

# One Cheer for Autonomy-centered Perfectionism: An Arm's-length Defense of Joseph Raz's Perfectionism Against an Allegation of Internal Inconsistency

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## Abstract

In the present article, I will concentrate sustainedly on a central strand of Jonathan Quong's critique of Joseph Raz's autonomy-centered liberal perfectionism. Rightly taking Raz to have offered the most elaborate and prominent version of autonomy-centered perfectionism in the contemporary debates over such matters, Quong devotes much of the first half of his book to contesting a number of Raz's positions. This article will defend Raz against one of Quong's chief objections, an allegation of internal inconsistency.

*Keywords:* perfectionism, liberalism, Joseph Raz, neutrality, autonomy.

Jonathan Quong's *Liberalism without Perfection* (2011) is a highly impressive defense of Rawlsian anti-perfectionism. In the present article, I will concentrate sustainedly on a central strand of Quong's critique of Joseph Raz's autonomy-centered liberal perfectionism. Rightly taking Raz to have offered the most elaborate and prominent version of autonomy-centered perfectionism in the contemporary debates over such matters, Quong devotes much of the first half of his book to contesting a number of Raz's positions. This article will defend Raz against one of Quong's chief objections, an allegation of internal inconsistency.

From the outset, however, the limitedness of my defense of Raz in this article should be clearly signaled. My ripostes to some of Quong's indictments are decidedly not aimed at vindicating the soundness of Raz's overall theory or the soundness of the theories propounded by other autonomy-centered perfectionists. On the contrary, although I elsewhere argue in favor of a certain type of

perfectionism,<sup>1</sup> autonomy-centered theories (of which Raz's doctrine is the premier specimen) are very different from the variety of perfectionism which I espouse. Moreover, even if I were attracted toward autonomy-centered theories, I would concur with some of Quong's animadversions on Raz's ideas. His telling critique of Raz's conception of authority, for example, is in line with several broadly similar critiques put forward by philosophers whose challenges to Raz's understanding of authority are not oriented toward disputes between perfectionists and neutralists.<sup>2</sup>

Still, although I am wary of many aspects of the autonomy-centered perfectionism espoused by Raz and others, and although I am sympathetic toward quite a few aspects of Quong's Rawlsian neutralism, this article will seek to deflect some of Quong's anti-perfectionist strictures. Were those strictures correct, they could be generalized *mutatis mutandis* to virtually all perfectionist doctrines—including the aspirational-perfectionist doctrines which I elsewhere champion. Hence, notwithstanding that my defense of the foremost proponent of autonomy-centered perfectionism will be an arm's-length intervention, it will be pursued in earnest.

## 1. The Harm Principle

Ever since the publication of John Stuart Mill's *On Liberty* in 1859, the so-called harm principle has been of central importance in the political thought of liberals. As an encapsulation of liberalism's resistance toward paternalistic interventions into the lives of individuals, the harm principle has been invoked saliently in a myriad of controversies over sundry governmental measures. It lays down a necessary condition for the legitimacy of such measures that involve coercion or manipulation. As Mill classically proclaimed,

the only purpose for which power can rightfully be exercised over any member of a civilized community against his will is to prevent harm to others. His own good either physical or moral is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because in the opinions of others, to do so would be wise or even right (Mill 1956: 13).

Although this formulation on its own terms is applicable to acts of dominance by private citizens as well as to acts of dominance by public officials, it is especially pertinent as a touchstone for the legitimacy of acts of the latter kind. No coercive or manipulative steps taken by governmental officials in their public capacities are morally permissible if the steps are not taken for the purpose of protecting people (or animals) from being harmed by others.

Of course, any thorough exploration of the harm principle would have to elucidate its key elements. We would need to investigate searchingly the notion of 'harm' itself,<sup>3</sup> and we would likewise have to ponder carefully what sorts of

<sup>1</sup> The arguments are presented in the closing chapters of a book, *Liberalism with Excellence*, on which I am currently working.

<sup>2</sup> For Quong's critique of the Razian conception of authority, see Quong 2011: 110-20. For some of the cognate challenges to that conception mounted by other philosophers, see Darwall 2009, 2010; Herskovitz 2003, 2011; Perry 2013.

<sup>3</sup> I probe some of these complexities of the harm principle in Kramer 2014.

actions are the exercises of power—the exertions of coercion or manipulation—that fall within the harm principle’s ambit. To some degree, this article’s discussions of Quong on Raz will address questions about the scope of the harm principle. For the purposes of those discussions, however, there is no need for any detailed analysis of the notion of harm. A pre-theoretical understanding will suffice. After all, the focus in this article lies less on the harm principle itself than on the role of that principle within Raz’s perfectionism.

## 2. A Road Not Taken

Given that the paramount aim of Quong’s critique of Raz is to show that Raz’s autonomy-centered perfectionism will countenance the use of paternalistic coercion or manipulation in any number of situations, it is somewhat surprising that Quong does not highlight Raz’s amplification of the harm principle. In the final chapter of *The Morality of Freedom*, Raz rewrites the harm principle in a disconcerting fashion: “Mill’s harm principle states that the only justification for coercively interfering with a person is to prevent him from harming others. My discussion will revolve round the somewhat wider principle which regards the prevention of harm to anyone (himself included) as the only justifiable ground for coercive interference with a person” (1986: 412-13). By affirming that people can legitimately be subjected to coercive interference for the purpose of preventing them from harming themselves, Raz has markedly retreated from the anti-paternalistic unyieldingness of Mill’s formulation of the harm principle.

To be sure, the retreat from Mill’s robust principle is far from comprehensive. As Raz himself observes, his version of the harm principle “restrains both individuals and the state from coercing people to refrain from certain activities or to undertake others on the ground that those activities are morally either repugnant or desirable” (1986: 413). Still, although the Razian harm principle does disallow governmental measures that coerce or manipulate people with the aim of inducing them to pursue more wholesome ways of life, it does not in itself prohibit any measures that coerce or manipulate well-informed adults with the aim of inducing them to pursue less dangerous ways of life. For example, it does not in itself disallow governmental measures that coerce or manipulate well-informed fat adults with the aim of inducing them to adopt more healthful patterns of eating. Similarly, it does not in itself disallow governmental measures that coerce or manipulate well-informed adults with the aim of inducing them to eschew dangerous sports such as rock climbing and boxing (or with the aim of inducing them to desist from the dangerous habit of smoking). Of course, just as the concept of harm must be explicated before we can know how expansive the protective scope of Mill’s version of the harm principle is, so too an explication of that concept is needed before we can gauge how narrow the protective scope of the Razian harm principle is. Nonetheless, without going into such complexities—which, within this article, would take us too far afield—we can see that the basic terms of Raz’s formulation are significantly more receptive to governmental interventions into people’s lives than are the basic terms of Mill’s formulation.

Rather surprisingly, however, Quong does not devote any attention to Raz’s rewriting of the harm principle. Indeed, he glosses over that rewriting when he introduces Raz’s discussion of the matter: “Raz’s more detailed argument [for liberal toleration] aims to provide a perfectionist account of Mill’s

well-known harm principle. That principle, in its basic form, states that the only reason which can serve to legitimate the use of coercion against someone is to prevent that person from causing harm” (Quong 2011: 51). What Quong says here is of course accurate, but it is somewhat misleading. For a Millian liberal, a necessary condition for the legitimacy of the use of coercion against any person P is that the coercion will serve to prevent harm that would have been caused by P *to others*. Mill laid great stress on this point, not only in the wording from *On Liberty* which I have quoted above but also in some equally famous wording that almost immediately follows:

[T]he conduct from which it is desired to deter [somebody against whom coercion is wielded] must be calculated to produce evil to someone else. The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute.<sup>4</sup>

Of course, my quotation of Mill’s ringing pronouncements is not meant to suggest that his position is entirely unproblematic. Pinning down the distinction between self-regarding conduct and other-regarding conduct has proved to be a deeply contentious matter in political philosophy and in American constitutional theory. Nevertheless, despite the difficulties of drawing such a contrast, an insistence on its central importance for the legitimacy of coercive or manipulative actions by governments is a hallmark of Millian liberalism. On that very point, in connection with the infliction of harm, Raz abandons the Millian tradition.

All the same, because Quong does not take exception to Raz on that point, I too—in this article—will set it aside. Quong instead concentrates on some other key aspects of Raz’s engagement with the harm principle. As has been noted, several of Quong’s queries are well-founded and perceptive. Here, however, we shall examine certain arguments of his that are misdirected.

### 3. Threats and Taxes

As Quong observes (2011: 61), Raz rightly holds that the harm principle articulates a necessary condition for the legitimacy of manipulation as well as for the legitimacy of coercion. Raz writes: “Resort to manipulation should be subject to the same condition as resort to coercion. Both can be justified only to prevent harm” (1986: 420). In my remarks heretofore in this article, I have indeed taken as given that the harm principle applies to manipulation as much as to coercion. Now, because manipulation is covered by the harm principle, Raz’s autonomy-centered perfectionism—with its emphasis on the use of subsidies and other “positive” techniques to encourage people to lead more robustly autonomous and valuable lives—might appear to contravene that principle quite blatantly. Quong contends that Raz has indeed run afoul of the harm principle by sanctioning the use of perfectionist techniques that are properly classifiable as manipulative. Quong makes clear the far-reaching implications of his critique of Raz on this point, as he indicates that he will “focus on perfectionist state subsi-

<sup>4</sup> Mill 1956: 13. Though Mill did not squarely address the issue, the best view of the harm principle is that it can be satisfied by governmental actions that are aimed at protecting non-human animals from serious harm.

dies: such subsidies are a major feature of most liberal perfectionist arguments, and so if they are prohibited on grounds of manipulation, this dramatically reduces the scope for perfectionist state action” (2011: 61). In a footnote, Quong mentions an array of perfectionists who have advocated the use of state subsidies to steer people toward ways of life that are suitably rewarding. Those theorists are all autonomy-centered perfectionists, but this latest quotation makes clear that Quong’s critique if correct would impugn my significantly different variety of perfectionism as well. After all, nearly every version of perfectionism favors the use of state subsidies in quite a few situations. Divergent though the sundry versions of perfectionism are in the rationales that underlie their respective recommendations, those bottom-line recommendations themselves intermittently converge. Hence, if Quong were to succeed in his attack on Raz’s autonomy-centered perfectionism by showing that perfectionist state subsidies are illegitimately manipulative, he would also thereby cast doubt upon virtually every other type of perfectionism. Thus, my defense of Raz on this point is also a defense of the perfectionism for which I elsewhere argue.

### 3.1. *Toward an Account of Manipulation: Threats and Offers*

Quong recognizes that his prosecution of his case against Raz depends on his provision of an account of illegitimate manipulation. Manipulation is like coercion in being subject to the harm principle, because manipulation is like coercion in that it encroaches upon the autonomy of the person P against whom it is directed. It subordinates the will of P to that of somebody else. Thus, unless the manipulation is undertaken to prevent P from causing harm to others, it is morally impermissible. (Of course, the manipulation might be morally impermissible even if it is indeed undertaken to prevent P from causing harm to others. Compliance with the harm principle is a necessary condition rather than a sufficient condition for the legitimacy of manipulation or coercion.) Quong therefore needs to tell us what manipulation is, and he needs to establish that perfectionist subsidies as envisioned by Raz are instances of manipulation that do not serve to keep people from causing harm to others.

To determine whether a legal-governmental policy counts as manipulative or not, Quong draws on the analysis of threats and offers in Robert Nozick’s deservedly renowned essay on coercion (Quong 2011: 63-7; Nozick 1969: 447-53, 458-65). Both offers and threats are aimed at influencing the behavior of people by altering the patterns of incentives with which they are confronted, but only threats are coercive. Indeed, the key to distinguishing between an offer and a threat resides in pinning down why only the latter is coercive. As Quong indicates, Nozick elaborated on the coerciveness of threats and the non-coerciveness of offers by claiming (1) that the will of a person addressed by a credible threat is subordinated to the will of the person who has issued the threat, and (2) that the will of a person presented with a genuine offer is not similarly subordinated to the will of the person who has advanced the offer. Nozick captured this contrast intuitively with several pithy formulations, before he proceeded to plumb its intricacies. A few of his terse formulations should be quoted here:

[W]hen a person does something because of threats, the will of another is operating or predominant, whereas when he does something because of offers this is not so; a person who does something because of threats is subject to the will of

another, whereas a person who acts because of an offer is not; ... when someone does something because of offers it is his own choice, whereas when he does something because of threats it is not his own choice but someone else's, or not fully his own choice, or someone else has made his choice for him (Nozick 1969: 459).

At a very general level, these aphorisms underscore the ways in which credible threats curtail the autonomy of their addressees.

To differentiate between the coercive change of incentives brought about by a threat and the non-coercive change of incentives brought about by an offer, we need to compare the situation prior to the change of incentives with the situation subsequent thereto. In so doing, we will be ascertaining whether the change is positive or negative in the eyes of the addressee. If the change is negative, as is indeed the case when a credible threat is delivered, the addressee is confronted with a choice which she would have preferred to avoid. Contrariwise, if the change is positive, as is the case when a genuine offer has been advanced, the addressee is presented with a choice which she prefers to have. In the former case but not in the latter, then, the will of the addressee has been subordinated to that of the addressor—because in the former case the addressee has undergone an alteration in her situation that is not to her liking, whereas in the latter case the addressee has undergone an alteration in her situation that is in accordance with her wishes. In a slightly more formal manner, Nozick summarized the distinction between threats and offers as follows (1969: 449):

If P intentionally changes the consequences of two actions  $A_1$  and  $A_2$  available to Q so as to lessen the desirability of the consequences of  $A_1$ , and so as to increase the desirability of the consequences of  $A_2$ , and part of P's reason for acting as he does is to lessen and increase the desirabilities of the respective consequences[,] then

- (a) This resultant change predominantly involves a threat to Q if he does  $A_1$  if Q prefers doing the old  $A_1$  (without the worsened consequences) to doing the new  $A_2$  (with the improved consequences).
- (b) This resultant change predominantly involves an offer to Q to do  $A_2$  if Q prefers doing the new  $A_2$  (with the improved consequences) to the old  $A_1$  (without the worsened consequences).

### 3.2. *The Matter of the Baseline*

Quong endeavors to parlay the Nozickian analysis of threats and offers into an account of the manipulateness of perfectionist state subsidies, by focusing on what manipulation and coercion have in common: the subjection of a person's will to the wishes of someone else. In that very respect, manipulation is similar to threats and is consequently subject to the harm principle. Yet, as Quong points out, this feature of manipulation may seem to be absent from perfectionist subsidies. Such subsidies are offers rather than threats. The furnishing of a subsidy to encourage people to engage in some worthy activity will have made the pursuit of that activity more attractive without having lessened the original attractiveness of any other options. Accordingly, the availability of the subsidy will have improved everyone's set of options (even though some people will not be inclined to take advantage of the improvement). Ergo, the provision of the

subsidy does not subordinate anyone's will to that of anyone else. It does not encroach upon anybody's autonomy.

If subsidies are indeed offers rather than threats, then they are not manipulative and are therefore not governed by the harm principle. Quong thus sets out to demonstrate that appearances are not what they seem. He argues that, despite the considerations adduced in my last paragraph, a government's subsidization of the arts or of other activities does render many people worse off. That is, any such subsidization alters their arrays of options in ways that are not to their liking (if they are rational). As a consequence, any such subsidization is manipulative and is thus subject to the constraint of the harm principle. Since the subsidies recommended by autonomy-centered perfectionists are designed to enhance people's lives rather than to prevent harm, they do not comply with that constraint.

Before we consider Quong's line of reasoning, we should take into account an important aspect of Nozick's discussion of threats and offers to which Quong does not explicitly advert. Given that Nozick construed the distinction between a threat and an offer as a contrast between a proposal that worsens an addressee's array of options and a proposal that improves an addressee's array of options, he needed to specify a baseline against which any changes in option-sets are to be gauged as impairments or enhancements. Nozick explored the matter of a baseline with prodigious subtlety and dexterity, as he highlighted two main candidates for the role: the morally legitimate course of events, and the usual or predictable course of events.<sup>5</sup> Those two baselines diverge whenever a situation is such that some morally illegitimate conduct regularly occurs within it. (Nozick's most famous example is a situation in which a slaveholder administers a beating to his slave at the outset of each day. In that context, the usual or predictable course of events is such that the slave will undergo a beating each morning, whereas the morally legitimate course of events is such that the slave will no longer be a slave and no longer be subjected to beatings. Suppose that the master truthfully tells the slave that he will discontinue the daily thrashings if and only if the slave successfully performs some particularly disagreeable task. If the usual or predictable course of events is the pertinent baseline, the slaveholder has made an offer. By contrast, if the morally legitimate course of events is the germane baseline, the slaveholder has issued a threat.)

Nozick persuasively contended that neither the morally legitimate course of events nor the usual or predictable course of events is always superior to the other as a baseline for distinguishing between threats and offers (1969: 450). In most types of circumstances, however, the morally legitimate course of events is appropriate. Furthermore, in most types of circumstances the morally legitimate course of events will not diverge from the usual or predictable course of events. Albeit Nozick did not apply his threat/offer distinction to perfectionist state subsidies, his discussion reveals that the apposite baseline for gauging the character of such subsidies as threats or offers is indeed the morally legitimate course of events—which, in nearly all circumstances surrounding such subsidies, will coincide with the usual or predictable course of events at any rate. Thus, although Quong does not directly grapple with the matter of choosing between Nozick's two general baselines, and although he instead takes for granted that

<sup>5</sup> Nozick 1969: 449-53. As Nozick was well aware, the task of identifying either of these courses of events can itself be formidably problematic in many cases.

the baseline for judging the character of perfectionist subsidies as threats or offers is the morally legitimate course of events, he has proceeded safely in so doing.

### 3.3. Quong on the Manipulativeness of Perfectionist Subsidies

When Quong takes for granted that the germane baseline is the morally legitimate course of events, he thereby correctly presumes that our assessments of perfectionist state subsidies as threats or offers (or as combinations of threats and offers) should identify the parties to whom various resources rightly belong in the absence of those subsidies. Having properly oriented his enquiry in this fashion, he endeavors to show that the initial appearance of perfectionist subsidies as offers is illusive. His argument, from which I will quote at length in more than one passage, dwells on the key differences between private subventions and public subventions. The first main strand of the argument is as follows:

There is a crucial difference between the case where person A offers to subsidize person B's opera ticket, and the case where the government offers this subsidy to its citizens. In the former case we assume that A is using his own money to make the offer to B. If we were to ask B whether he would like to move from the status quo to the post-offer situation, we assume the status quo is one where A keeps the money. But the case of perfectionist subsidies is different. If we were to ask citizens whether they would prefer to move from the status quo to the post-subsidy situation, we cannot simply assume the status quo is one where the government keeps the resources that would have been spent on subsidies. The government is not a person, and *the resources it spends do not belong to it in the way that resources can belong to an individual* (assuming a just distribution). How, then, should we specify the status quo in the subsidy case? Should we assume the government spends the money on something else: more schools, or cleaner streets? No, because these assumptions would mean we were not asking the right question. We do not want to know whether citizens would rather spend  $n$  dollars on schools as opposed to opera ticket subsidies. We want to ask the same question as we do in the two-person case involving A and B. In that case we do not ask whether B would prefer that A offer to subsidize his opera ticket as compared to his school fees. We ask whether B would choose, if he could, to have A make the offer, or would B instead choose to *let the resources lie where they otherwise would*, in this case, with A. The analogue to this question in the case of the government subsidy is thus: would citizens choose, if they could, to have the government enact the subsidy, or would they instead choose to *let the resources lie where they otherwise would*? The government gets its resources from citizens: government expenditure is simply the collective spending of citizens. And so if the government does not spend money on the opera subsidy, *the appropriate assumption to make is that those resources would remain with each individual citizen.*<sup>6</sup>

The italicized bits of this passage are all normative in their tenor. That is, when Quong identifies the parties to whom the tax-derived resources of governments belong, and when he talks about letting those resources lie where they otherwise would, he is referring to what he perceives as the morally requisite and morally

<sup>6</sup> Quong 2011: 65. All the italics in this quotation have been added, except those on the first instance of "let the resources lie where they otherwise would".

permissible locations of those resources. In his view, the situation wherein citizens retain the funds that would be needed by the government for perfectionist subsidies is the morally legitimate course of events by reference to which the status of those subsidies as threats or offers is to be determined. He therefore draws the following conclusion:

Once the question is framed in this way, we can see the disanalogy clearly. The choice for citizens is between having the money to spend themselves [and] having the government take it from them and then spend it on subsidizing opera tickets. Since the latter option simply reduces what you can do with your resources, it would be irrational to prefer it.... By putting citizens in the post-subsidy situation, the government thus does attempt to subject the will of citizens to its own perfectionist judgement. Perfectionist subsidies are not like the offers one person might make to another: they involve the government taking funds from citizens in order to restrict the ways in which citizens can spend those resources. Nozick's distinction thus supports the view that perfectionist subsidies are a form of autonomy intrusion since, under normal conditions, they represent the government placing citizens in a choice situation in which they would not have chosen to place themselves, and so citizens' subsequent choices would be, on Nozick's account, not fully their own: they represent an attempt to subject citizens to the will of the perfectionist state.<sup>7</sup>

Crucial to Quong's condemnation of perfectionist subsidies, then, is his insistence that such subsidies are not to be evaluated on their own in isolation from the extraction of funds for them through the imposition of taxes. Though the subsidies in isolation are not coercive, the imposition of taxes is. Consequently, although the subsidies in isolation are classifiable as offers, the subsidies in combination with the taxation that makes them possible are offers conjoined with threats. Because the offers would not go ahead without the threats that precede or follow them, an assessment of any perfectionist subsidy will be distortively blinkered unless it construes the subsidy as a threat-plus-offer package. As such a package—to which the coerciveness of threats is integral—a perfectionist subsidy is an illiberal encroachment on the autonomy of each citizen. As Quong writes, the overall combination in which a perfectionist policy consists is “manipulation because the perfectionist state, in pursuing this conjunction of actions [namely, taxation and subsidies], intentionally attempts to induce citizens to make a particular choice, and the state does this by putting citizens in a choice situation they should rationally disprefer relative to what we assume is *an otherwise morally justified status quo* (i.e. a situation where the resources remain with the individual citizens to spend as they see fit). In sum, the state tries to get citizens to make a choice they would not otherwise make by putting them in a choice situation they would not put themselves in. In acting in this way the perfectionist state thus attempts to subject citizens to its will, and thereby appears to invade their autonomy” (2011: 66, emphasis added).

<sup>7</sup> Quong 2011: 65-6. In the portion of this passage which I have omitted with ellipses, Quong states in a footnote that he is prescinding from the “special case of public goods and worries about free-riding”.

### 3.4. *The Upshot of the Argument about the Manipulativeness of Subsidies*

Of course, as Quong is well aware, the sheer fact that perfectionist subsidies are manipulative as combinations of threats and offers is not per se sufficient to establish that they are morally illegitimate. What it does establish, however, is that such subsidies are subject to the restriction laid down by the harm principle. Moreover, according to Quong, they do not satisfy that restriction. Autonomy-promotive subsidies are introduced not for the purpose of protecting the benefited individuals from being harmed, but for the purpose of encouraging sundry people to adopt more flourishing ways of life.

Quong therefore believes that he has exposed a deep inconsistency in Raz's autonomy-centered perfectionism. In particular, he contends that the following three Razian propositions cannot be jointly true: (1) The harm principle is a sound precept of political morality because conformity to it is promotive of personal autonomy. (2) Given that personal autonomy is impaired by manipulation as well as by coercion, any manipulative techniques employed by a government are subject to the harm principle just as coercive techniques are. (3) The perfectionist state subsidies and kindred policies advocated in *The Morality of Freedom* are not violative of any duties of political morality.

What is more, were Quong's critique sound, its import would extend well beyond Raz's perfectionist theory. Quong declares that "the objection pressed against Raz... applies to liberal perfectionist theories more generally" (2011: 71). As I have earlier commented, virtually any version of perfectionism will rely on tax-funded subsidies and other measures that affect people's incentives. If those subsidies and other measures were at odds with the harm principle, there would be a strong tension if not a downright inconsistency between perfectionism and liberalism. Hence, if liberal perfectionism in any form is to be upheld, Quong's critique of Raz's advocacy of subsidies has to be rebutted.

## 4. A Brief Interlude: A Supplement to Quong's Argument

Before this article ventures to repel Quong's attack on Raz's perfectionism, it will supplement that attack in one respect. As is evident, Quong's challenge to Raz relies heavily on the thesis that any assessment of the moral bearings of perfectionist subsidies will be unsatisfactorily distortive unless the subsidies are judged in combination with the mandatory payments of taxes that fund them. Because the extraction of those payments is coercive, the overall package of a subsidy and a payment is coercive as well.<sup>8</sup> Having relied on this thesis about tax-funded subsidies, Quong has left open the question whether perfectionist state subsidies funded by voluntary contributions would be morally legitimate. He never really addresses that question, but in a footnote he laconically allows that "there will be atypical cases [of perfectionist state subsidies] which might meet the conditions necessary for the subsidy to be an offer. For example, funds secured by a state-run lottery might be used to provide perfectionist subsidies which would be genuine offers since the funds have been freely obtained from willing lottery players" (2011: 66 n63). In his book, Quong does not indicate whether the status of those perfectionist governmental subsidies as offers would render them morally legitimate. Though he elsewhere makes clear that his an-

<sup>8</sup> This point is emphasized likewise in Gaus 2003: 146-7; 2009: 91-2.

swer to such a question would be negative (2014: 271-73), his principal line of argument against Raz—which I have recounted over the last several pages—does not supply a basis for deeming any lottery-funded subsidies to be morally dubious.

Many lottery-funded subsidies are indeed morally legitimate, and the standards for deeming them legitimate are undoubtedly somewhat more relaxed than the corresponding standards for the legitimacy of tax-funded subsidies (precisely because of the absence of a coercive element in subsidies of the former kind). However, even in regard to activities that are not themselves morally impermissible at all, governmentally bestowed subventions for some of those activities would be morally illegitimate irrespective of whether the funding for the subventions has come from taxes or from lotteries. Whereas Quong's argument highlights the coercive dimension of government, it does not touch on the expressive dimension of any system of governance. Quong therefore omits to explore another reason for balking at certain perfectionist subsidies that might be conferred by a liberal-democratic regime.

At least at the level of ideal theory (the level at which Quong's whole book is pitched), any liberal-democratic system of governance undertakes actions and delivers pronouncements in the name of everyone over whom it presides. Because such a system of governance derives its legitimacy and much of its composition from the input of the citizenry qua electorate, and because the system's officials are morally and legally obligated to exhibit equal concern for the fate of each citizen and equal respect for each sane adult, their authoritative measures are taken in the name of everyone. In their public roles, those officials purport and aspire to speak for the citizenry as a whole. Hence, certain perfectionist state subsidies—even if funded through lotteries or through other voluntary payments—are morally improper because they cannot credibly be furnished in the name of each citizen.

Let us briefly ponder here an example. Suppose that some particular country Pluralia is religiously heterogeneous. Numerous people in Pluralia adhere to sundry faiths, and some people are agnostics or atheists. With funds amassed through the proceeds of a lottery or through voluntary collections at church services, the government in Pluralia organizes and bestows an array of awards for young people who attend Catholic services regularly or who elect to enter the priesthood. It also erects many large crucifixes on the lawns of public buildings with accompanying billboards that exhort people to attend church regularly. Now, these measures are not coercive. The awards for young people are offers rather than threats, and the funds that cover the costs of those awards have been amassed through non-coercive channels. (We can assume that the purchasers of tickets in the state-run lottery are informed in advance that some of the proceeds will be used for the promotion of Roman Catholicism and the Christian religion more generally.) Similarly, however distasteful the crucifixes and billboards may be, they are not coercive either on their own or in combination with the techniques through which they have been funded. Hence, although Quong's line of argument does not entail the conclusion that these measures by governmental officials in Pluralia are morally legitimate, it does not explain why they are in fact morally dubious.

By contrast, when we take into account the expressive dimension of a liberal-democratic system of governance, we can readily discern why the measures in support of Catholicism (and Christianity more generally) by the officials in

Pluralia are illegitimate. In a society where everyone is an adherent of the Roman Catholic faith, those measures would be far less problematic. However, Pluralia—like virtually every other liberal-democratic country—is a land of many creeds, both religious and irreligious. Given as much, and given that the actions of the public officials in their public capacities are performed on behalf of everyone in Pluralia, their championing of Roman Catholicism through those actions is impermissibly sectarian. The officials purport to be adopting measures in the name of the citizenry as a whole by dint of their authoritative roles in a liberal-democratic scheme of governance, yet they are aligning that scheme of governance with one religious outlook in preference to others that are embraced by any number of people in the jurisdiction. In effect, the officials' measures commit their legal-governmental system to the proposition that the singularly esteemed outlook is superior to any alternative outlooks. By conveying that message of sectarian superiority through their favoritism toward Catholicism, the officials in the Pluralian regime have conducted themselves at odds with their obligations as officials to act in the name of everyone.

Of course, the message of sectarian superiority might not be a message of sectarian truth. The officials in Pluralia might place Roman Catholicism on a pedestal not because they believe it to be true but because they believe it to be serviceable for the promotion of good behavior or social peace. Yet, even if their preferential treatment of Catholicism is neutral in its justification, it is not neutral in its intention. A key element of the intentions of the officials is the favoring of Catholicism (even if they favor it purely as a means). Thus, since there is no plausible aspirational-perfectionist rationale for their departure from the constraint of neutrality, and since adherence by them to that constraint is quite feasible in this context—in contradistinction to a context where a policy on a matter such as abortion has to be settled—their sectarianism manifests grievous disrespect for much of the citizenry of Pluralia. Non-coercive though their sectarian policies are, the officials misrepresent the allegiances of many citizens by committing their system of governance to Catholicism even while the system's workings are supposed to be expressive of the affiliations of all citizens.

## 5. A Rejoinder to Quong

Let us return to Quong's critique of Raz. We should begin here by noting that each of the portions of Quong's text to which I have added italics in the lengthy quotations in § 3.3 above is a specification of the baseline for the application of the Nozickian threat/offer distinction. As has already been remarked, Quong assumes that the baseline (or, in his phrase, the "status quo") is to be ascertained by identifying the people to whom the funds for perfectionist subsidies would rightly belong if those subsidies were not undertaken. His claim, of course, is that the funds would rightly belong to the individual taxpayers from whom they have come. Individual taxpayers are entitled to the resources which they have acquired under conditions of justice, except insofar as the demands of justice themselves call for the imposition of taxes. With that claim, Quong undoes the homology between a perfectionist subsidy by the state and an offer by one individual to another.

### 5.1. Begging the Question

However, Quong's position simply assumes away what Raz has sought to establish in his perfectionist argumentation. Raz contends that the funds paid as taxes which enable the disbursal of perfectionist subsidies do not properly belong to the people from whom the tax payments have come. Rather, those payments are morally (and legally) required of citizens in fulfillment of their autonomy-promotive duties within a liberal-democratic society. That is, citizens are morally obligated to make those payments in support of the state's efforts to provide the public good of a social environment in which the autonomy of individuals will tend to flourish. Raz summarizes the matter as follows, in a passage which Quong partly quotes:

[T]he harm principle allows full scope to autonomy-based duties. A person who fails to discharge his autonomy-based obligations towards others is harming them, even if those obligations are designed to promote the others' autonomy rather than to prevent its deterioration. It follows that a government whose responsibility is to promote the autonomy of its citizens is entitled to redistribute resources, to provide public goods and to engage in the provision of other services on a compulsory basis, provided its laws merely reflect and make concrete autonomy-based duties of its citizens. Coercion is used to ensure compliance with the law. If the law reflects autonomy-based duties then failure to comply harms others and the harm principle is satisfied....

It is no objection to point out that the funds necessary for [perfectionist subsidies and kindred policies] are raised by compulsory taxation. I assume that tax is raised to provide adequate opportunities, and is justified by the principle of autonomy in a way consistent with the harm principle in accordance with the considerations described [in the paragraph quoted immediately before this one]. The government has an obligation to create an environment providing individuals with an adequate range of options and the opportunities to choose them. The duty arises out of people's interest in having a valuable autonomous life. Its violation will harm those it is meant to benefit. Therefore its fulfillment is consistent with the harm principle. Not every tax can be justified by this argument. But then not every tax is justified by any argument (Raz 1986: 417-18).

At a somewhat earlier juncture in *Liberalism without Perfection* (2011: 52-3), Quong himself adumbrates Raz's main line of reasoning as a sequence of steps which I here renumber:

1. Autonomous life is possible and valuable only when there is an adequate range of good options from which to choose.
2. We are all under *prima facie* moral duties to provide others with the minimal conditions necessary to lead a valuable autonomous life.
3. Therefore we are each under a *prima facie* duty to help provide others with good options.
4. Failing to provide others with what we owe them is a form of harm.
5. The harm principle permits us to use coercion to prevent harm.
6. Therefore the harm principle permits us to use coercion to raise the taxes which are used to fund an adequate range of good options.

Quong's outline of Raz's reasoning about perfectionist subsidies and the harm principle is quite accurate. What it reveals is that Quong has fatally

begged the question in his subsequent critique where he impeaches Raz's perfectionist subsidies as contraventions of the harm principle. That begging of the question can be exposed in either of two closely related ways.

First, Raz will reject Quong's specification of a baseline—his specification of the morally legitimate course of events that can serve as a point of comparison—for determining whether the aforementioned perfectionist subsidies are to be classified as threats or as offers (or as combinations of threats and offers). Raz does not accept that the germane baseline consists in a situation where citizens retain the funds which they would have paid as taxes to enable the disbursal of the perfectionist subsidies. He believes that any such situation would be morally illegitimate, for he contends that the funds paid as taxes to cover the costs of the perfectionist subsidies have rightly belonged to the government as the fulfiller of its own autonomy-promotive duties and of each citizen's autonomy-promotive duties. Thus, when Quong presumes that the relevant baseline for gauging the manipulateness of perfectionist subsidies is to be understood as he specifies it, he begs the question against Raz.

Alternatively, Raz can accept (at least *arguendo*) that such subsidies are manipulative in Quong's sense and are thus subject to the constraint of the harm principle. However, as is evident from the passage by Raz and the summary by Quong which I have quoted above, Raz will insist that the coercive collection of taxes to meet the costs of autonomy-promotive subsidies is in compliance with the harm principle. Were citizens to evade those taxes, they would be harming others to whom they owe autonomy-promotive duties. Hence, when a government threatens to impose sanctions on people who do seek to evade those taxes, it is not transgressing the harm principle. It is endeavoring to avert harmful actions (or omissions) on the part of the people to whom the threats are addressed.

Of course, Quong might wish to contest Raz's thesis that people are indeed under autonomy-promotive moral duties. After all, I myself elsewhere argue against the existence of autonomy-promotive moral duties of the sort which Raz envisages.<sup>9</sup> Nonetheless, Quong's critique has not proceeded as an effort to opugn Raz's elaborate arguments in support of such duties. Instead, Quong purports to have uncovered a deep inconsistency in Raz's perfectionism. He purports to have demonstrated that Raz cannot consistently uphold all three of the propositions which I have enumerated in § 3.4 above. As has now become apparent, that putative demonstration of some deep inconsistency in Raz's theory is illusive. In reply to Quong, Raz can maintain that the perfectionist subsidies commended in *The Morality of Freedom* are not manipulative (insofar as their character as manipulative or non-manipulative is gauged against an appropriate baseline), or he can declare that those subsidies satisfy the harm principle. If Raz were correct in the lines of reasoning with which he endeavors to establish that autonomy-promotive moral duties are incumbent on us, then either of these ripostes to Quong would also be correct. Hence, instead of seeking to ferret out some deep inconsistency among Raz's positions, Quong should have sought to rebut those lines of reasoning.

### 5.2. *An Anticipatory Response by Quong?*

Quong might seem to have anticipated my objection to his critique of Raz,

<sup>9</sup> Again, the relevant arguments are in *Liberalism with Excellence*.

when he mulls over some potential rejoinders immediately after he has mounted that critique. He writes as follows:

[A] perfectionist might protest that any given individual, P, is not being taxed to provide *his own* subsidy, but is rather being taxed to provide a subsidy for some other citizen, Q, and... Raz's view permits one individual to be coercively taxed in order to provide another individual with the necessary conditions for autonomous flourishing. On this view, P is taxed in order to subsidize Q and thereby provide Q with the conditions necessary for autonomous flourishing, and Q is taxed to subsidize P for the same reason, but neither is being taxed in order to subsidize *his or her own* access to the perfectionist good in question, and thus neither P nor Q [is] being manipulated in the way I claim. Each is only being required to fulfill their duty to the other—something which Raz's version of the harm principle permits. This reply on Raz's behalf, however, cannot rescue perfectionist subsidies from the charge of being invasions of autonomy. It remains the case that citizens are collectively being taxed in order to provide a collective perfectionist subsidy. Thus, we can reject this proposed defense of Raz by pointing out that P and Q *together* are being subjected to a choice situation (the post-tax and post-subsidy world) that they must rationally disprefer to the status quo alternative where each retains the resources that would be used for the subsidy to spend as he wishes (2011: 67, emphases in original).

My replies to this anticipatory response by Quong are twofold.

### 5.2.1. *Begging the Question Afresh*

First, the closing sentence in this most recent passage from Quong reiterates his question-begging assumption that the baseline for gauging the character of Razian subsidies as manipulative or non-manipulative is a situation in which individuals keep the funds which they would have paid as taxes for the bestowal of the subsidies. Raz does not accept that such a situation is a morally legitimate course of events that can fittingly serve as the point of reference for applying the threat/offer distinction to the perfectionist subsidies which he envisions. As has been emphasized, he contends that the payment of taxes to enable those subsidies is the means by which each person fulfills her moral obligation to promote the autonomy of her fellow citizens. Hence, the withholding of such taxes by anyone from whom they are due would be a breach of a moral obligation.

Now, of course, I am not implying here that Quong's question-begging assumption is false. I have not offered any arguments to demonstrate its falsity, and indeed (as has already been stated) I agree with Quong in thinking that we are not under the autonomy-promotive moral duties which Raz contemplates.<sup>10</sup> My point, rather, is that Quong has neglected to substantiate his choice of a baseline with any supportive argumentation. By invoking that baseline without

<sup>10</sup> My agreement with Quong on that score does not per se commit me to the proposition that his specification of a baseline is correct. If his baseline is to be construed as a situation in which no perfectionist duties have been recognized and fulfilled—no duties of aspirational perfectionism any more than of autonomy-centered perfectionism—then it runs contrary to the principal position of my forthcoming book. However, since his baseline is supposed to be a situation in which the prevailing distribution of resources is just, and since my forthcoming book argues that the fulfillment of aspirational-perfectionist duties is a matter of justice, I can probably endorse a variant of Quong's baseline.

any such argumentation, Quong has begged the question against Raz—for Raz has marshaled extensive arguments in favor of the proposition that the payments of taxes assumed away by Quong’s baseline are morally obligatory.

### 5.2.2. *Collective Goods*

In the passage most recently quoted above, Quong does not suggest that Raz himself would be inclined to reply in the manner posited. Instead, Quong suggests that an advocate of autonomy-centered perfectionism might reply thus in defense of Raz. Still, as an attempted vindication of Raz, the retort which Quong sketches (in order to rebut it) is strange. It bears very little resemblance to Raz’s own approach to these matters, and it quite strongly resembles the right-based moralities which Raz sustainedly rejects.

For Raz, the autonomy-promotive conditions that ensue from a government’s fulfillment of its moral obligation to foster such conditions are collective goods. That is, they are inherently public goods. In one of his many relevant statements of the matter, Raz declares that “personal autonomy depends on the persistence of collective goods.... Though an individual’s freedom, understood as personal autonomy, sometimes conflicts with the interests of others, it also depends on those interests and can be obtained only through collective goods which do not benefit anyone unless they benefit everyone” (1986: 250). As I have observed in note 7 above, Quong—in his critique of Raz on which I have been concentrating here—explicitly puts aside the issue of public goods and the problem of free-riding. Hence, the dialectical situation is rather murky. When Quong attempts to reinforce his critique of Raz by anticipating and parrying a possible defense, he appears not to be engaging with Raz’s perfectionism at all.

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