceptions of autonomy that can be easily framed as appealing to *political* autonomy. The only argument that seems to be ruled out by The Independentist is the linguistic diversity argument because, even if it is not a complete and exclusionary ethical doctrine, it is clearly an ethical view, at least, in its narrow sense specified above, which do not seem to be justifiable only by appeal to political values. This implies that a wide variety of linguistic policy regimes, if adequately justified, could be permissibly implemented according to The Independentist.

However, it seems more interesting to me to try to argue here for what I take to be the most reasonable or best characterisation of The Independentist. So in the following I shall argue that the most plausible version of The Independentist on parental transmission of language favours a public multilingual regime sensitive to the size of the existent linguistic communities in order to secure children's fair opportunities to form their own convictions about the value of languages, their independent sense of identity and develop political autonomy according to their own understanding of it. So, for the purposes of the discussion below, let me call my favoured version of The Independentist, The Independentist *tout court*, who will try to answer the objections of *The Moderate*

Independentist.¹⁸³

6.2 The argument for linguistic independence

Here it is what we may call The Independentist's *argument for linguistic independence*.

P1) Parents ought to secure children's independence by following the liberal restraint in justifying their choices concerning language transmission to children.¹⁸⁴

P2) Independence requires that children are able to develop and pursue their own fundamental aims and convictions.

P3) Free and equal citizens will predictably develop a variety of fundamental life aims and convictions some of which may be sensitive to language transmission.

P4) Parents ought to ensure that children have a fair opportunity for developing, revising and pursuing their own linguistic convictions and aims.

Thus, parents ought to promote a public multilingual regime sensitive to the numbers of speakers of available languages.

¹⁸³ It is noteworthy that, as I mentioned in the introduction of the chapter, we are assuming cases of societal multilingualism are the relevant ones. Note further that, for reason of space, I will not be able to discuss the mentioned proviso sensitive to the size of existent linguistic communities. I just want to say on this regard first, that I do not want to suggest with my argument here that the impersonal value of linguistic diversity implies that we should maximise the number of languages publicly transmitted regardless of the existence of a significantly big numbers of speakers of that languages. Moreover, suppose we accept that a reasonable threshold for public transmission of a certain language is that their linguistic community represent x% of the population in a community. I would say this threshold should be the same regardless of whether we are dealing with an immigrant community or a historically settled one.

¹⁸⁴ Note that this first premise is an abbreviated version of the argument from political autonomy defended in chapter two

Let me now proceed to explain in a more detailed fashion the argument for linguistic independence. The first and second premises in the argument do not need much explanation. For their claims have already been defended, namely, with the political argument for children's independence in chapter three of this thesis and the argument from political autonomy in chapter two. However, premises three, four and the conclusion of the argument call for an explanation and justification.

6.3 The linguistic ambitions of free and equal citizens¹⁸⁵

Let us assume here that premises one and two have been adequately defended. Parents ought to secure that children are able to pursue independently their own fundamental aims in life by following the liberal restraint in justifying their choices with regard to language transmission. Let me here remind the reader premises three in the argument for linguistic independence:

P3) Free and equal citizens will predictably develop a variety of fundamental life aims and convictions *some of which may be sensitive to language transmission*.

Someone may object against premise three on the grounds that independent citizens, if adequately socialised, would develop fundamental life aims sensitive to language only in the sense that The Moderate's context of choice argument has put forward. This interpretation could be supported by a certain

¹⁸⁵ For a more detailed view in this sense, see Raz, J (1986) *The Morality of Freedom*, Oxford University Press, ch. 12. Other possible ways to define fundamental options adopted by prominent liberal egalitarian theorists are also available in the works of Ronald Dworkin and John Rawls. For a good discussion of how we may apply their views in measuring children's levels of advantage, see Clayton, M. (2006) *Justice and Legitimacy in Upbringing*, Oxford University Press, ch. 1, p. 28-35, ch. 2, p. 57-65. Note that I've been inspired by J. Raz' view which is more similar to R. Dworkin's view than to J. Rawls' view in being ambition-based rather than interests-based. Yet, as our discussion in chapter one in this thesis notes, J. Rawls' requirement of minimal subjective rationality in the pursuit of one's view of the good and the presence of the social basis of self-respect with J. Rawls' list of primary social goods, makes my view compatible with J. Rawls' interests-based view.

interpretation of The Independentist's positive proposal for political education described in chapter four of this thesis. As the reader may recall, in order to know what are the fundamental interests of children we asked ourselves what about the fundamental needs, opportunities and aims any person may plausibly be said to have independently of what ethical views they may develop.

Following the latter line of reasoning, someone could argue that in order to develop a sense of justice and a capacity for developing, revising and pursuing their view of the good it is only required to value language as an instrument for accessing a certain range of opportunities regardless of which particular language it turns out to be the one doing the work. Similarly, with regard to their interests in self-expression and the non-instrumental value of languages that might plausibly be sensitive to the availability of one's mother tongue, basic liberties could be said to provide the proper space satisfaction of these interests. Let me call it *The Moderate Independentist*.¹⁸⁶

However, there are important problems with the restrictive interpretation of premise three made by *The Moderate Independentist*. First, it is important to note that one of the simplifying assumptions of Rawls' view on justice is to assume the society which is subject to his principles of justice shares a single language, history, traditions and there are no migratory fluxes. Yet, actual liberal democracies are multilingual. Thus, in applying Rawls' theory to more real cases we should relax some of his simplifying assumptions. Moreover, there is many people who value the public availability of languages other than the majority's for their contribution to people's sense of identity, self-respect, and therefore, for its contribution to a certain understanding of personal autonomy. So, it is an open question what linguistic convictions would free and equal citizens would have under adequate socialisation. In other words, we cannot assume, without argument that applying the Rawlsian ideal of free and equal citizenship to actual societies, implies that independent agents would develop a sense of one's identity and therefore of autonomy along the lines suggested by

¹⁸⁶ This view is defended in Clayton, M. (2006) *Justice and Legitimacy in Upbringing*, Oxford Univ. Press, ch. 4, section 4.

The Moderate rather than similar to The Culturalist. Finally, it is important to note that in Rawls' works, the higher-order interest for having a view on the good ideal citizens are conceived to have, only requires a minimal level of legislative and executive rationality rather than full deliberative rationality as we specified in chapter two in describing the cognitive condition for autonomy. So, it should be granted that, even if The Moderate Independentist argues they are not the most reasonable ones, the identity argument advanced by The Culturalist points to somewhat reasonable life aims and convictions free and equal persons may develop.

Thus, it seems appropriate in our case to follow Alan Patten who, by analogy with the case of ethical pluralism in Rawls' *Political Liberalism*, puts forward *the fact of linguistic diversity* as a relevant fact to be taken into account in our reflections on justice and the probable fundamental interests of free and equals. This is one way to support premise three in the argument for linguistic independence based on an appeal to some social facts our theories on justice should take into account.¹⁸⁷

The second problem with The Moderate Independentist's view is that there are sound reasons for supplementing an *interest-based* account of what are the fundamental aims independent agents may arguably develop with an *ambition-sensitive* account. That is to say, there are good reasons to supplement an account of the fundamental interests with a list of the goods that *any rational person would value* for the sake of satisfying these interests, by taking into account the *life aims and values people actually have* provided they are not the product of inadequate social circumstances such as manipulation, coercion or

¹⁸⁷ For Rawls' requirement of minimal rationality for people's permissible ethical views see his: (1971) *A Theory of Justice*, Harvard Univ. Press, p. 417: 'if the agent does the best that a rational person can do with the information available to him, then the plan he follows is a subjectively rational plan'. For Patten's notion of the fact of linguistic pluralism see: Patten, A. (2003) 'Liberal neutrality and language policy' in *Philosophy and Public Affairs*, vol. 31, n. 4, p. 2-4. Note that A. Patten understands the fact of linguistic diversity as the existence of *societal rather than public* multilingualism within actual states. Yet, I propose a broader understanding of the notion which includes not only societal multilingualism but also societal diversity on beliefs about the value of linguistic diversity and the value of particular languages.

other forms of oppression.

The first reason is that it may be too difficult to provide an interest-based account which uncontroversial even among adherents of the ideal of society as a fair cooperative enterprise between free and equal citizens with different ethical doctrines and different views on the value of languages. Indeed, prominent liberal egalitarians such as Ronald Dworkin claim that we should renounce at advancing a convergent account on what should be the fundamental interests of free and equals because it.¹⁸⁸

The second related reason is given precisely by reference to the ideal of independence referring, on its negative aspect, to individuals being able to endorse the major constraints they face in life and, on its positive side, to individuals' development of their own judgements on what is of fundamental value in life. That is to say, it is plausible to consider as non-instrumentally valuable that people pursue the life aims that are deemed valuable according to his own considered judgements. Not taking into account such personal judgements could arguably be objectionable on the grounds that it would be wrongly paternalistic, disrespectful to treat people as an infant and would also be problematic in terms of the legitimacy and stability of political power.¹⁸⁹

Now, one possible way to supplement an interest-based account in order to overcome the just mentioned problems consists in using an *ambition-sensitive*

¹⁸⁸ See Dworkin, R. (2000) *Sovereign Virtue: the Theory and Practice of Equality*, Harvard University press, p. 44,46.

¹⁸⁹ This is a view also supported by R. Dworkin in his (2000) *Sovereign Virtue*, Harvard Univ. Press, where he claims: 'Someone's volitional well-being is improved whenever he has or achieves something he wants' (...) 'his critical well-being is improved only by his having or achieving those things that he should want, that is, achievements or experiences that it would make his life a worse one not to want', in p. 216, cf. pp. 242-3. And 'no component contributes to the value of a life without endorsement' in p. 217-8. See also Dworkin's following statements: 'most of what we call tastes are soaked in judgement' in p. 290-1 and 'I can intelligibly want something without thinking it makes my life a better life to have; indeed a life in which someone wanted only what he thought it in his critical interests to have would be a sad, preposterous mess of a life' in p.486

metric of advantage. That is, an account of what are the fundamental life opportunities, aims and values people actually have provided they are not the product of inadequate social circumstances such as manipulation, coercion or other forms of oppression.

6.4. The objection from moral salience

The Moderate Independentist may protest that it is unclear why considering certain aims, preferences and ambitions people as irrelevant from the point of view of justice should be taken as problematic or disrespectful. One way to explain this line of reasoning is to by discussing what I shall call the *objection from moral salience*. The objection from moral salience may be raised in defence of a restrictive interpretation of premise three of the argument for linguistic self-determination. More directly though, it is fundamentally an objection against *the identity argument put forward* by The Culturalist appealing to opportunity inadequacy for individuals with certain linguistic ambitions thwarted by public monolingualism.

The objection basically emphasises a distinction between *what is actually valuable* and *people's beliefs about value*. Moreover, the objection claims, even if our subjective attitudes may be said to make a difference to what others owe to us, it might still be the case that our attitudes don't count when determining how we are permitted to influence children. For it is doubtful that just because parents want their children to speak their language, this gives them a sound reasons for making them literate in this language. Furthermore, the opportunity to use one's own language in a broad range of areas and satisfying the aims related to one's identification with a particular language, may not be considered of fundamental importance. Thus, the fact that some people's beliefs and attachments about the value of a particular language may make affect their sense of self-respect and identity, rather than indicating the need to provide the opportunities to satisfy their language-related aims, indicates the need of these people to revise their implausible beliefs or to implement measure such as immersion schooling in the majority's language that will change these

problematic beliefs.

The clearest illustrations in support of the moral salience objection are given by cases of morally repugnant or illiberal preferences that imply the infringement of others' basic liberties in order to enhance one's sense of self-respect. But, more relevant for our purposes, is the version of the moral salience objection that appeals to the problematic origins and ways in which people often form their preferences, values and life aims. For, as we know, the fact that people's preference may have been acquired in ways that bypass their rational capacities for criticism, under excessive social pressure or even in oppressive conditions should be the object of concern for The Independentist's conception of the political condition for autonomy.

One unpromising reply to the moral salience objection would be to *merely* appeal to a qualitative difference between constitutive, higher-order or strong values centrally linked to people's sense of identity or dignity as beyond critical scrutiny. For, if one wants to remain a liberal, one must accept the consequences of being committed to the ideal of autonomy. Alternatively, someone could appeal to the ideal of mutual respect present in The Independentist's conception of an ideal society. For instance, Philippe Van Parijs claims: 'People must not be 'stigmatised, despised, disparaged, humiliated by virtue of their collective identity, that is of the social category to which they happen to belong in their own eyes and the eyes of others, for example their gender or their race, their religious or linguistic community even if this does not affect people's opportunities for valuable options' given that the collective identity in question does not clearly involve the violation of anyone's basic liberties and does not conflict with other's fundamental interests.¹⁹⁰

¹⁹⁰ For the citation see Van Parijs, P (2011) *Linguistic Justice*, ch. 4, p. 119. I added the conditional clause that excludes collective identities that are clearly morally problematic to Van Parijs' citation in order to make dodge a plausible objection such as the following: why not disparage someone because they believe a religion that says menstruating women are unclean, and this belief is so widely held that it results in women being eaten by tigers when they live alone?

However, the question about the soundness of people's beliefs that make them feel disrespected still would stand. That is to say, even if we consider that taking into account people's ambitions is valuable, we may plausibly do so given that those ambitions are somewhat valuable or can be supported by plausible reasons. Otherwise, claims of self-respect should not be accommodated.¹⁹¹ For imagine that someone's collective or individual sense of identity is linked, to put it in extreme yet lively terms, clearly illiberal interpretations of Christian, Jewish and Islamic religion and feel disrespected when any form of heresy occurs or with the public presence of non-believers. Or, in other words, someone may plausibly ask: why not disparage someone because they maintain a religion which says that menstruating women are unclean?

An adequate reply against the moral salience objection could begin by noting first, that the reason the linguistic independence argument allows parents to be moved by in transmitting their language to children is not that they want their children to speak the language they want. Rather, the reason is that they want to secure children's fair opportunities for development of a secure sense of identity, self-respect and, therefore, political autonomy according to the conception they choose to maintain under fair background conditions.

Moreover, The Independentist could further point out the implausibility of maintaining an account of self-respect and sense of identity exclusively based on the mind-independent or objective value of people's beliefs.¹⁹² This is because the value of self-respect seems necessarily connected with the idea that a self-respecting person is in some way aware of the fact that she has self-respect, and that she somehow draws strength from this awareness. Yet, if we sustain a conception of self-respect that is totally divorced from people's

¹⁹¹ For the point on the correctness of people's beliefs underlying claims of self-respect see Scanlon, T (2018) *When Does Equality Matter?*, Oxford Univ. Press, ch. 3, p. 43-52.

¹⁹² For a helpful discussion on the value of self-respect and a proposal which includes both an intrapersonal and inter-personal component of it, see, for instance, McKinnon, C. (2002) *Liberalism and the Defence of Political Constructivism*, Palgrave, Basingstoke, ch. 3, p. 57-82, see also McKinnon, C, (2002) 'Exclusion rules and self-respect' in *Journal of Value Inquiry*, vol. 34, n.4

judgment we are forced to accept the counterintuitive possible scenario in which everyone enjoys self-respect while they all raise complaints on the grounds that they are disrespected. On the other hand, the important point that the moral salience objection raises is that an account of self-respect exclusively based on the subjective elements would also be implausible. Now, both because it is a very hard question and for reasons of brevity, I cannot here put forward a complete and plausible account of the value of self-respect. However, it seems both plausible and sufficient for our purposes here to say is that a satisfactory account of self-respect should have as necessary constituents both mind-dependent and mind-independent elements.¹⁹³

A further reply to the moral salience objection would plausibly add that it seems an exaggeration to claim that everyone who values the public availability of one's own language would not value it if manipulation, undue social pressures or coercion had occurred. For, as the familial adequacy argument has described, such a preference or conception of self-expression generally occurs as an implication of a necessary condition for children's adequate upbringing and independence. Thus, The Independentist should rather acknowledge that, after due reflection, The Culturalist's reasons for valuing one's language are rational and plausible enough to deserve a place among the aims that the value of political autonomy or self-determination covers.¹⁹⁴

At this point The Moderate Independentist could try to rehearse his objection by saying that, acknowledging that certain linguistic ambitions may be valuable for

¹⁹³ Moreover, this is consistent with our account of the value of independence. Just to briefly remind them to the reader. The cognitive condition of autonomy required that sufficiently rational life aims should be open to autonomy agents. And the identity condition highlighted the importance of avoiding alienation, a sense of estrangement or detachment from one's life pursuits.

¹⁹⁴ See ch. 1 of this thesis for the cognitive condition of autonomy which only requires a minimal level of legislative and executive rationality for the aims an autonomous person may legitimately pursue. See also Rawls, J (1971) *A Theory of Justice*, p. 417: 'if the agent does the best that a rational person can do with the information available to him, then the plan he follows is a subjectively rational plan'. See also Patten, A (2014) ch. 3 p. 97-100 for his reply to the moral salience objection

some people, they cannot be plausibly considered as *fundamentally* valuable in the sense that its public promotion is necessary.

However, there are certain features that, according to some people, a life goal may reasonably have that make it especially relevant for their self-determination which are present in cases of valuing the public availability of one's language in a broad range of areas in life. I shall call them *special commitments*. But first let me make a clarificatory point. The claim here is not that the presence of these three features should directly imply the protection or promotion of these aims for the sake of personal autonomy. The claim is rather that it is implausible to consider a certain aim as unimportant or superfluous when it gathers the following features. Then, other considerations may well be required for accommodation.

What we may call *special commitments* have the following three features; a) they have a *pivotal role* in people's conception of autonomy and well-being, b) they are *not easily substitutable* and c) they are especially *salient for recognition*. Let me explain further how these three elements apply to the case.¹⁹⁵

With regard to their pivotal role, The Independentist may arguably claim that not publicly transmitting a minority language may significantly impair minority-language speakers' autonomy and well-being. For people's self-expression is not adequately secured if one cannot use his own language in a broad range of areas in life in circumstances in which it could without excessive costs for others. For instance, even if someone is competent in the language in which the majority of fundamental life options are available, the unavailability of films, poetry, novels, songs, theatre, the difficulty to make friends, to maintain loving relationships, to work, and to relate with others in other social contexts in one's

¹⁹⁵ For another similar discussion and defence of sharing the costs of certain types of conviction-accommodation see also Shiffrin, S, (2000) 'Paternalism, unconscionability doctrine and accomodation' in *Philosophy and Public Affairs*, vol. 29, n. 3 and also Shiffrin, S, (2004) 'Egalitarianism, Choice-Sensitivity, and Accommodation' in Pettit, P. et. al. (eds.) *Reason and Value: Themes from the Work of Joseph Raz*, Oxford University Press, p. 270-302

native language may negatively affect one's capacity for self-expression and increase one's sense of alienation. With regard to its uneasy substitutability, it is worth noting that many minority-language speakers do not accept, or would prefer that social circumstances would not make them accept, monetary forms of compensation for the unavailability of their language in the public domain. Finally, with regard to its recognition salience, one may point out to the fact that, because linguistic choices are present in almost all social interactions between speakers of different languages, the contexts where minority-language speakers find their fundamental options inadequately treated by others exponentially increase.¹⁹⁶

In order to further illustrate the sense in which attachment to one's own language is a special commitment it may be useful to think about a continuum along which preferences with more and less degree of importance for one's well-being and/or self-determination due to one's beliefs about value can be placed. At one extreme, one may refuse to eat a particular type of candy due to certain trauma during his childhood. It is very easy for this person to avoid eating it at any moment in his life without any other fundamental interests and ambitions in his life being affected. Moreover, even if we could imagine a weird situation in which he is offered a monetary reward for eating it, it is imaginable that, perhaps with a bit of psychological work, he could not only eat a candy of this type but also that he would feel the monetary reward has made it worth it. Finally, it seems that the preference for not eating this candy has zero costs for others. At the other extreme, we could imagine someone with a strong

¹⁹⁶ Note how the case of language compares with the case, for instance, of religion with regard to a), b) and c). The latter feature c), say, is perhaps the most clear sense in which the availability of one's language in the public domain is more important than the public establishment of a particular religion. For it is not the case, like it is for language, that in all human interactions the religion one happens to adhere is salient. With regard to feature b) of special commitments, we may say that someone would refuse to change their religion for money like in the language case. However, it seems entirely possible to follow a religion regardless of how much others follow it and its public presence. This is relevantly dissimilar for the case of language which cannot meaningfully be used for full self-expression individually or in only the private domain. Feature a) concerning their pivotal role is perhaps the most similar one in the language and religious case for people who give great importance to it.

preference for silence. Any noise, even if it comes from a human voice, has devastating consequences for his autonomy and well-being.

Alternatively, it may also be helpful to think about it the following metaphorical terms. The Independentist should arguably refuse to treat one's own *language as a part of one's body*, like one's eyes or skin, in a strongly deterministic sense that implies individuals who cannot generally use their native language have lost something necessary for life and their capacity to understand the world. As I have already stated, current scientific knowledge refutes this view. Yet, The Independentist may at the same time acknowledge that people's own language is their *usual way of dressing* in the sense that it is the way they find themselves comfortable, secure, and ready for socialising even though it is not necessary for living and could be changed.¹⁹⁷

At this point, let me assume that premise three in the argument for linguistic self-determination can plausibly be interpreted to allow that independent children may plausibly develop linguistic aims and convictions involving not only the private but also the public availability of one's own minority language.

6.5 the objection from opportunity costs

We are now concerned with premise four in the argument for linguistic self-determination. The central feature of that premise is that it claims that, given that children may develop a variety of linguistic convictions and aims, the opportunities for pursuing them should be fairly distributed.

Now, The Moderate Independentist may object against public multilingualism by appeal to the *opportunity costs* of satisfying this kind of linguistic ambition rather than questioning its value. For instance, he could argue that the time, effort and financial resources that learning minority languages in schools require, could better be devoted to learning more valuable languages or other academic

¹⁹⁷ Vergés, J., (2007) *Problemes filosòfics del liberalisme polític Rawlsià*, (doctoral dissertation, available online in: <https://www.tdx.cat/bitstream/handle/10803/7822/tjvg.pdf?sequence=4>)

disciplines.

The Independentist could reply that it is unclear why we should count as *costs* the implementation of what has been deemed as just or, at least, as sufficiently just. That is to say, The Independentist may argue that once we have properly weighed all the relevant values and reasons we have to act, we have already considered the alternative paths of action. Of course, what ought to be done, may probably have monetary costs, may require that we ought to change our attitudes and will surely imply that we do not take other possible routes of action derived from other possible interpretations and weighings of what we deem valuable. However, being costly in this later specific sense is arguably not morally problematic. In fact, it is an inevitable consequence of moral reasoning and acting according to what we think we have most reason to do so.¹⁹⁸

6.6 the objection from fairness

Alternatively, The Moderate Independentist may argue, on grounds of fairness, that it would be unfair to require everyone to share the costs of the resources necessary for the satisfaction of a minority with special linguistic commitments. This line of argument could be supported by Rawls' remarks claiming that people should take responsibility for their aims in life in the sense that people should revise their ends according to the level of resources available. As the reader may remind, this component of Rawls' ideal of free and equal citizens was already in our presentation in chapter four.¹⁹⁹

In other words, The Moderate Independentist could argue that a fair distribution of children's opportunity to develop and pursue their linguistic convictions and aims, favours public monolingualism rather than public multilingualism. As the reader may remind, this would only amount to accepting all the argument for

¹⁹⁸ For an illuminative account of how we may conceive morality as an interpretative endeavour see, for instance, Dworkin, R. (2011) *Justice for Hedgehogs*, Harvard University Press, part II, particularly, ch. 6 on what he calls 'moral responsibility'.

¹⁹⁹ For Rawls' remarks on people's taking responsibility for on's ends, see, for instance, his (1996) *Political Liberalism*, NewYork:Columbia University Press, p. 33–34 and 186

linguistic independence, except for its conclusion. Let me remind the fourth premises of the just reconstructed argument:

P4) Parents ought to ensure that children have a fair opportunity for developing, revising and pursuing their own linguistic convictions.

To put it in R. Dworkin's terms, a multilingual regime would imply that people without a special commitment to minority languages—most probably the majority—are required to share the costs of an *expensive taste* of those who vote for public multilingualism.

The so-called *expensive tastes objection* claims that it is unfair to others to be required to share the costs of providing others' with opportunities for pursuing their expensive aims which they do not regret to sustain or they self-identify with. The ideal of fairness advanced by R. Dworkin that underlies the objection is a complex one which, for reasons of space, I cannot fully present here. But let me just say that, Dworkin's view of fairness the correct distribution of privately owned resources such as income, wealth and natural resources should be one resulting from a hypothetical auction in which all parties have equal purchasing power, the same power to determine the character of the resource bundles available for distribution and which ends when no-one wishes to have anyone else's bundle of resources. For cases of personal resources such as health and talents, Dworkin proposes a progressive system of taxation mimicking the outcome of a fair insurance scheme in which individuals could insure themselves against having bad luck in their personal endowments.

For our present concerns, it is important to note first, that Dworkin's metric of advantage is, unlike Rawls', ambition-sensitive as we said above. So free and equal's independence, is preserved by taking into account people's ethical views and aims rather than bracketing them as the liberal restraint supposes. Second, note that this objection has originally been raised against subjectivist or welfarist accounts of the adequate metric of advantage. By a subjectivist metric I mean a criterion according to which the level of advantage enjoyed by a

person is to be estimated by evaluating his circumstances from the point of view of that person's convictions aims and preferences which I am not defending. However, the objection can be easily rehearsed to apply to theories that aim at equalising opportunities rather than outcomes and which propose mixed or objectivist metrics of advantage which I defended in replying the moral salience objection.²⁰⁰ Third, and more important for the expensive tastes objection, Dworkin's market-oriented view of fairness implies that the price of the resources available for redistribution are established by markets, that is, they are equivalent to the value the resource in question have for others. This is

²⁰⁰ See Williams, A (2002) 'Equality for the Ambitious' in *Philosophical Quarterly*, vol. 52, n. 208, p. 4: 'We are to imagine an initial situation in which individuals' desires are similarly expensive to satisfy, and welfare and resources are equalised simultaneously. Louis then cultivates relatively expensive desires, and requests a larger share of wealth than others in order to ensure that his welfare level remains equal to theirs. Dworkin assumes that since it would be unfair to others to grant this request, it is Louis' responsibility to bear the financial costs of his changed ambitions. If equality of welfare contradicts that widely shared assumption, there is a weighty reason to reject it.'

what triggers the expensive taste objection.²⁰¹ Let me very briefly put forward a recent version of the objection advanced by Patten:²⁰²

Imagine that Martin considers the opportunity to pursue a luxurious life a fundamental one for his sense of identity and self-determination. He wants to control a large state, drink expensive wine, to have household service staff, always flying in first class and so on. Why should others share the costs of his luxurious ideal of life? Applying it to the case that concerns us here, the Moderate Independentist could argue that appealing to the inadequacy of the options offered by public monolingualism for pursuing one's expensive linguistic aims and convictions is analogous to Martin's situation.

²⁰¹ For a clearer and more detailed exposition and discussion of the expensive tastes objection as applying both to welfarism and moderate forms of welfarism see: Williams, A (2002) 'Equality for the Ambitious' in *Philosophical Quarterly*, vol. 52, n. 208. See also Clayton, M., (2000) 'The Resources of Liberal Equality' in *Imprints*, vol. 5, Lippert-Rasmussen, K (2016) *Luck Egalitarianism*, Bloomsbury, ch. 4 and Parr, T. (2017) 'How to Identify Disadvantage: Taking the Envy Test Seriously' in *Political Studies*, vol. 31.

For the original presentation of the objection see Rawls, J (1999) 'Social Unity and Primary Goods' in Freeman, S., *John Rawls, Collected Papers*, ch. 17, Dworkin, R. (1981) 'What is Equality? Part 1: Equality of Welfare' and 'What is Equality? Part 2: Equality of Resources', in *Philosophy and Public Affairs*, vol. 10, n. 4, p. 7, 8 or (2000) *Sovereign Virtue: The Theory and Practice of Equality*, Cambridge, Mass.: Harvard University Press, ch. 7. and see Cohen, G. (2011) *On The Currency of Egalitarian Justice*, Princeton University Press, ch. 4, Dworkin, R (2002) 'Sovereign Virtue: Revisited' in *Ethics*, vol. 113

For discussions of it applied to culture and language see Van Parijs, P. (2011) *Linguistic Justice*, ch. 4, p. 125-128 and ch. 5, p. 171-74 Patten, A. (2014) *Equal Recognition*, ch. 3, p. 100-101 and ch. 4, p.139-45 and p. 177-82 and Barry, B. (2001) *Culture and Equality*, p. 34-35 and Pogge, T. (2003) 'Accommodation Rights for hispanics in The United States' in Kymlicka, W. & Patten, A. (eds.), *Language Rights and Political Theory*, Oxford University Press, ch. 4, for a critique of the luck egalitarian argument from unfairness and culture as an unchosen trait to be compensated for. For a similar critique see Weinstock (2003) 'The antinomy of language policy' in Kymlicka, W. & Patten, A. (eds.), *Language Rights and Political Theory*, Oxford University Press ch. 11

²⁰² See Patten, A (2014) *Equal Recognition*, Princeton University Press, ch. 3, p. 100-102 and ch. 4, p. 141-8.

In facing the expensive tastes objection, The Independentist should begin by noting that the argument for linguistic independence does not claim we ought to secure everyone has equal opportunities for satisfying *any of* their preferences and ends. Rather, it claims we ought to provide the necessary conditions for everyone's political autonomy and that, according to a reasonable conception of it, this requires the availability of one's mother tongue in a broad range of areas in life as the contextual and identity conditions say.

I think this reply should be enough for our purposes because, in emphasising that on a reasonable conception of political autonomy, the regime of public multilingualism is required, the analogy between this regime and expensive tastes has been defeated. However, The Moderate Independentist could still insist that this is an unreasonable interpretation of what securing a fair level of opportunities for everyone's autonomy can legitimately require. So, to end the discussion of this objection, let me very briefly provide some very general suggestions against considering Dworkin's conception of fairness in the distribution of resources that underlies the expensive tastes objection as the most reasonable one.

First, The Independentist can argue that everybody should share the costs of a certain subtype of goods that Dworkin wrongly includes under the same category of expensive tastes.²⁰³ This line of reply first distinguishes between having a certain preference or pursuing a certain aim in life *that is expensive*

²⁰³ For views of fairness in this sense, for instance, Cohen, G., (1989) 'On the currency of egalitarian justice' in *Ethics*, vol. 99, Lippert-Rasmussen, K (2017) 'Dispositional neutrality and minority rights' in *Critical Review of International Social and Political Philosophy*, vol. 20, n 1 and DeSchutter, H (2017) 'Two Principles of equal language recognition' in *Critical Review of International Social and Political Philosophy*, vol. 20, n 1. See also Van Parijs (2011) *Linguistic Justice*, Oxford Univ. Press, who, although he defends the expensive tastes objection like the Moderate Independentist here he also says in p. 172: 'if the justification given for a territorial regime were that it is needed to give every person access to a societal culture, or *to a normal range of opportunities, or more generally to the conditions of personal autonomy*, then redistribution could be justified from the bigger to the smaller community, so that each can afford the cost of an appropriate linguistic regime. But this is not the approach adopted here.' Yet, this is what is argued by the identity argument.

due to social circumstances and having a preference or pursuing an aim *because it is expensive*. The latter should be better labelled as a *snobbish preference or aim* in the sense that the object of the preference is the price of the good desired. In the linguistic case, however, speakers of minority languages not only do not maintain their linguistic aims because of the costs of pursuing them, but typically regret the fact that they are expensive due to unfortunate social circumstances.²⁰⁴

In other words, The Independentist should reject the use of market prices to establish the fair baseline distribution of people's initial entitlements. As Samuel Freeman puts it in criticising Dworkin's view: 'while allocation of the factors of production is most efficiently achieved by markets in labor and other resources, this is not justification for presuming that market distributions of income and wealth create entitlements and are just, or even for regarding markets as providing a presumptive measure for the just distribution of income and wealth that result from social cooperation' 'For, to take responsibility for one's own choices does not mean that one must also take responsibility *for not being the beneficiary of others' choices*'.²⁰⁵ Moreover, in the linguistic case that concerns us, catering individual responsibility for the relative size of a linguistic minority with respect to a linguistic majority is much more difficult due to the fact that language is always present in linguistic interactions and minority language speakers are therefore subject to a repeated collective action problems.²⁰⁶

²⁰⁴ See, for instance, Cohen, G. A. (2011) *On the Currency of Egalitarian Justice: And Other Essays in Political Philosophy*, Princeton, NJ: Princeton University Press, p. 92-6 and Lippert-Rasmussen, K (2016) *Luck Egalitarianism*, Bloomsbury, ch. 4, p. 93-98

In addition, it is noteworthy that, more radically, S. Scheffler has raised doubts on the consistency and relevance of the distinction between choice and circumstance R. Dworkin crucially uses for distinguishing cases that deserve compensation from cases that do not. See: Scheffler S (2003) What is egalitarianism? in *Philosophy and Public Affairs*, vol. 31, n 1, p. 17-21

²⁰⁵ Freeman, S. (2007) *Justice and the social contract. Essays on John Rawls philosophy*, ch. 4: 'Rawls on luck egalitarianism', more particularly, section III 'Responsibility for ends', p. 124-132. The concrete citations can be found in p. 128 and 129

²⁰⁶ Patten, A (2014) p. 213-227 and Van Parijs, (2011) p. 119 and 141-46 and Laitin, D (1993) 'The Game theory of language regimes' in *International Political Science Review*, vol. 14, n. 3

For illustration, let me modify the prominent Dworkinian prominent thought experiment that he presents to argue for his ideal of fairness: imagine that a group of shipwreck survivors arrive at a desert island. Imagine further that, rather oddly, but convenient for simplicity's sake, the resources within the island are abundant and the shipwreck survivors only have one life aim, say, to play their favourite sport all the time. Fortunately for the majority of the citizens who like to play football, there are already some palms in the island located in a perfect way to play football. On the contrary, the minority who prefers to play basketball would need to spend some time and resources of the island to build the baskets. According to the expensive tastes objection, it would be unfair to the majority of football players, for the minority of basketball players to ask everyone to share the costs of building the baskets. This seems, *pace Dworkin*, clearly counterintuitive to me.

Another way to support the claim that everybody should share the costs of some people's fundamental aims that are expensive due to unfortunate social circumstances, would be to appeal to the Rawlsian value of reciprocity in its most general and fundamental sense central to specify his ideal of society as a cooperative project among free and equals. In Rawls words: 'the principle of reciprocity requires of a practice that it satisfy those principles which the persons who participate in it could reasonably propose for mutual acceptance under circumstances and conditions of the hypothetical account' 'a practice will strike the parties as conforming to the notion of reciprocity if none feels that, by participating in it, he or any of the others are taken advantage of or forced to give in to claims which they do not accept as legitimate'.²⁰⁷

Now, imagine a society in which the majority of the population do not have any linguistic attachments while a significantly large minority has it. If this society, following The Moderate's version of the context of choice argument, implements

²⁰⁷ Rawls, (1971) 'Justice as Reciprocity' in Freeman, S., (ed.) (1999) *John Rawls, Collected Papers*, Harvard University Press, p. 208. Or one may also, following Rawls, try to imagine whether or not, parties in the original position, would insure themselves against the possibility of turning out to be self-identified with a minority language community when the veil of ignorance is removed.

public monolingualism it seems harder to claim that reciprocity is one of the guiding social ideals structuring it than if it implements a public multilingual regime. For, by everyone learning the majority's language, the minority will be helping to secure the fundamental life aims of the majority by contributing to the availability of a common public language and yet, one of the minority's fundamental life aims would be made impossible because of the majority's reluctance to accept the costs of making others' fundamental life aims similarly available.

7. CONCLUSIONS

In this thesis I mainly defended the following revisionary thesis:

Parents have a very weighty reason, which is generally a decisive one, to act on reasons appealing to plausible political conceptions in transmitting values to children and refrain from being guided by reasons that stem from their ethical conceptions. Moreover, the thesis applies both to parents' public choices as citizens and in their choices within the familial domain.

The main source of inspiration for this thesis has been Rawls' political liberalism and, more particularly, the liberal restraint which crucially distinguishes between two kinds of reasons for action. On one hand, political liberalism distinguishes a certain kind of reasons that ought not to guide our political conduct, namely, those that appeal to ethical conceptions that refer to one's answers to fundamental questions about one's general understanding of the world and to what, if any, is valuable in it, one's life's significance, ideals of character and occupational career, religious convictions, as well as ideals about human relationships. On the other hand, political liberalism distinguishes another kind of reasons that ought to guide our political action, say, those that refer to plausible political conceptions understood as moral conceptions about how the main social, political and economic institutions and practices should be arranged and reproduced inter-generationally.

Following Rawls' distinction, I defended the extension of what I take to be the best interpretation of his doctrine of political liberalism to the familial domain. But in order to defend the central claim of my thesis, a considerable amount of preliminary work on how it is best to characterise political liberalism has been necessary. The first two chapters have been devoted to this purpose.

In chapter one I advanced a reply to a central objection against political liberalism that, in my view, hasn't been adequately answered in the specialised literature, namely, the asymmetry objection. The objection accuses political liberalism of being an inconsistent doctrine because while it precludes the

public implementation of controversial ethical views, it requires the implementation of similarly controversial political views. In order to reply to the asymmetry objection, I provided a typology of distinct conceptions of political liberalism by appeal to their different answers to some simple yet crucial questions any conception of political liberalism should answer. So, in progressively developing my reply to the asymmetry objection I also clarified my understanding of political liberalism.

I first described a common interpretation of Rawls political liberalism which I call the sociological conception that naturally triggers the asymmetry objection. I continued noting that the sociological conception advances a very implausible answer to the who question for political liberalism as the wrongly political objection makes clear. I then explored whether the asymmetry objection arises due to a wrong answer to the who question which asks about the content of minimally plausible or legitimate political views that may be advanced. Following this line of thought, I reconstructed the quasi sociological conception that provides a somewhat more plausible answer of the who question. Yet, it is also an unsatisfactory one for the same reasons than the former sociological conception. So I characterised another conception of political liberalism which further idealises, in epistemic terms, what counts as a legitimate political view. But the epistemic conception is also problematic for two reasons. First, because it faces the epistocracy objection which claims that citizens' moral status cannot plausibly be dependent on their epistemic capacities and, more importantly, it is subject to the mismatch objection. In other words, the epistemic conception does not answer the who question in a way that adequately distinguishes between uncontroversial political views and controversial ethical views. Finally, I put forward the moral conception which advances what I take to be an adequate answer to the who question for political liberalism by appeal to the Rawlsian ideal of free and equal citizenship with their two moral powers, namely, a sense of justice and a capacity for a view of the good, who also abide by the liberal restraint. However, I also noted a problem with this kind of answer to the asymmetry objection, namely, that it is an *ad hoc* answer that answers

the asymmetry objection on merely definitional grounds. In other words, without providing a principled reason for endorsing the practice of the liberal restraint.

Exhausted the possibilities suggested by the who question, one way to improve our conception of political liberalism is by turning to the what question in order to see whether, following this alternative route, we can properly reply the asymmetry objection. As the reader may remind, the what question asked about the object of the liberal restraint which, until this point, we assumed it to refer to specific decisions, laws or policies. But, arguably, we may rather answer the what question by reference to the justificatory values and principles. This is the right answer to the what question. But the moral conception is still problematic in two ways. First, it is unclear what is the reason why agreement on some general justificatory values and principles makes coercion permissible while disagreement in specific laws or policies makes it impermissible. So I then advanced a promising idea as a reply to the what question which says that, while it is relatively unimportant for others what a particular person does with his personal life, it is far more consequential for others what someone politically does. But the second and more important problem for the moral conception is, again, the mismatch objection. To remind the reader, the objection claims that it is not the case that political disagreements are always on policy issues (e.g: death penalty). Similarly, we can also find ethical disagreements at the policy-level which at the level of general values or principles turn out to be agreements (e.g: non-discrimination for sexual preferences).

I ended the first chapter advancing a reply to the asymmetry objection based on the why question for political liberalism. The answer relies on distinguishing between unity-preserving and disagreement-avoiding conceptions of political liberalism and argues that only the latter ones cannot reply to the asymmetry objection because they aim at generating agreement among a wide constituency. Alternatively, conceptions of political liberalism that aim at generating a valuable kind of relationship only among free and equals do not face the asymmetry and mismatch objections.

In the second chapter I focused on clarifying what are the reasons we have to pursue the kind of social unity mentioned at the end of chapter one. I advanced three main ideals, namely, stability for the right reasons, political autonomy and civic friendship, and reconstructed in detail plausible arguments for each one. I began with the Rawlsian ideal of stability for right reasons which should be distinguished from the prudential kind of institutional stability we ordinarily use in politics. The argument may be divided in two parts. The first part is concerned with showing how political liberalism can generate its own support in the sense that, adequately socialised citizens with statistically normal psychological capacities will include among their motivations compliance with the main social institutions. The second part focuses on how a society regulated by the principles of political liberalism can endure over generations given that free and equal citizens will diverge in their ethical conceptions.

I then put forward an objection that claims we do not have good reasons to have reasonable faith that political liberalism will generate its own support as Rawls himself says we have. However, I replied to this objection by distinguishing between *pro tanto* and full moral justification granting that, even if the argument shows we have sound reasons to predict that citizens of sound judgment will endorse political liberalism under adequate socialisation, we may accept that some others will have some trouble in internalising these sound reasons so that they overweight their ethical views in cases of conflict.

Now the desirability of a moral conception being a stable one arguably depends on whether or not the conception in question is a good one. So I then advanced two further ideals that make political liberalism a valuable doctrine. Political autonomy has been the first one. I described political autonomy as a non-instrumentally valuable ideal which refers to the idea of citizens being the authors of their own life in the sense of being capable to endorse the main constraints they face in life. The argument roughly points out that, under adequate socialisation, free and equal persons will develop different ethical views. Thus, political liberalism requires that the basis of public life and political

authority are justified by appeal to considerations that can be fully understood and endorsed by all given their ethical pluralism.

I then mentioned an objection advanced by convergence-based theorists of public reason. They claim that political freedom and respect for ethical pluralism are better honoured not by following the liberal restraint but just by public discussion being carried in terms intelligible for all and disagreements being democratically resolved. However, I also noted that persuading these kind of people is out of the reach of this thesis which focuses on presenting political liberalism in its most attractive and consistent form.

Finally, I distinguished between a robust and a non-robust understanding of political autonomy by appeal to whether the predictable existence of ethical disagreement among the justificatory constituency of political liberalism is understood as a necessary condition for political autonomy or not. I argued for conceiving the predictable existence of ethical disagreement as unnecessary condition for the value of political autonomy. I did so by proposing a thought experiment in which I hope to have given some plausibility to the claim that the liberal restraint and political autonomy would be valuable even in an ethically homogeneous society. Very roughly, this is because persons would have the assurance that they could change their ethical views without major problems. It is worth noting that this reflection on the role of ethical disagreement within the argument for political autonomy is also valid for the other two arguments for political liberalism in this second chapter.

The last argument I reconstructed in chapter two appeals to the non-instrumentally valuable ideal of civic friendship. The main idea of the argument is that by regulating our public affairs according to political liberalism we make possible an essentially common kind of self-determination and social unity. The exposition of this argument has been rather long. Yet, very roughly, it can be summarised in the following claims. First, in order to explain how I define essentially common goods, I pointed out that beyond the common features of public goods, essentially common ones need to be jointly produced and

consumed. Moreover, I also claimed that it is necessary for members of an essentially common project to act for the same reasons and values with a common aim. Finally, in order to reply again to convergence-based theorists which could object that democratic deliberation could also be considered an essentially common project, I proposed an analogy between the practice of the liberal restraint and the kind of mutual concern personal friends typically show.

Once political liberalism has been defended not only as an internally consistent doctrine but also as worth pursuing for different reasons, I turned to its application within the family. Chapter three comes back to our main question: what are the implications for the best liberal political conception for the permissibility of parental transmission of value? Since what I take to be the best liberal political conception has already been clarified and defended, what we needed at this point was an account of the liberal value of autonomy which all liberals aim at preserving for children.

My general account of personal autonomy has relied on Joseph Raz's view of political freedom. Following Raz, I take it there are four general requirements that any plausible conception autonomy should satisfy. First, the cognitive condition of autonomy claims that any autonomous agents should be capable to rationally direct one's life according information about one's considered values and the world. Second, the identity condition establishes that autonomous persons should enjoy a certain degree of congruence between his emotional reactions with respect to his attitudes, actions and convictions. Third, the contextual condition of requires the presence of an ethically meaningful range of choice for autonomous beings. Finally, the political condition requires the inexistence of coercion and manipulation in interpersonal relationships between autonomous persons.

There are two common views about parental transmission of value among liberal theorists that respect the just mentioned four conditions according to somewhat plausible interpretations of them. I reconstructed these two views with the help of *The Moderate* and *The Culturalist*.

The Moderate argues that parents should be permitted, if they consider it appropriate, to transmit ethical views to their children. This view only constraints parents' transmission of value by appeal to preserving the basic rights of third-parties including parents' themselves. This is probably the most widespread view in our liberal democracies the main arguments for it available in the literature I summarised in the following way:

One way to argue for parental options to transmit ethical views appeals to parents' reasonable preventions against state's tyranny over the upbringing of future citizens. Yet, even if we grant the claim that parents have good reasons to fear state's or majoritarian ideological indoctrination, the argument is lacking in not extracting all the natural implications of its own rationale. For, why shouldn't we similarly fear parents' indoctrination of children? Another common way to argue for parental options simply appeals to parents' rights. But this seems just a rhetorical and therefore weak moral justification. One way to see it is to think about children's rights against parental abuse. Arguably, nobody would allow parents an unrestricted prerogative to do whatever one wishes within a somewhat mysterious sphere of personal liberty. Finally, others have supported parental options by appeal to the excessive burdens it would imply for parents to refrain from transmitting their ethical views to their children or, alternatively, by appeal to the inevitability of parental ethical transmission. In reply, we may concede that moral requirements are sometimes demanding in terms of the psychological and behavioural effort they may impose on us. This could be a reason for not being too optimistic about parents' compliance with the liberal restraint in relating with their children, Yet, I argued that this line of argument is not a strong or decisive one. After all, many other basic moral requirements require us to modify or control our impulses. Moreover, if we think in historical terms, this has been the norm rather than the exception. Finally, it is convenient to remind that morally desirable changes may well come in degrees.

Another common view on parental transmission of value has been represented by The Culturalist. The view departs from The Moderate in requiring parental

ethical enrolment rather than just giving parents the option to do so. The Culturalist's view is motivated by the fear that parents' ethical restraint makes impossible for parents to provide the emotional comfort and secure sense of identity that children's development of autonomy requires. This comfort and security, The Culturalist argues, is given by parents maintaining a close, intimate and loving relationship with their children which inevitably carries with it the ethical enrolment of children. Commenting on this view, I just pointed out that, since it is based on empirical claims difficult to test, I can only argue, based on my everyday observation, that it is at least unclear that ethical enrolment is a necessary feature of an adequate environment for children's autonomy. And again, changes may come in degrees.

My revisionary alternative has been represented by The Independentist in chapter four. The view condemns both The Moderate and The Culturalist's for advancing a too permissive conception of the political condition of autonomy. In other words, The Independentist argues that giving parents the option or even requiring to transmit their ethical views amounts to establishing a manipulative kind of relationship with children because they acquire these views without their own rational scrutiny. A correct view of the political condition of autonomy, The Independentist claims, would preclude this manipulative indoctrination from happening. It is worth noting here, that The Independentist only condemns intentional transmission of ethical values and that, in some specific circumstances of clear injustice, he allows ethical enrolment as instrumentally valuable for advancing the aims given by the liberal conception of justice. Very roughly, this has been what I called the negative aspect of the independence view. Yet, it is also of central importance to emphasise that The Independentist claims that parents are required to educate their children by reference to their interests as specified by a sufficiently plausible conception of the Rawlsian ideal of free and equal moral persons ready to agree on fair terms of cooperation with others. The chapter includes a detailed explanation of this ideal and Rawls' case for anti-perfectionism.

The Independentist's case is based on what I called the political argument which establishes an analogy between the familial and the political debate. As the reader may remind, The Independentist claims that both domains share some fundamental features and therefore, if we accept that the liberal restraint should be followed by citizens, it should also apply to parents. The features in question are the following: both domains are non-voluntary, have pervasive impact and are coercive.

There are a variety of objections against The Independentist's political argument. But the main ones can be summarised in the following way. Some have argued that children cannot be treated like non-voluntary citizens because, as adults, they can live their life as they want without the family. Others have claimed that children's autonomy cannot be treated like adults' autonomy because they lack the relevant capacities for rational scrutiny that the political conditions require not to circumvent. Finally, it has also been argued that the familial, unlike the political, is not a coercive domain but one in which loving relationships should prevail. All these objections aim at vindicating the claim that the analogy the political case establishes is invalid and therefore that children's ethical enrolment cannot be judged as a case of indoctrination.

In reply, The Independentist argues first, that great impact parents generally have on children before their adulthood is sufficient to consider them as non-voluntary parties whose independence may be harmed. Second, that even if children lack the capacities for rational scrutinising their values, parents can act as trustees of their independence. Moreover, their probable retrospective rejection of some of the ethical values parents may transmit to them makes plausible the claim that independence may be violated before they develop these capacities. In order to illustrate it, The Independentist appeals to the similar case of respecting people's will after their death. The analogy aims at making plausible the claim that independence may be thwarted even if an individual cannot, at present moment, reject the ethical values in question. Finally, The Independentist further argues that, even if love and affection are not plausible candidates for being constitutive features of a good civic relationship

like they arguably are of a good parent-child relationship, one may well think of some understandings of parental love which may not be adequate instances of an independence-preserving relationship. Thus, even if parents should not aim at being impartial and dispassionate administrators of unknown citizens, their love for their children seems an insufficient reason for disregarding the possibility of harming children's independence.

In the last two chapters, I apply the thesis I defended about children's independence to a particular case, namely, the transmission of language. It is a particularly interesting case because, at first glance, it is unclear whether or not mere language transmission can be considered a case of ethical enrolment. Moreover, the fact that language is an inevitable medium of communication for us, makes The Independentist's case more problematic.

Chapter five presents again The Moderate and The Culturalist who, in that case, advance their different views on language transmission. Very roughly, The Moderate's view on language transmission gives a permission to parents to speak, in private, the language they prefer with their children given that their choice do not impair an affectionate and supportive relationship with them. And, on the other hand, The Moderate favours a monolingual public regime that favours children's development of autonomy and has other nation-building virtues.

The Moderate's view on parental options within the family is supported by the familial adequacy argument. The argument begins by noting that the maintenance of an emotionally supportive familial environment is necessary for the development of children's autonomy. Then, it argues that requiring parents to use a language which does not provide an adequate medium for their self-expression within their private life could impair an adequate relationship between parents and their children. Thus, the argument concludes, parents should be free in their private linguistic choices for the sake of children's autonomy.

With regard to parental constraints, The Moderate supports his defence of public monolingualism in parents' public transmission of language by appeal to what I called the context of choice argument. The argument is based on the linguistic preconditions of the ethically adequate context of choice children need to develop autonomy. Arguably, a common public sphere, the real opportunity to find a job or an office, a meaningful variety of private associations and a significant level of economic solidarity among social unity and stability, can be considered as components of an ethically adequate context of choice. Crucially, the argument continues, all of the latter components require or, at least are strengthened by the availability of a common language among all citizens. Thus, the argument concludes, parents ought to transmit a public common language for the sake of children's autonomy.

Alternatively, The Culturalist favours a multilingual regime on two main grounds. First, because he gives significantly more weight to the value of linguistic diversity. Second, because he advances a conception of children's autonomy and well-being sensitive to the public availability of minority languages in a broad range of areas in life. He advances, respectively, the linguistic diversity and the identity arguments in support of his claims.

The linguistic diversity argument claims that language preservation is arguable valuable in the following three ways. First, it can be seen as non-instrumentally insofar its preservation requires a collective effort analogous to other essentially common goods such as civic friendship mentioned above. Moreover, all languages are instrumentally valuable insofar as they make possible communication and, sometimes, local economic opportunities. Second, The Culturalist argues, linguistic diversity should be considered as aesthetically valuable. And third, it is also scientifically valuable.

On the other hand, the identity argument claims that public monolingualism does not provide bilingual or multilingual children with an adequate range of opportunities for developing their autonomy by appeal to a particular conception of the identity condition of autonomy. Very roughly, the argument claims that the

public availability of minority languages is a requisite for children of multilingual families to have a secure sense of identity and sense of the past, to be able to pursue worthwhile aims they value, to be able to maintain a meaningful relationship with their parents and grandparents who speak minority languages and therefore, to develop as autonomous persons. Now, chapter five discusses in detail the just mentioned arguments, say, the context of choice argument, the linguistic diversity argument and the identity argument. But, for reasons of brevity, I cannot reproduce the discussion here.

In chapter six, I defend my alternative view again represented by The Independentist which has the same structure his similar view had in previous chapter four. That is, it condemns both The Moderate and to Culturalist's views of language planning because they aim at a particular linguistic outcome and therefore they violate children's linguistic independence.

The chapter begins by answering two objections against the analogy The independentist establishes between transmit in language and transmitting an ethical doctrine. Summarising, The Independentist argues that, even if language cannot be publicly disestablished in the same way as religion can, independence requires that parents abide by the liberal restraint in justifying their choices with regard to language transmission. Moreover, he also argues that, even if languages aren't themselves complete and exclusionary doctrines in the sense that religions are, parents should avoid being moved by an ethical doctrine in their choices that affect language transmission. Thus, The Independentist's view with regard to language transmission requires parents to follow the liberal restraint. This implies that both The Moderate and The Culturalist's positions may be followed by parents provided they reconstruct their arguments by appeal to the political values, that is, in terms of preserving children's political autonomy.

Yet, I advance the argument for linguistic independence in order to defend what I take to be the most reasonable version of The Independentist with regard to language transmission. Very roughly, it claims that a public multilingual regime

is better than a public monolingual one, because it provides all children with a fair level of opportunities to be politically autonomous even if they turn out to become identified with a minority language. Some objections against this interpretation are briefly answered in the end.

8. GLOSSARY

Ambition-sensitive metric of advantage: account of what are the fundamental life aims and values people actually have provided they are not the product of inadequate social circumstances such as manipulation, coercion or other forms of oppression.

Asymmetry objection against political liberalism: It first points to the fact that political liberalism treat differently political and ethical disagreements despite the fact that both can plausibly be said to have similar causes. Second, it claims the different treatment of ethical and political disagreements establishes an arbitrary distinction because there seems to be no principled reason why state intervention is permissible in the pursuit of justice but impermissible in the pursuit of ethical well-being. If sound, the asymmetry objection shows that political liberalism is either internally inconsistent or sets an implausibly standard for the permissibility of state action.

Burdens of judgments: the many hazards involved in the conscientious exercise of our powers of reason and judgment in the ordinary course of political life which explain how citizens will permanently disagree about many ethical questions caused by things such as; (a) empirical and scientific evidence is often complex and conflicting, (b) we may reasonably disagree about the relative weight of different considerations, (c) concepts are vague and subject to hard cases, (d) the way we assess evidence and weigh values can be shaped by our total life experience, (e) different normative considerations on different sides can make overall assessment difficult and (f) the number of values any social institution can incorporate is limited.

Civic friendship argument for political liberalism: It argues for political by appeal to its role in enabling citizens jointly to maintain just institutions, and thereby realise a form of civic friendship. The liberal restraint is central to this task since the joint pursuit of justice is possible only if citizens affirm the same political conception of justice and so share one very basic political end. Political autonomy and civic friendship are distinct but complementary ideals. Unlike

political autonomy, civic friendship is an essentially common good, that is, its production is cooperative and its benefits cannot be enjoyed by an individual in isolation but can be enjoyed only with others. Only citizens who relate to each other in a particular way, that is, as joint pursuers of a shared conception of justice who abide by the liberal restraint, can enjoy this kind of civic friendship.

Cognitive condition for autonomy: it requires that autonomous persons have the cognitive capacity to rationally direct one's life according to relevant information about one's considered values and the world. It demands a minimal degree of instrumental and substantive rationality or, to put it in Rawlsian terms, the capacity to rationally pursue and critically revise one's aims. Somewhat more precisely, the latter requires possessing to a relevant degree the necessary mental capacities to gather generally reliable information about the world, one's emotions, desires and convictions necessary to form and revise one's life plans. Moreover, these intentions and plans must be of certain complexity, that is to say, the autonomous person need to be able to realise that different goals require specific means and also that aims usually have a nested structure the more important one's sometimes dependent on the realisation of other less central.

Concept: the ordinary meaning of a term *Conceptions:* the criteria for distinguishing appropriate from arbitrary applications a concept according to a particular view on how to resolve the tension between conflicting interpretations of the concept.

Constitutional essentials: include the principles that structure the government and political process such as rules determining who may vote or whether a system is parliamentary or presidential, and the basic rights and liberties of citizens.

Contextual condition for autonomy: it requires that autonomous persons have a certain ethical context the absence of which leaves people's life without an adequate range of options to pursue an autonomous life. In other words, in

order to allow the pursuit of autonomy an adequate range of options should be open to people. Adequate options are those that provide a genuine variety of meaningful choices. That is, options to make not only trivial and life-covering choices but also to choose life-long plans, relationships and commitments inspired by different ethical outlooks.

Convergence-based views of public reason: The political freedom doesn't require consensus on a restricted set of valid justificatory reasons among citizens deliberating in circumstances of profound and persistent disagreement. On their view, the reasons that might be legitimately advanced in the political domain should merely be *accessible* to all in order to respect everyone's equal freedom in the sense of being *intelligible* to all *merely* as reasons, not necessarily as good, convincing or sound ones. Thus, it is common to distinguish convergence from consensus-based types of public reason -political liberalism being an instance of the latter- by appeal to their different understanding of public or justificatory reasons. Moreover, convergence theorists often argue for his view as giving proper consideration to reasonable pluralism, the value of toleration, individual liberty and to a kind of social unity that embraces -instead of bracketing- deep disagreements.

Deliberative democracy: an ideal of democracy requires a public and ongoing debate that engages different ideological proposals exchanging reasons in favour of their respective political claims rather than just requiring the existence of political parties and that citizens follow a certain voting procedure in order to aggregate citizens preferences.

Envy test: It is R. Dworkin's hypothetical test for establishing a fair distribution of individuals impersonal resources, such as land and monetary resources; Dworkin proposes that a distribution of impersonal resources is equal only if no one prefers anyone else's bundle of resources to her own. The test provides an attractive characterisation of liberal equality, for it accounts for the egalitarian intuition that inequalities in circumstances are unjust. If Alisa and Ben hold the same values and aims, but Alisa possesses more natural resources, then both

would prefer to be in her position and, therefore, the distribution of resources fails the test. Thus, the envy test correctly identifies inequalities that are problematic from the point of view of equality. It also identifies inequalities that are not unjust. Sometimes, a difference in wealth might be explained by a difference of ambition, rather than of circumstance. Imagine David and Dan are equally placed so far as their abilities and other circumstances are concerned, but David pursues a career for monetary gain while Dan prefers to teach geography, which commands lower monetary remuneration in the market. In this case, there is a difference of wealth, but no unjust inequality, because it is not the case that Dan would prefer to have David's bundle of occupation and income. As Dworkin explains, equality of resources 'allows us to cite, as disadvantages and handicaps, only what we treat in the same way in our own ethical life'. His conception is attractive from a liberal point of view because it avoids appealing to a controversial account of the good life. If the state must avoid using a standard of interpersonal comparison that can be rejected by reasonable individuals, one way of doing this is to fashion a conception that allows individuals to bring their own convictions to the egalitarian table, which is what the envy test does. In this way, the different ambitions and convictions of individuals are accommodated, because each is permitted to express her claim for compensation by citing a lack of items that she regards as helpful to the realisation of her aims. Finally, it should be noted that the end test does not exhaust Dworkin's ideal of egalitarian justice. In dealing with differences in personal rather than impersonal resources such as individuals' and talents Dworkin proposes another thought experiment that appeals to the outcome of a hypothetical insurance scheme to determine the fair distribution of these kind of resources thereby arguing for a progressive scheme of redistributive taxation.

Epistocracy objection: it claims that citizens' equal moral standing ought to be respected due to certain moral capacities we generally possess regardless of our higher epistemic capacities and how silly our opinions are as a distinctive feature of political liberalism.

Ethical conceptions: refer to one's answers to fundamental questions about one's general understanding of the world and what, if any, is valuable in it, one's life's significance, ideals of character and occupational career, religious convictions, as well as ideals about human relationships. Paradigmatic appeals to ethical conceptions such as religions refer to overreaching doctrines including the following three components; judgements about the most valuable a) *virtues* or dispositions to act, b) *goods*, activities or relationships and d) *a way of life* which refers to, as specified in las paragraph, complete rankings of the elements in a) and b) concretely realised by in a specific person's consistent pattern of living. Furthermore, *complete* ethical doctrines in the sense just specified, that is, including the a), b) and c), normally refer to doctrines that require both exclusivity and a strong kind of commitment and loyalty. So, for instance, being a Catholic believer is incompatible with being Muslim, requires being loyal to beliefs about value, traditions and attitudes covering a broad range of areas of life.

Ethical enrolment: intentional transmission of ethical values. For instance, while parents who bring their children to a religious ceremony *with the aim* that the child *endorses* this religious view are ethically enrolling their child, parents who bring their child to a similar religious event with the aim of acquainting him to an available ethical doctrine which he may want to reflectively endorse aren't.

Expensive taste: It is R. Dworkin's most influential anti-welfarist argument. This takes the form of a dilemma, which Dworkin illustrates with the cases of Louis and Jude. We are to imagine an initial situation in which individuals' desires are similarly expensive to satisfy, and welfare and resources are equalised simultaneously. Louis then cultivates relatively expensive desires, and requests a larger share of wealth than others in order to ensure that his welfare level remains equal to theirs. Dworkin assumes that since it would be unfair to others to grant this request, it is Louis' responsibility to bear the financial costs of his changed ambitions. If equality of welfare contradicts that widely shared assumption, there is a weighty reason to reject it. Dworkin recognises, however, that welfare egalitarians might attempt to avoid this problem by favouring the

equalisation of opportunity for welfare, rather than actual welfare. Pursuing this escape route, they might deny Louis' request on the ground that his cultivating expensive desires amounted to a choice to make himself worse off than others. To undermine this natural amendment to equality of welfare, Dworkin asks us to imagine an initial situation in which some individuals have unchosen desires which are especially inexpensive to satisfy, and opportunity for welfare is equalised by allocating fewer resources to them than to others. One such easily pleased individual, Jude, then cultivates new desires that are more expensive than his initial ones, and requests something closer to an equal share of resources in order to fund them. Since Jude enjoyed the same opportunity for welfare as others, but chose a lower welfare level by cultivating more expensive desires, Dworkin argues that the amended principle must treat him in the same way as Louis, and so deny his request. However, there are no good grounds for this denial, especially when it results in Jude's enjoying lower welfare as well as fewer resources than others. Dworkin concludes that the amended welfarist principle, therefore, must also be rejected. If Dworkin's argument is sound, then welfare egalitarians employing success or conscious-state theories of welfare face an unpalatable choice. They can either favour equalising actual levels of welfare, and risk pandering to expensive tastes, or focus upon opportunities for welfare, and penalise individuals with inexpensive tastes. Before considering Dworkin's most recent objections to welfare egalitarianism, I shall first sketch some of his more positive conclusions.

External objections: objections that depart from the conviction and/or purport to show that a view or a doctrine is wrongly incompatible with some principle/s, value/s or ideal/s we have more reason to act on.

Free and equal citizens: It is an ideal of citizenship that conceives ideal citizens as having the following two moral powers; 1) a *sense of justice* that refers to certain moral capacities and virtues everyone have reason to develop and 2) a *capacity to develop and rationally pursue a view of the good* that, although it refers to a crucial moral disposition. It is based on a particular conception of the values of freedom, equality and reciprocity which may be generally

characterised by the two following components: First, free and equal citizens should be considered as free in the sense of having and developing to a sufficient degree the capacity of rationally revising, pursuing and taking adequate responsibility for their most important aims in life. Second, free and equal citizens have a sense of their equal worth due to their normal capacity to act according to their sense of justice and morality. Somewhat more precisely, this implies that they are able to understand and desire to propose, justify, agree and follow fair terms of cooperation with others equally disposed. Finally, what fair terms mainly mean here is that free and equal citizens ought to develop their view on justice in a way that pursuing their life aims is made compatible with others co-citizens aims as if social cooperation consisted in a cooperative endeavour. The second component of the ideal of free and equal citizenship should be considered as complementing the interpretation of the values of freedom, equality and reciprocity with a certain interpretation of the value of tolerance and the nature of people's beliefs. Moreover, it crucially restricts further what should be considered as fair and acceptable terms of cooperation that free and equal citizens are bound to propose and comply. More precisely, they acknowledge that people able to exercise their moral powers to a certain reasonable degree, will inevitably make mistakes of practical judgement, that is, errors of judgement free from prejudice, insecurity or malice, probably due to the intrinsic complexity of the matter. As a consequence, free and equals abide by what I've called the liberal restraint as a consequence of recognising humanly inevitable burdens of judgement.

Full justification: the justificatory work to be carried out by each free and equal citizen individually necessary to show to themselves that it is rational for them, that is, that they have moral reasons stemming from their ethical conceptions, to internalise a sense of justice according to which political values will reliably outweigh their ethical convictions.

Full publicity condition: First, in a well-ordered society the agreed principles of social cooperation are effective and publicly known to be so where effective means that the main social institutions satisfy them and citizens' sense of

justice generally prevails and publicly known means; 1) that principles are accepted and known to be effective by everyone, 2) that the latter fact is also publicly known, 3) that all can recognise by public methods of inquiry when the main social institutions satisfy the principles agreed upon, 4) that the kind of reasoning and the general beliefs in light of which principles of social cooperation are accepted must be given by scientific theories and beliefs non-controversially shared within the culture of the relevant society and, finally 5) that the full justification of how and why political power shapes people's life as a whole is accessible for any person willing to understand it so that everybody is able to endorse the constraints they face in life.

Ideal theory: moral theory that abstracts from two important features of reality. First, I will assume that agents are generally willing to comply with the agreed principles of justice whatever they are and I will also assume the absence of past injustices. Second, I will also make the idealising assumption that people live under favourable social conditions in the sense that no extreme circumstances such as a natural catastrophe or famine thwart people's will to cooperate.

Ideals or ideas: general notion referring both to concepts and conceptions

Identity argument: The argument claims that ethically fundamental options should be generally available in the language that best serves one's self-expression and sense of identity for the satisfaction of the contextual condition of autonomy. The argument emphasises people's incapacity to equally value a set of options due to their beliefs and attachments acquired along with language as parameters for one's autonomy.

Identity condition for autonomy: it requires that autonomous persons have a significant degree of congruence between one's emotional reactions with respect to one's attitudes, actions and convictions. This distinctively human capacity for establishing emotional bonds with values and persistently pursuing aims as expressions of them is commonly considered as a valuable kind of

integrity of character. Indeed, we say that autonomous persons have the capacity to sincerely embrace, be attached or identify with values, goals, attitudes that centrally guide his conduct. The idea is that the character of an autonomous individual is sufficiently shaped by himself in a way that avoids feeling alienated from his own self-image, sense of his own self-worth, self-esteem and self-respect. should not be understood as requiring a high degree of rational consistency for the whole lifespan of a person who is to count as satisfying it. Nor a very high degree of temporal continuity in one's aims through a whole lifespan, as long as the rational evolution of one's character and loyalty to one's previously set aims or emotional attachment to the past are not especially valuable for oneself. it is important to note that one's sense of identity or one's psychological identity that concerns us here, should not be confused with the term of art used by philosophers, such as Derek Parfit, in metaphysical debates about numerical identity. Rather, my use of identity aims to convey some sort of psychological consistency among one's mental states such as beliefs, goals, one's self-concept and self-esteem.

Interest-based metric of advantage: account of what are the fundamental aims individuals may arguably develop in the sense that any rational persons would value regardless of their peculiar circumstances and tastes.

Internal objections: those objections that reject a view or a doctrine by pointing to some intra-theoretical problems of consistency within the view itself, that is, among its particular conception of some of its central principles, ideals and values.

Justification-oriented views: moral views that appeal to a certain kind of reasons as adequate grounds for action.

Linguistic diversity argument: The Culturalist claims that linguistic diversity may plausibly be regarded as a particular kind of public good which I've called *essentially shared good* in the following way. First, The Culturalist draws an analogy between linguistic diversity and other public goods. Linguistic diversity,

like paradigmatic cases of public goods such as clean air, has the following features: a) *common production*, in the sense that securing it requires the cooperation of a plurality of agents, b) *common distribution*, in the sense that it possesses the two properties of a public good, namely, (i) *non-rivalry*, since one agent possessing more of the good does not reduce the ability of others to possess the good, and (ii) *non-excludability*, since it is, contingently or inherently, impossible to efficiently supply the good to one agent without supplying it to all agents c) *common consumption*, in the sense that its benefits cannot be enjoyed by an individual in isolation but can be enjoyed only with others. The Culturalist further claims that linguistic diversity can arguably be said to be valuable for everyone, that is, for speakers and non-speakers of a given language, in two further senses, namely, as *aesthetically* or as *scientifically* valuable. It is important to note that the fact that linguistic diversity can be conceived an essentially shared good only provides a *further but not necessary reason* for its promotion.

Matters of basic justice: involve principles regulating the distribution of important resources such as income, wealth and educational opportunities not covered by the list of basic rights and liberties.

Mismatch objection: It points out that even if a certain conception of political liberalism -i.e. the epistemic conception- is able to provide a somewhat plausible rationale for its asymmetric treatment of different kinds of disagreements, the resulting distinction between them doesn't neatly overlap with the distinction between political and ethical disagreements. That is, it is not the case that epistemically competent persons would agree on what policies we ought to apply with regard to political issues while disagreeing on policies about ethical matters.

Modus vivendi: the kind of support citizens may show with respect to the main social institutions they are subject to consisting in a compromise among different parties and their competing interests, which is subject to disruption whenever circumstances substantially change. Such a balance of powers may

prove stable for a while, but it does not inspire confidence or trust in those who are less advantaged or in a precarious situation. It does not then lead them to develop emotional attachments to society or a willingness to maintain and defend it when subject to destabilising forces.

Non-instrumental goods: goods that are valuable independently of what they may bring about like having a good will. In contrast, *Instrumental goods*: goods that are valuable because of what they may bring about.

Open future argument: any minimally plausible liberal view on value transmission claims that parents ought to secure their children's autonomy as adults. That is, they ought to keep their future open concerning their future life choices. In other words, parents cannot try to prevent their children, when they grow up, from abandoning the life aims that they have transmitted to them in any of the following ways; by physically preventing them, by threatening them with familial and social exclusion or by making their attachment to the transmitted life aim excessively strong in way that it would be not merely difficult but emotionally unbearable for them to abandon it in adulthood.

Outcome-oriented views: moral views that are based or directed to bring about certain state of affairs.

Perfectionism: the doctrine in political morality according to which there is no fundamental principled inhibition on governments acting for any valid moral reason, though there may be many strategic inhibitions on doing so in certain classes of cases. In contrast, *Anti-perfectionists* claim that there is a principled inhibition on the kind of justificatory reasons a government may legitimately act on based on the value of independence rightly understood. In other words, they believe the state has strong principled reasons not to interfere in people's lives with the aim of promoting their well-being based on their independence. For instance, a public policy subsidising opera on grounds that it makes citizens flourish to a greater extent than, say, tennis could be plausibly accepted by a

perfectionist understanding of the political condition for autonomy but rejected by any anti-perfectionist.

Personal autonomy: capacity to endorse, rationally revise and pursue their own aims in life. It is a particular ideal of individual well-being mainly referring to the freedom of persons to choose their own lives. It may arguably include the following four requirements or conditions; the identity, the cognitive, the contextual and the political conditions as defined in ch. 3, s. 3, p. 87-94. It should be distinguished from moral autonomy, which is indirectly related to the first, but refers to the Kantian metaphysical conception of the nature of morality as being both produced by the will of rational beings and subjecting it to its unique rationality which must be the same for all.

Political autonomy argument for political liberalism: it begins with the two central claims that free and equal citizens have two higher-order interests and the ideal of political autonomy. Political autonomy should be understood here as a particular conception of the ideal of freedom from oppression encompassing the values of freedom, equality and mutual respect present in our liberal democracies. Somewhat more precisely, political autonomy consists in citizens' capability, under adequate socialising that respects their basic civil and political liberties, of identifying with the main constraints they face in life in the sense that they are capable to fully understand and endorse the full justification of these constraints. The argument continues by noting that in order to satisfy citizen's higher-order interests, certain political and civil liberties need to be institutionally secured. In other words, liberty of conscience, expression, association and fair political participation are necessary conditions for the realisation of political autonomy. And, in turn, the protection of these freedoms require the prevalence of liberal democratic institutions. Next, the argument points out that ethical pluralism is a highly probable consequence of the political freedom secured by the just mentioned political institutions. Moreover, the presence of deep and persistent ethical disagreements among citizens under conditions of freedom cannot only be explained by on ignorance, malice or self-interest. More plausibly, ethical pluralism is the predictable result of sincere and

conscientious persons freely exercising their capacity for practical reasoning given the complexity of the subject matter at hand. The fourth premise gives more precise content to the ideal of political autonomy by claiming that we ought to fix the basis of public life and political authority in our societies by appeal to considerations that can be fully understood and accepted by all cognitively normal citizens. Finally, the argument ends by noting that, conjoined with the empirical facts and probable conjecture stated in the third and fourth premises, the ideal of political autonomy requires the practice of liberal restraint, that is, that our fundamental principles of social cooperation are justified without appeal to any particular ethical conception.

Political autonomy or Independence: an intrinsically valuable ideal that refers to the general idea of being the author of one's life and requires the shared endorsement of the fundamental institutional constraints citizens face in life. It is based on a particular conception of the ideal of freedom from oppression encompassing the values of freedom, equality and mutual respect present in our liberal democracies. More precisely, it consists in citizens' capability, under adequate socialising that respects their basic civil and political liberties, of identifying with the main constraints they face in life in the sense that they are capable to fully understand and endorse the full justification of these constraints.

Political conceptions: moral conceptions about how the main social institutions and practices should be arranged and reproduced inter-generationally.

Political condition for autonomy: it requires that autonomous persons have an interpersonal situation the autonomous person should enjoy. This condition refers to the independence to act and value free from illegitimate coercion and manipulation. In the coercive case the focus is on the absence of somebody forcing someone else to do what the latter would not otherwise legitimately do – or, conversely, not to do what they would like to – without the presence of the former's commands or threats. In the manipulative case the emphasis is placed on one's actions not being directed by other's intentional actions aiming to bypass one's rational scrutiny and systematically controlling one's behavior.

Political Liberalism (characterised by its practice of the liberal restraint): a particular doctrine in political morality claiming that there is a very weighty reason, which is generally a decisive one, to refrain from being guided by the best reasons for one's personal conduct in the political domain because, in that latter domain, those are generally bad reasons for action.

Pro tanto justification: a kind of justification in moral and political philosophy that aims to show the coherence and completeness of certain values properly understood according to a certain conception of them.

Reasonable pluralism: the presence of deep and persistent disagreements between ethical doctrines cannot only be based on ignorance, malice or group-centered interest but is the predictable result of sincere and conscientious persons under conditions where basic liberties are effectively protected, given the complexity of the subject matter at hand.

Special commitments: certain features a life goal may have that make it especially relevant for the value of self-determination which are present in cases of valuing the public availability of one's language in a broad range of areas in life: a) they have a *pivotal role* in people's conception of autonomy and well-being, b) they are *not easily substitutable* and c) they are especially *salient for recognition*.

Stability argument for political liberalism: this argument emphasises the psychological fact that citizens are more likely to support principles and institutions that they themselves see as just. So, if we want to extend the life-expectancy of our institutions, then we should favour principles and institutions that will predictably generate their own support in the sense of being capable of acceptance to everyone raised under their influence.

Stability for right reasons: Rawls says that a conception of justice is stable when, once realised in political, economic, and social institutions, it generates forces that lead to its own support. In other words, a well-ordered society is

stable for the right reasons when the forces that sustain it self are its members' moral motivations and sense of justice. A just and stable well-ordered society is one regulated according to the correct conception of justice, which its citizens accept, and also where they are motivated to conform to its requirements and are motivated for good reasons. When internal or external influences disrupt just institutions, forces are called into play that tend to restore the just arrangement. In contrast, when citizens' support for the main social institutions is the product of a balance of power, Rawls says the society in question is 'stable for the wrong reasons or a *modus vivendi*.

The context of choice argument: It establishes the necessity of an ethically adequate social environment for the meaningful exercise of an individual's autonomy. Second, the following can arguably be said to constitute some of the fundamental elements of an ethically adequate society; a) the existence of a public sphere for democratic deliberation, b) the opportunity to attain valuable social positions in the job market and public offices c) an ethically diverse range of private associations of the civil society and d) at least a minimal level of social unity, stability and economic solidarity. Third, elements from a)-d) either require or are significantly strengthened by the availability of a common language among citizens. Thus, according to The Moderate, parents ought to make sure that children learn the language of the majority in the school.

The familial adequacy argument: it claims first, that there are some psychological requirements for developing children's self-respect and self-esteem. Second, a plausible candidate for being one of the mentioned preconditions consist in having a psychologically adequate relationship with one's parents as a child, that is, an affectionate, supportive and *somewhat* intimate, sincere and spontaneous relationship. Third, excessively constraining or monitoring parents' self-expression may probably undermine an adequate relationship between parents and their children. Four, it would be excessively self-constraining in the relevant sense to require parents to use a language different from the one they have chosen for upbringing their children. Thus, parents should be free in their linguistic choices for the sake of their children's

development of self-respect and self-esteem.

The Political Argument for children's independence: The Independentist uses a parallel case argument by drawing an analogy between on one hand, political morality defined by the relationships between the state and its citizens and, on the other hand, familial relationships between parents and their children. According to The Independentist, both domains share certain features thereby imposing in both cases certain justificatory burdens for the more powerful parties' commands to be morally permissible in light of the ideal of independence. The following are the three common features between the familial and the political domains are understood as sufficient for running the parallel case argument. Both are 1) *non-voluntary*; 2) *coercive* and have a 3) *profound impact* in the characters and behaviour in lives of the people living under their power.

Voluntarism: the view in political that positively aims at informed non-coerced unanimity as an ideal of legitimacy.

Well-ordered society: According to John Rawls, a society is "well-ordered" in the following respects: (1) its political, economic, and social institutions meet the requirements of a particular conception of justice; (2) this is publicly known by its inhabitants; (3) in this society people generally accept its regulative conception of justice and observe the laws of justice; and (4) they generally believe their society to be just and want to act accordingly. Moreover, Rawls considers, the comparative study of well-ordered societies is, I believe, the central theoretical endeavour of moral theory.

What question for political liberalism: asks about the object of the liberal restraint or what should be regulated by the liberal restraint. This question crucially divides versions of political liberalism that select certain types of action or decisions as the object of the constraint from versions of political liberalism that focus on the kind of reasons that move political agents. Two different types of views of political liberalism can be distinguished on the basis of the object of

the liberal justificatory restraint. On one hand, *decision-based types of political liberalism* propose state's actions as the object of the liberal restraint. On the opposite hand, *justification-based types of political liberalism* propose public justifications or reasons publicly given for state's action as the proper object of liberal restraint.

Where question for political liberalism: it asks about the site of the liberal restraint or what kind of exercises of political power should be constrained by the liberal restraint. That is to say, should we look at actions that pervasively affect our life options or should we rather restrict the domain of relevant exercise of political power to laws?

Who question for political liberalism: it asks about the substantive content of the liberal restraint: who should be accommodated rather than just contained? The answer to the who question helps us to delimit the content of the political claims that may be legitimately advanced from the political claims that are illegitimate or, in Rawlsian terminology, the reasonable from the unreasonable.

Why question for political liberalism: asks about the main ideal(s) political liberalism aims to satisfy or what reasons we have for endorsing political liberalism and therefore following the practice of the liberal restraint. Two types of conceptions of political liberalism can be distinguished by reference to their distinct answers to the why question. On one hand, we find *disagreement-avoidance types of political liberalism* that aim at avoiding disagreement and it is for this reason that recommend abidance by liberal restraint. On the other hand, there are *unity-preserving types of political liberalism* that aim at preserving a valuable kind of social unity and it is for this reason that recommend abidance by liberal restraint.

Wrongly political objection against political liberalism: it argues that it is unacceptable to maintain that in order for political power to be rightly enforced, it needs to accommodate; people unwilling to respect others' basic human rights, religious freedom, vastly ignorant or completely incapacitated to

deliberate. It suggests that any minimally plausible doctrine in political morality should make abstraction of some features of reality in order to introduce a degree of critical perspective in the theory.

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