

**AUTONOMY FOR FREE AND
EQUAL CITIZENS**
**A Civic Model of Autonomy for Just
Societies**

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Abstract

Can we live freely in a society whose conception of political justice we do not endorse? Drawing on Rawls's political ideas, this thesis advances a model of civic autonomy that answers that question affirmatively. The model has three main intertwined features: (i) the idea of normative competences, (ii) public reasoning, and (iii) the demand for political liberties and primary goods. The idea of *normative competences* refers to the capacity of citizens to identify and affirm – before other fellow citizens – their conceptions of the good. *Public reasoning* is the public expression of citizens' normative competences. The *demand for political liberties and primary goods* is the content of the public reasoning through which they engage their fellow citizens who exercise political power.

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In personal terms, this thesis has allowed me to grow as a researcher over the years at the University of York and has allowed me to associate debates that I previously considered unrelated. Because of this, this research cannot be but just a starting point in my learning process on contemporary political philosophy. The feeling that I can identify as the most striking at the end of this research is that I still have a long way to go. This thesis was originally a project to investigate the different approaches to personal autonomy, aiming to show that the importance that autonomous lives, if it is morally and political relevant, is due to interpersonal, social and political commitments, rather than to the importance that autonomous life project has for oneself, individually. Although I had to explicitly abandon this line of research, this spirit is still present in this thesis.

All the process of doing a PhD had a personal cost that I do not finish evaluating, for better or for worse. Many people were important during these years to make my life in York an unforgettable experience. First of all, my little Imaltzin, who lit up with her love every morning, day and night of work. This thesis can only be dedicated to her. I am grateful to Karen Wong, my companion on this journey, for her infinite patience with my weaknesses, with my lack of energy and empathy, and above all for being there for me in those moments when I most needed to be accompanied. Thank you also for supporting me in this idea of doing a doctorate, and for believing in those things that only we believe and that we sometimes regret.

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The study of the debates and arguments related to the topics I dealt with in the thesis made possible to write three papers during my doctoral years. The first paper written in 2015 'Family, equality and Justice's demands' argued in favour of political demands for justice that must satisfy the requirements of civic autonomy in childhood. In a 2017 paper entitled 'Personal autonomy as Political Demand,' I claim that a civic conception of autonomy advances an emancipatory character based on a demand for social justice. In 2018 I co-edited a special number on Social Justice in the philosophy journal Hybris. There I contributed with a paper entitled 'Economic Egalitarianism and Just Wage', where I developed a labour justice argument based on justifying the case of civic autonomy in the workplace.

To Imaltzin,

Mi Ima.

‘Me llevaste a ver la luna brillando en el mar.

A mirar hacia el cielo para olvidar

Ese lánguido temor que fue permanente emoción’

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Author's Declaration

The candidate confirms that the work submitted is his own and that appropriate credit has been given where reference has been made to the work of others. This work has not previously been presented for an award at this, or any other, University.

Chapter 1. Introduction

Can we live freely in societies whose political justice we do not share?

Can we live freely in unjust societies? Whether a political regime is just is a especially controversial matter among citizens who participate and discuss the terms of justice in a democratic society. Citizens' disagreement about what political justice really means and implies is the content of what we intuitively call "politics". If disagreement is part of democracy's normal life, why should we worry that citizens may have incompatible visions of what a just society is? As political power normally exercises legitimate coercion on those citizens subject to it, a democratic regime should have an answer to political disagreement about justice. Have citizens a right to disobey political authority if they disagree about the conception of justice it instantiates? For example, in *A Theory of Justice*,¹ John Rawls argued that a just society is one in which the principles of justice that regulate social cooperation are congruent with the principles that regulate persons' own good (*TJ*, 503). Rawls claimed that the good of individuals consisted in the satisfaction of rational desires expressed in plans of life and that the principles that regulate social, political and economic institutions should be an expression of those same rational desires. Thus, according to *A Theory of Justice*, what is wrong with living in an unjust society is that

¹Hereinafter, I will cite the works of Rawls by their initials followed by the page number: (*TJ*) *A Theory of Justice* (1999); (*PL*) *Political Liberalism* (1993); (*JF*) *Justice as Fairness. A Restatement*. (2001); (*CP*) *Collected Papers* (1999); (*LHPP*) *Lectures on the History of Political Philosophy* (2007)

the principles of justice are incompatible with the principles by which people ought to pursue their own good.

On this view, it is possible to evaluate the institutions, policies, laws and people's autonomous plans in terms of individuals' goods and the good of society (Cf. TJ, 495-496) We could extend this point and argue that a just society is only possible when people can adopt the point of view of justice and pursue their preferred conceptions of the good. On this picture, autonomy, the value that persons reason by themselves about how to lead their lives, matters since it can connect individual's good and the good of society.

However, this position imposes demands that a democratic society might reject. In a democracy, not all citizens have as part of their conceptions of the good that everyone should pursue rational, autonomous life plans. Sara Conly (2013), for example, argues that autonomy is overestimated. Persons consume so much, decide wrongly about their future, and mass media seems to have more influence on them than does their reflective deliberations. If it is true that we do not reason consistently all the time and do not direct our lives by our own reasoning, and that, in a global and interconnected world, our wrong decisions can harm others, democratic societies should consider some degree of intervention in people's autonomous preferences. Given this, perfectionism – defined as the political view that favours a conception of human excellence – seems to be acceptable. This view, however, could have further implications in the way citizens build a just society. According to *A Theory of Justice*, for example, if perfectionism is a plausible position, when liberal democratic societies give up the value of living autonomously, somehow, we also give up living in just societies.

Individual freedom and personal autonomy have been constant values of the liberal political tradition. In liberal societies, Conly's view is not popular. The idea of autonomy had its origins, historically, in the defence of persons against the discretionary authority of tyrannical States and the moral control of the Church. In contemporary liberal societies, the value of autonomy is protected in virtue of the commitment to value pluralism and the necessity of legitimising political institutions. Historically then, the value of autonomy has little to do with the quality of persons' decisions. Perfectionists, at least in one of their versions, worry about the consistency or coherence of human practical reasoning, while those who champion autonomy are concerned about how persons are entitled to govern themselves as a normative barrier against unacceptable uses of political or social power.

In *Political Liberalism*, Rawls developed an alternative response to *A Theory of Justice*'s view on the congruence between persons' good and the good of society. In a democratic society, marked by a plurality of diverse and commonly incompatible conceptions of the good, citizens can live freely and yet live under a conception of justice that they do not support. In well-ordered societies that affirm pluralism, people can follow conceptions of good and support principles of justice that they do not share but recognise as legitimate.

Rawls asserts that there are many variants of liberalism that can affirm at least three acceptable terms of justice: (1) Basic rights, liberties and opportunities, (2) the priority of basic rights, liberties and opportunities, and (3) measures that ensure all-purpose means for citizens to use their freedoms and opportunities effectively. (PL, 6) If there are different ways of conceptually understanding and politically expressing these three elements, the citizens of a democratic society can live under institutions, norms and laws that they do not identify as part of a fair conception of justice. For

citizens to live freely under a conception of political justice that they do not support, Rawls conceived a kind of freedom that citizens enjoy when they regard themselves as free and equal: *full political autonomy*. By this form of liberty, citizens autonomously conduct their lives in accordance with their conceptions of good whilst at the same time participating in public life and taking part in the specification and adjustment of the terms of justice.

The problem of living freely under principles of justice that citizens do not share forces us to look more closely at the commitments that citizens have to their own autonomous life plans and to the principles of justice that regulate social life, and in particular, to the relationship regarding how the principles of justice affect people's autonomous life plans. In this thesis it is stated that citizens first evaluate their social circumstances of justice and how the principles organize the functioning of social, political, and economic institutions, rather than directly addressing the contents of the principles of justice. In other words, the conception of civic autonomy distinguishes between how citizens evaluate the justice of the institutions that regulate their lives over time and the evaluation of the justice of the principles themselves that regulate society.

This thesis examines the meaning of political autonomy in a broad sense, and the commitments it would impose on citizens' freedom to live under conceptions of justice that they do not share: what does freedom acquired as a citizen mean to a person? In general terms, the question we intend to answer is about the kind of political freedom we get in a society that persons consider not ideally just: How should we live freely under principles of justice we do not share while recognise democratic legitimate political institutions? The thesis assumes then that if we identify that the political system is a constitutional democracy that affirms the three

minimum elements mentioned by Rawls in his *Political Liberalism* (*PL*, 6; see above p. 8) this dissertation claims that political freedom requires three features to be met: autonomous citizens with normative political competences; that citizens relate to each other by public reasoning; and that, in participating in public life, citizens can rely upon political institutions that enable them to demand political liberties and a just distribution of primary goods.

The idea of normative competences refers to the capacity of citizens to identify and affirm before other fellow citizens their conceptions of the good. Public reasoning is the public expression of citizens' normative competences. The demand for political liberties and primary goods is the content of the public reasoning with which they engage their fellow citizens together with whom they exercise political power. I call this approach the *Civic Model* of personal autonomy, or civic autonomy.

These three Civic Model's features by their own address the challenge of how to live freely under a conception of political justice that the citizen does not share. Political competences, public reasoning and demandingness for political liberties and primary goods allow citizens to identify the point of, at least, three kinds of political disagreement: about the legitimate use of political power by authorities (chapter 3), about a conception of political justice that arbitrarily constrains arguably autonomous conceptions of the good, comprehensive views and lifestyles (chapter 5) and the variant of political liberalism that brings about justice (Chapter 6).

The argument requires clarity on the role of political autonomy within the structure of political liberalism. For that reason, the thesis begins by examining two things: first, the function of individual freedom in the structure of liberalism with respect to the legitimate demands of political power and, second, the place of civic autonomy within the demands of political authority.

If civic autonomy is conceived primarily as the autonomous conduct of citizens who collectively share political power, the discussion of legitimacy and political authority is particularly significant for an approach such as that proposed by a Civic Model of autonomy. If citizens can live freely under a conception of justice they do not share, the duty of obedience to the authority of political power can be profoundly alienating. The Civic Model, therefore, must contain a conception of what makes the exercise of political power legitimate. For this, the Civic Model argues, in line with Rawls's political philosophy, that citizens have a duty of obedience if the political power is a legitimate authority that requires them to act in accordance with what justice requires. To establish this point, the thesis starts in Chapters 2 and 3 by discussing Joseph Raz's service conception of authority, consent theories, fair-play theory and natural duties theory.

1.1. Main Objectives

(i) *A Rawlsian conception of citizens' autonomy*: The conception of citizens' autonomy does not seem to attract much interest in the literature. Compared to other ideas that Rawls develops in *Political Liberalism* – such as public reason, overlapping consensus, and citizenship – the idea of autonomy is scarcely discussed, and consequently little elaborated. This is perhaps because Rawls himself did not develop a specific argument in relation to it. In fact, apart from Samuel Freeman's *Rawls* in 2007, Catherine Audard's entries on *Moral Autonomy* and *Political Autonomy* in *The Cambridge Rawls Lexicon* in 2015, and Paul Weithman's 2017 paper on autonomy and disagreement, there is no study devoted exclusively to the idea of political

autonomy in John Rawls's late work. My thesis thus contributes to the literature by filling that gap.

Moreover, the Rawlsian conception of autonomy can contribute to thinking about a political liberalism that makes the freedom of the citizen compatible with the ideal of democratic political power. As this thesis will argue, the value of civic autonomy matters to a liberal and democratic society because it connects individual capacities and individual good with the exercise of political power and public life. Unlike civic republicanism, liberal civic autonomy does not subjugate the interests of the citizen to the realization of public life. The Civic Model makes compatible the value of individual freedom as a moral claim and the liberty of the citizen as the demand for political liberty and fair distribution of opportunities.

(ii) *The value of Public life*: The Civic Model is a conception of autonomy that applies to the conduct of the citizen in political life. The idea of a 'civic' model is that it seeks to capture the value that the civic or public domain has in affecting the means that citizens have to pursue their conceptions of good within a basic social structure through the entire life of a citizen. The aim of this thesis is to build on Rawls's ideas of common citizenship, political dominion, and public life, and to develop a Rawlsian conception of individual freedom to centre a theoretical discussion of disagreement over political justice and the legitimacy and authority of political power.

(iii) *Citizens' autonomy*: The general claim is that the role that autonomy plays in Rawls's late works is to elaborate the normative capacities of the citizen. The thesis is centred on the autonomy of the citizen and on the political value that a conception of civic autonomy has for a democratic society, characterised by the fact of pluralism; a pluralism not only of conceptions of the good but also of conceptions of justice.

On the basis of ideas of *Political Liberalism*, this thesis will defend the claim according to which a citizen's conduct is autonomous if she pursues her own conception of the good by publicly affirming the principles of justice of a democratic society; principles that she affirms as her own through her complete life. To argue in favour of this formulation, the thesis focuses on three characteristics that define autonomy described in these terms: the idea of normative competence, the idea of public reasoning and the idea of demands for political freedoms and primary goods.

The idea of normative competence appears in *Political Liberalism* in Rawls's discussion of the differences between public and non-public reasons. There, Rawls describes how citizens can recognise that conceptions of good are affirmed by citizens 'political competences'. The argument I construct in chapter 5 (5.4.1) holds that reasonable citizens have two moral powers with which they can identify their conceptions of the good and affirm a sense of justice. I argue that Rawls assigns to the condition of citizen the idea of political competence that allows him to recognise, or affirm, that the person's endorsement of her comprehensive view can be specified given the regulative basic rights and liberties. (Cf. PL, 221-22) The direct implication is that person's moral capacities identify a comprehensive view that she freely imposes on herself. In theory, any person can identify a comprehensive view insofar as the theory conceives moral personhood as having moral capacities. The point of citizens' autonomy then is affirming persons' chosen comprehensive views as a politically significant action in view of the regulative terms of justice of the society.

To give an example: in England seventy years ago an LGBT person could endorse a, say, LGBT identity associated with a LGBT comprehensive view. However, such an endorsement was, politically speaking, invisible or unintelligible. The identification of an LGBT comprehensive view was not affirmed by the basic rights

and liberties nor by the institutions of the basic structure, in Rawls's words. It was, in this sense, what we might call an act of 'brute freedom'. Now, such an identification is affirmed, and it is an action of *political* freedom. Notice that the scheme of basic rights and liberties was the same seventy years ago. People were able to identify LGBT comprehensive views then as they can now. What has changed is, I think, that now such an identification is affirmed by basic rights and liberties granted by reformulated or new social, political and economic institutions. The aspect of that I am interested in is that it was LGBT people themselves, politically affirming their LGBT identity, that made the difference.

The idea of public reasoning is the mode of reflection in which citizens relate to each other, offer reasons and participate in public life. Public reasoning is also the mode of reflection that relates citizens to their fellow citizens who wield political power. What guides the relationship between citizens and political power and those who are subject to it is a criterion of reciprocity, a standard of reasonableness that governs the relationships of political legitimacy and authority.

The third element that characterises the Civic Model is the idea that citizens are entitled to demand political freedoms and a just distribution of primary goods. I claim that the relationship of reciprocity through public reasoning is a relationship mainly between citizens who exercise political power and citizens who subject themselves to it. Thus, amongst the characteristics of public life are the demands of the authorities and the duty of citizens to obey. In this relationship, citizens act within the institutions of the basic structure of society through their complete life. This encourages demands for the terms of justice that regulate the basic structure to specify under existing social conditions the basic rights, liberties and fair

opportunities. To achieve this, citizens typically exercise political demands, resistance, civil disobedience, and participate in party politics.

1.2. Structure

The thesis is divided into two parts.

Part I, *Autonomy and The Structure of Liberalism*, is dedicated to presenting the place of political autonomy within political liberalism. In order to unpack the relationship between autonomy and political liberalism, chapter 2 discusses the liberal conceptions of political legitimacy, authority and individual freedom. Chapter 2 discusses the relevance of Raz's service conception, and consent theories, of authority. The objective of the chapter is to explore the most influential liberal approaches to the political relations of power, obligation and obedience between citizens of a democratic society who share political power. My contention in this chapter is that neither Raz's service conception of authority nor consent theories are consistent with political liberalism with respect to the legitimacy of political power and establishing the duty of obedience of citizens.

Chapter 3 is dedicated to exploring political authority and political power legitimacy in fair-play theories and natural duties' theory. I claim, in this chapter, that both fair-play and natural duty theories offer a conception of reciprocity that may prove more satisfactory in understanding the value of the right to obedience demanded by political authority and the political legitimacy demanded by citizens who submit to political power. This chapter argues that under conditions of reciprocity, a political conception of citizens' autonomy ensures that the terms of

the unequal relationship between citizens who submit to the power and those who wield it is a relationship grounded on political legitimacy.

Part II, *Autonomy for free and equal persons*, is also divided into two chapters. Both are dedicated to developing what I call the Civic Model of personal autonomy. In chapter 4, I present the discussion of Rawls's political autonomy, as presented by Catherine Audard (2015) and Samuel Freeman (2007b). I discuss its merits and criticise some aspects of its interpretation. From this discussion, I offer a hypothetical example that I call the 'cooperative' where I imagine some workers who disagree on a work policy. This example helps me to evaluate the political conception of autonomy under conditions of reciprocity. To contrast the value of political autonomy that I interpret from Rawls, the example of the workers allows me to show the advantages that a civic conception of political autonomy offers when thinking about authority and legitimacy.

In chapter 5, I present and describe the components of what I call the Civic Model of personal autonomy. The chapter explains the formulation of civic autonomy and describes the three characteristics that capture the political value of civic autonomy. Finally, in chapter 6, I examine Paul Weithman's account on Rawls' full political autonomy. I share most of Weithman's exegesis of Rawls's *political turn* regarding his conception of political justice, but I contrast Weithman's interpretation of the role of reconciliation in political liberalism and how such a role is crucial to Rawls's account of personal autonomy (*PL*, II-§6). According to him, Rawls's full political autonomy is a moral conception that can be seen as playing a reconciliative role between persons' visions and aspirations that regard themselves as citizens engaged in public life and as individuals that pursue personal ends that cannot be channelled through public life. I argue that Weithman's approach is right

in interpreting Rawls's account in *Political Liberalism* as modulating personal and civic autonomous ends in a conception that can be understood as a device of practical reconciliation. However, I also argue in this last chapter of part II why Weithman's view cannot capture the emancipative element of full personal autonomy, an element that allows us to think the political liberal project as an open project fuelled by the citizens' practice of political freedom, which is one of the asset of the liberal tradition of political thinking.

In the concluding chapter, chapter 7, I discuss the main conclusion of the thesis.

1.3. Research Questions and Focus

The broad question this thesis attempts to answer is the following: How can we regard ourselves as living freely in a society regulated by principles of justice with which we disagree? More specific questions that immediately follow are the following: Can the conception of political autonomy contained in *Political Liberalism* be relevant to answering the first question? How should we articulate the value of political legitimacy and authority? To assess these questions, this thesis develops what it calls the Civic Model of personal autonomy.

This thesis claims that the value of civic autonomy is a political value. In the same way that Rawls assigns a value to persons' autonomy in the context of a political conception of justice, this thesis tries to develop a model of autonomy that is developed from the central ideas of *Political Liberalism*. That said, the Civic Model – although it is of Rawlsian inspiration – does not pretend to be an exegetical interpretation of Rawls's own ideas on autonomy.

The political value of the Civic Model is a contribution to the broad debate on political liberalism. The discussion in Part I of Raz's service conception of authority attempts to mark the differences between my approach and that of comprehensive liberalism since the model of civic autonomy does not constitute a conception of good living. The model of civic autonomy seeks to characterise the conduct of citizens when they see themselves as free and equal persons, and when they share political power.

1.4. Methodological Approach

Although this thesis is concerned with autonomy, it does not centrally concern the philosophical literature on autonomy. This may seem intriguing, and it is important to state the reasons for it. Moreover, the explanation becomes more significant when one considers that the question of how to live under principles of justice that we do not share can be expressed in terms of social domination or oppression, which certain authors of autonomy have long discussed. (see Veltman, Piper (eds) 2014).

A central concern for some authors of the philosophy of autonomy is the ability of an individual-centred conception of autonomy to offer an account of how to subvert domination or oppression. Marina Oshana, for example, argues that 'persons who lack a voice ought to be entitled to autonomy. But first-person assurances that the subject is not causally, historically, psychically, or emotionally alienated from the ongoing social and political narrative will not amount to evidence of autonomy'. On the contrary, Oshana continues, 'people who are socially and relationally self-determining are empowered to stand up for themselves as full agency requires; they

are better positioned to demand their rights and actually overcome relations of oppression' (Oshana 2015, 6-7). The objective of the arguments presented in this thesis is not to argue about the causes or the incidents of social forms of oppression affecting persons' autonomy, nor will it adopt the point of view of the oppressed individual, nor will it draw consequences from a social or political theory of oppression.

On the contrary, the thesis adopts a normative point of view, which examines the forms that normative commitments, principles, and values and attitudes, take within a political conception of justice. Nevertheless, I extract from the literature of autonomy and oppression an empirical thesis that individuals react to reasons that involve an attitude towards the social and political conditions in which they develop their autonomy. This methodological approach can be expressed by what Rawls calls the *Kantian* view (not Kant's view). According to this view, what we affirm 'on the basis of free and informed reason and reflection is affirmed freely, and insofar as our conduct expresses what we affirm freely, our conduct is free to the extent it can be.' (PL, 222-23 fn 9) The consequence of the Kantian view, thus expressed, is that the freedom it describes is limited, 'both theoretical and practical', by the limits of our reason, 'on its developments and education, its knowledge and information'. In this way, Rawls argues, our freedom depends on 'the nature of the surrounding institutional and social context'. (PL, 223)

To illustrate the Kantian view, as it will be interpreted in this thesis, we can contrast it with what we might call the *Hegelian* view. According to Hegelian view our freedom also depends on 'the nature of the surrounding institutional and social context', but not on the way Kantian View does it. While for the Kantian View our freedom is what we freely affirm based on the information given to us by our reason,

for the Hegelian view our freedom depends upon being recognised by the surrounding institutional and social context. What is central to the Hegelian view is that if an individual's freedom is a relational value, it depends on the other's claims for freedom, from which it follows that the value of freedom is best realised through a relationship of mutual recognition.²

The Kantian view does not make freedom depend on the recognition of others. The individual's autonomy, for example, is the conduct expressed by the individual who uses her reason to guide her own life with the information and knowledge that she can freely affirm. Therefore, her freedom's value does not depend on the other's claims of freedom, but on conduct that 'expresses what we affirm freely' and that is 'free to the extent it can be'. I interpret this as the limits imposed by information, development and knowledge on the use of reason and expressed by the nature of the institutional and social context that determines the use.

This last characteristic makes us doubt that what Rawls calls the Kantian view really is Kantian. It is Kantian because it does not require the recognition of others to affirm one's own freedom. However, this does not mean that the Kantian view, as I understand it, does not involve a demand for recognition of the value of free affirmation, given that its expression depends on the surrounding institutional and social context. How does the nature of this context affect the affirmation of one's freedom? Rawls argues that one of the characteristics of autonomous citizens is that they regard themselves as 'self-authenticating sources of valid claims'. (*PL*, 32f, 72) This confirms the Kantian view since the citizen is a 'source' of a valid claim that does

² A conception of freedom that adheres to this Hegelian View can be found in Honneth (2014: 253-335).

not need to be affirmed by the recognition of institutional practice or by the recognition of others.

Then, to understand what a source of 'valid claims' is, we take the conception of *citizen* in *Political Liberalism*. According to Rawls, the idea of the citizen applies exclusively to the political domain, and therefore prescind from any ethical or metaphysical reference. Rawls trusts that a political conception of citizen can be accepted by the members of a democratic society. Now, what Rawls considers characteristic of a democratic society, is that the citizens apply a criterion of reciprocity to regulate the relations between them. The contents of the criterion of reciprocity that citizens apply in their mutual relations is a mode of reflection that can be accepted by citizens in their condition of free and equal members. However, what is the criterion, and how is it applied?

Rawls argues in 1971 that reciprocity is the recognition of respect for fair play among participants in an activity (*CP*, 208-214).³ In an activity, participants constrain their 'self-interest'. This is part of the definition of participating in an activity. However, the way participants recognise that other participants restrict their own self-interest and honour the 'duties' of reciprocity or 'fair-play' is relevant to the functioning of the activity. Recognising that other participants honour the duties of reciprocity implies understanding that participants have a criterion for identifying others as participants with similar interests and capacities. To state, therefore, that to 'satisfy duty X' is a criterion for 'participant's attitude Y' means that Y is an attitude

³ In the final stage of the development and re-evaluation of justice as fairness, reciprocity is defined in the following terms: 'reciprocity is a relation between citizens expressed by principles of justice that regulate a social world in which all who are engaged in cooperation and do their part as the rules and procedures require are to benefit in an appropriate way as assessed by a suitable benchmark of comparison.' (*JF*, 49)

that fits within the convention that regulates the activity. In the same paper, (*CP*, 212) Rawls points out that he takes that sense of criterion from Wittgenstein.⁴

According to the Kantian view, the nature of the institutional and social context – the conventions, rules and obligations that citizens must follow when subjecting themselves to the institutions of a democratic society – determine the validity of each citizen’s claim as a ‘self-authenticating source’. This implies that validity is open to the scrutiny of fellow citizens. This involves, in turn, that the citizen who participates in a democratic society recognises that the nature of the social and institutional context imposes limits to the knowledge, development and information he can count on to act freely and that, applying the criterion of reciprocity, other citizens have equally limited their freedom. The criterion of reciprocity allows citizens to assert themselves as ‘self-authenticating’ sources and accept their fellow citizens in the same way. Therefore, the Kantian view, although it needs no ‘recognition of others’ as does the Hegelian view, nevertheless does demand a type of recognition, which Rawls calls reciprocity. The Kantian view is, then, not entirely Kantian, or at least it is a Kantian view with a Wittgensteinian adjustment.

The discussion of citizen autonomy that this thesis presents assumes the Kantian view with the Wittgensteinian adjustment. The thesis argues that citizens can live freely if they live justly even under reasonable conceptions of political justice that they do not support. The Civic Model assumes that citizens in a democratic society regard themselves as self-authenticating sources of valid claims in relation with other fellow citizens who see themselves in the same way. This implies that a consequence of the Wittgensteinian adjustment is that the criterion of recognition of citizens’

⁴ See Ludwig Wittgenstein, *Philosophical Investigations*, Wiley-Blackwell, Oxford. 2009/1953, 354; pp 119

claims adjusts to the demands imposed by political power. However, this Wittgensteinian adjustment depends on the affirmation of the Kantian view. This view primarily recognises the condition of autonomy of the citizen, its self-authenticating source, as a space of moral normativity which requires a critical assessment of the demands of obedience made by the political power.

The consequence of this is that citizens who wield political power have legitimate expectations that citizens who are subject to political power will obey their authority. Also, each citizen must see himself as autonomous in order to evaluate such a demand. This leads us to two questions: what are the appropriate terms of legitimacy and political authority? This question, in turn, leads to the second: if, for citizens who are subject to political power, the criterion under which they evaluate legitimate political power is the principles of justice, how can they accept living under principles of justice that they do not share?

The answer that this thesis develops associates the two questions: a political authority is legitimate if, first, it demands citizens who are subject to its power act according to what the terms of justice require and, second, it recognises at the same time that autonomous citizens are self-authenticating sources of valid claims. It involves citizens autonomously morally evaluating the criterion of reciprocity in the political relationships of authority. To demonstrate this, the thesis argues that citizens' autonomy should be conceived under three characteristics: (i) it is assumed that citizens are normatively competent to identify their conceptions of the good and to affirm them in accordance with the principles of justice; (ii) they use public reasoning as a means of reflection to affirm their normative competences in the public domain, and (iii) they demand political liberties and a just distribution of primary goods. In short, in a well-ordered democratic society, a citizen can live freely

under principles of justice that he does not share if the authority of political power demands of him what justice requires and if he sees himself as an autonomous citizen with normative competence, engaged in public reason, and entitled to demand political liberties and primary goods to be fairly distributed by social, political and economic institutions.

1.5. Situating the Discussion

The concept of autonomy has been defined a variety of ways and is the subject of a variety of controversies. It plays an important role in the ethical foundation of our reasons for acting; in the idea of practical identity; in metaphysical discussions of determinism and free will; and in the discussion of normative economic matters and game theory with respect to the formation of preferences.

In a recent book, for example, Suzy Killmister lists four different dimensions where the concept of autonomy is used: autonomy as self-definition, self-realisation, self-unification, and self-constitution. (Killmister 2017). John Christman and Joel Anderson (2005), by contrast, argue that for the contemporary debate, the most relevant distinction is between moral autonomy and personal autonomy. On the one hand, the conception of moral autonomy follows the tradition inaugurated by Kant, in which the idea of giving oneself a moral law is the very principle of morality. Personal autonomy, on the other, has been used to refer to the capacity that individuals have to pursue their own conceptions of the good life, their capacity to make their own choices, and to have valuable relationships within their community.

One of the central definitions that runs across the diverse spectrum of accounts of autonomy is the idea that there is something valuable in the idea that people can be the authors of their own choices. Contemporary authors like Harry

Frankfurt and Gerald Dworkin – who have developed an influential position within the literature of personal autonomy – argue, for example, that in order to govern oneself, one has to be a competent agent to identify oneself as the author who governs the formation of one’s own desires.

The concept of autonomy also attracts attention beyond practical philosophy and ethics. In the theoretical debates on liberalism, personal autonomy has been an object of dispute between authors who see it as a continuation of the values of the classical liberal tradition and authors who see in the idea of personal autonomy a commitment to an individualistic ideal that undermines plurality, the neutrality of the State, and the coexistence and identities of communities.

For example, Michael Sandel coined the term ‘unencumbered self’ (1982, 90), Alasdair MacIntyre speaks of a ‘ghostly character of the self’ (MacIntyre 2007/1981 33), and Charles Taylor argues that contemporary liberalism promotes an ‘atomistic self’. (Taylor 1989, 207) According to them, liberalism gives excessive emphasis to an abstract conception of the self that fails to attend to the way people are embedded in political and social institutions. Under liberal atomism, according to them, political institutions are insensitive to citizens’ cultural communities, group identities, and interpersonal relationships. The basis of the criticism is the idea that liberal commitment in social justice implies that individuals can constitute themselves without regard to their community’s ethos.

The origin of this shared criticism lies in criticism of the political philosophy of Rawls’s *A Theory of Justice* (1971), which, in the eyes of these political philosophers, depicts a too abstract and universalistic liberal conception of social justice, and a conception of the self that is artificially individualistic. Sandel, for example, describes the unencumbered self in terms of an argument that liberals

artificially divided the self into two: firstly, a contentless choosing being that, secondly, contingently has values, choices and preferences. Sandel thinks that the liberal view appeals to a mechanism of identification in which ‘to identify any characteristics as persons’ aims, ambitions, desires, and so on, is always to imply some subject ‘me’ standing behind them, at a certain distance, and the shape of this ‘me’ must be given prior to any of the aims or attributes I bear.’ (Sandel 1984, p. 86)

Autonomy plays a central role in Rawls’s *A Theory of Justice*. The conception of justice as fairness proposes a hypothetical choice situation that Rawls calls the original position. In such a situation, rationally motivated parties reach an agreement, under a veil of ignorance, on the principles of justice. Rawls argues that the original position is a choice situation that models the parties as a device of representation. He claims that the veil of ignorance somehow reproduces a ‘motivational assumption of mutual disinterest’ between the parties in the original agreement, which resembles Kant’s conception of autonomy. (*TJ*, 223) For the argument from justice as fairness, this resemblance with Kantian autonomy is crucial for the stability of the project. Rawls thinks that in a society regulated by the principles of justice, citizens act from principles that they would give to themselves in the original position where they are represented as free and equal persons. As, in *A Theory of Justice*, Rawls thinks that the good of people is the satisfaction of their rational plans of life, Rawls draws the conclusion that to act autonomously and to act justly are two dimensions with different ends but that fulfil the same objective: the congruence between the ends of a well-ordered society and the persons’ ends. According to Rawls, the congruency between the principles of justice and persons’ good is what ensures political stability over time.

In *Political Liberalism*, however, Rawls does not consider that the argument of congruence ensures the stability of a well-ordered society. Rawls reconceptualises his earlier idea of autonomy and introduces the idea of political autonomy. This change was largely motivated by the discussions provoked by *A Theory of Justice* that led Rawls to consider that his conception of justice could not honour the fact of plurality of a liberal society. *Political Liberalism* abandons the Kantian notion of justice and elaborates a political conception of justice that can be supported by an overlapping consensus of citizens who pursue different conceptions of good and who adhere to a number of different, and sometimes incompatible, comprehensive views. Another significant element that Rawls added in *Political Liberalism* was the idea of public reason. In a plural society, citizens see themselves as free and equal persons who reason about the justification of basic rights and liberties and the distribution of primary goods by the institutions of the basic structure of society.

However, this conception of political justice meant that Rawls developed a political conception of the person that identifies with an ideal of citizenship. *Political Liberalism* offers a political conception of citizen that plays a significant role in the project of the political conception of justice. Unlike *A Theory of Justice*, where citizens living under justice as fairness seek to satisfy a particular good, the good of their rational life plans, the citizens envisaged in *Political Liberalism* are not characterised under any conception of the good. Citizens are only motivated and relate to each other in a relationship of reciprocity, that is, in a relationship of cooperation among themselves under the terms of justice of a democratic society.

For that reason, what Rawls calls ‘Full Autonomy’ (*PL*, 77-81) is a political and not an ethical autonomy. Rawls introduces the definition of autonomy by comparing it with the autonomy that citizens have when they are part of the original position as

representative citizens. In this role, the citizens, behind the veil of ignorance, assume a rational autonomy. Rational autonomy is an artificial construct that models the interest of the representative citizen to express his two moral powers that specify the selection of principles of justice in the original position, constructed by an index of primary goods (*PL*, 72). Rawls assumes that people have a moral psychology that has mainly two capacities or moral powers: the capacity for a conception of good - the capacity to identify, evaluate and review conceptions of good - and the capacity for a sense of justice; the capacities and abilities to be normal and cooperating members of society over a complete life. (*PL*, 81) Full political autonomy, therefore, is not artificial, but the freedom enjoyed by citizens of a well-ordered society acting on terms of justice:

It is citizens of a well-ordered society who are fully autonomous. This means that in their conduct citizens not only comply with the principles of justice, but they also act from these principles as just. Moreover, they recognize these principles as those that would be adopted in the original position. It is in their public recognition and informed application of the principles of justice in their political life, and as their effective sense of justice directs, that citizens achieve full autonomy. Thus, full autonomy is realized by citizens when they act from principles of justice that specify the fair terms of cooperation they would give to themselves when fairly represented as free and equal persons. (*PL*, 77)

It is a conception of the citizen that is applied in public life but has an effect on both public and non-public life, since citizens are subjects of basic rights and liberties not only in their condition as citizens but also in their complete lives:

Here I stress that full autonomy is achieved by citizens: it is a political and not an ethical value. By that I mean that it is realized in public life by affirming the political principles of justice and enjoying the protections of the basic rights and liberties. (*PL*, 77)

Then, citizen autonomy is realized to the extent that citizens see themselves as co-sovereign members of political power:

it is also realized by participating in society's public affairs and sharing in its collective self-determination over time. (*PL*, 77-78)

Finally, it is a political autonomy that differs from other conceptions of autonomy that depend on a comprehensive view:

This full autonomy of political life must be distinguished from the ethical values of autonomy and individuality, which may apply to the whole of life, both social and individual, as expressed by the comprehensive liberalism of Kant and Mill. (*PL* 78)

To discuss in more detail Rawls's conception of full autonomy, and after introducing the Civic Model of personal autonomy in Chapters 4 and 5, in Chapter 6, section 6.2 I will discuss Paul Weithman's exegesis of Rawls's full autonomy.

In the last section of this chapter I will discuss why the discussion of the philosophical literature on personal autonomy is not directly relevant to the purpose of this thesis. I will offer a brief overview of the discussion grouping the debate under two models: The Hierarchical Model and the Socio-Relational Model. This brief overview is not intended to be an exhaustive examination of the debate on individual autonomy, but rather the aim is to delineate two major trends in the literature in order to clarify the differences between the type of individual freedom discussed by both models, and the type of political freedom that is the objective of this thesis.

1.6. The Contemporary Debate on Personal Autonomy

In this last subsection, my aim is to explain briefly why conceptions of individual autonomy – that constitute a large part of the ‘standard’ literature on autonomy – are not part of the thesis. The first reason is that the Civic Model of autonomy is a political conception that seeks to be inscribed within the internal discussion of political liberalism. For reasons that I will explain below, the two established models of practical autonomy are comprehensive approaches that introduce substantive ethical commitments from which the Civic Model attempts to remain independent. I will briefly describe two models of practical autonomy that I call 1) the Hierarchical Model and 2) the Socio-Relational Model. I will argue that both models are ethical approaches that a citizen can adopt as a conception of the good, but they are not part of the Civic Model.

The Hierarchical Model

What I call the Hierarchical Model of autonomy are those accounts of personal autonomy that justify the value of autonomy through the idea that procedural independence obtains in virtue of an internal hierarchy in a person’s volitional structure. On this account, persons are autonomous if they endorse the motivations of their actions and if their critical reflection is characterised by the absence of any kind of interference. This model has been advanced separately both by Harry Frankfurt and Gerald Dworkin. (Frankfurt 1989; G. Dworkin, 1988)

The model is centred on an agent’s judgements with respect to her internal psychological states. On this view, agents should identify and distinguish their higher and lower order desires. This multi-level psychological structure assures autonomy as a form of authenticity if it follows a suitably critical reflection.

Autonomy involves a person's lower-order desire to act being coherent with, and endorsed by, the person's higher order desires.

The account reflects an ideal of agency. Frankfurt argues that a person 'has a desire of the second order either when he wants simply to have a certain desire or when he wants a certain desire to be his will' (Frankfurt 1989, 68). The thought is that being a person is, according to Frankfurt, to have such volitions of the second order and not merely 'desires' of the second order. So, for example, there is the possibility that autonomous choices rest upon a false, partial or even over-abstracted sense of persons' self.

Frankfurt invites us to consider of what he calls a 'wanton' (1989, 67). The example of a wanton responds to the logical possibility – 'however unlikely' – of an agent with a desire to have desires (desires of the second order) but identifying those desires to have desires as merely the desires to have certain desires. There is no identification or endorsement of those desires as being part of the person's sense of her own agency, or as Frankfurt puts it, 'when she wants a certain desire to be her will' (1989, 67). In such a scenario, it is not sufficient to have second-order desires, it is also necessary to have 'second-order volitions'. Thus, an agent is a wanton when he has desires of the second order but fails to have volitions of the second order. He is an agent but is not a person.⁵

To avoid the problem that the example of the wanton presents, proceduralist accounts such as the one Frankfurt defends, posit an ideal of personhood resting in an ideal of 'identification'. A person is an entity that can recognise that her choices

⁵ 'I shall use the term 'wanton' to refer to agents who have first-order desires but who are not persons because, whether or not they have desires of the second order, they have no second order volitions'. (Frankfurt 1989, 67)

are the expression of her own will. Personhood then is determined by a volitional hierarchicalism. In Frankfurt's view this Hierarchical Model provides value to the psychological states insofar as the identification that takes place integrates choices with persons' psychological satisfaction. In a later reinterpretation of this point, Frankfurt argues that this satisfaction element is not an additional or external attitude but rather an internal structural 'satisfaction with oneself', or 'wholeheartedness'.

In a nutshell, the idea is that an agent is free from arbitrary influence when she 'wholeheartedly' identifies the motives of her actions, where wholeheartedly means a psychological state of satisfaction that reflects the 'state of the entire psychic system' (Frankfurt, 2009/1998, 104). Basically, the idea is that a person is autonomous when she is committed complete and sincerely – wholeheartedly – to the motivations underpinning a course of action. This is reached when the agent is in such volitional state that is used 'in the design of ideals and programs of life, and generally in determining what to regard as important and to care about. What we care about should be, to the greatest extent possible, something we are able to care about wholeheartedly'. (Frankfurt, 2009/1998, 106)

The Socio-relational Model

The problem with the Hierarchical Model of autonomy, according to Mackenzie and Stoljar (2000), is that it assimilates the requisites of procedural independence with the value that a Hierarchical Model ascribes to person's volitional structures. The mistake is that such assimilation, while focussing on the psychology of persons, fails to recognise the social and interpersonal embeddedness of persons' psychological make-ups. Therefore, the Hierarchical Model misses what is allegedly seen as the crucial point: personal autonomy depends on a substantive

view about the condition of the autonomous agent, which, in turn, depends on the value of persons' relational character.

The main concern of the relational model is that content-neutral accounts of personal autonomy are blind to the effect of socialisation that might undermine persons' autonomy. The relational emphasis adopts different strategies to cope with this worry. Because of that, the relational character is not a 'single unified conception of autonomy, but it is rather an umbrella term, designating a range of related perspectives'. What all these perspectives have in common is 'the shared view that persons are socially embedded and thus agents' identities are formed within the context of social relationships and shaped by a complex of intersecting social determinants, such as race, class, gender, and ethnicity'. (Mackenzie, Stoljar 2000, 4). Natalie Stoljar, for example, argues that the substantive contents of autonomy should be guided by what she calls a 'feminist intuition'. Accordingly, women are a targeted group of persons that, due to historical and sociological circumstances, are agents whose preferences are 'influenced by pernicious aspects of the oppressive context'. (Stoljar 2000, 95) On this view, critical reflection and regulative agency are not sufficient to capture the conditions of autonomy. If one abstracts from the gender-centred content of the feminist intuition, what one gets is the idea that critical reflection's requirements are insufficient for capturing the value of persons' self-governance, and as a result, the requirement for autonomous choices must be, at least, supplemented by substantive constraints.

Other accounts of personal autonomy that fall within the umbrella term of Socio-Relational Model are intersubjectivist. Axel Honneth and Joel Anderson (2005) for example argue that the idea of personal autonomy is best captured by what they call the Recognitional model. Honneth and Anderson claim that the

commitment of liberal social justice theories should be aimed at protecting the vulnerabilities of individuals to develop and maintain their autonomy. They identify three conditions for addressing vulnerabilities associated with autonomy: self-respect, self-trust, and self-esteem. These three conditions are ‘practical relations to oneself’ (Honneth, Anderson 2005) whose performance depends on interpersonal and intersubjective relations of social recognition.

In this recognitional approach, people are autonomous when there is a ‘recognitional infrastructure’ that reinforces the conditions of self-respect, self-trust and self-esteem. If the recognitional infrastructure does not succeed in reinforcing recognition relations in the practical relation of the agent with oneself, then individual autonomy is threatened because the agents are subject to autonomy-related vulnerabilities.

Rainer Forst proposes a similar ‘intersubjectivist approach’ (Forst 2011, 137-138; 2005, 226) According to Forst, people act autonomously in five practical dimensions of intersubjectivity: the moral, ethical, legal, social, and political dimensions. People, on this intersubjectivity account, interact with the demands of the five dimensions in a dual way: ‘As citizens, persons are both freedom-claimers (or freedom-users) and freedom-grantors’. (2005, 227, emphasis in original). A person is autonomous, according to Forst, if morally, ethically, legally, politically and socially, she regards herself as a member of a political community. This implies that a person’s autonomy is a combination of, on the one hand, the demands of each dimension, and on the other, a unity in a ‘concrete, balanced conception of political liberty’ autonomous projects.

The models of autonomy described by the Hierarchical and the Socio-Relational models are taken by political liberalism as comprehensive doctrines. A

comprehensive doctrine is, for Rawls, a philosophical, religious, or moral vision that encompasses a systemic set of beliefs, principles, and values about human nature, sociability, political power, the nature of obligation, and the practical justification of norms and rules. A comprehensive doctrine is a moral conception if it ‘applies to a wide range of subjects, and in the limit to all subjects universally’. (PL, 13)

The distinction between a moral comprehensive conception and a political conception of justice is not clear from the practical point of view of an agent. Rawls claims that citizens, in part, affirm a political conception of justice from the affirmation of their comprehensive views. Nevertheless, Rawls trusts that the comprehensive views affirmed by citizens are loose doctrines in the sense that ‘they are not fully comprehensive, and allow scope for the development of an independent allegiance to the political conception that helps to bring about a consensus’. (PL, 168) Rawls contrasts a comprehensive doctrine and a political conception of justice. While the former applies to ideas and values that apply to the whole life, a political conception of justice is independent of any comprehensive doctrine. Rawls calls this feature: the ‘freestanding’ character of the political conception of justice (cf. *PL*, 40; 140)

The models of political autonomy that we have reviewed above might not be thought to be comprehensive views. The Hierarchical Model, for example, is a procedural and content-neutral conception similar to the structure of the freestanding conception of political justice. However, that is not the case. We can rather describe them, as Brian Barry proposes, as a second-order conception of the good. While in the first order, the models of autonomy do not propose a substantive conception of the good, in the second order the agent specifies a particular good. For Barry this poses a problem for political liberalism. If autonomy is a second-

order conception, 'Anything could be regarded as good (in a second-order way) so long as the person who conceived it as good (in a first-order way) had arrived at this conception in a way that satisfied the requirements of autonomy' (Barry 1995, 129).

On such an account, as the requirements of autonomy suppose that something has value because it has been freely chosen, political liberalism must value only those conceptions of good that have the 'right origins', that is, traceable to those activities that have free choice as their origin. If a liberal society, Barry concludes, has commitments to respect the first-order goods that people pursue, it is indifferent if these goods are pursued because they were chosen autonomously in a second order. Thus, according to Barry, a liberal society is compatible with 'the existence of public subsidies for autonomy-inducing institutions and it is equally compatible with their non-existence'. (Barry 1995, 132)

The central argument for rejecting the inclusion of autonomy models is the constitutivist critique. Constitutivism can take two forms, one for the Hierarchical Model and one for the Socio-Relational Model. For the Hierarchical Model, the constitutivist critique points out that the values and principles that determine an individual's autonomy are a deduction from the nature and activity of practical reason: 'constitutive autonomy says that the so-called independent order of values does not constitute itself but is constituted by the activity, actual or ideal, of practical (human) reason itself.' (PL, 99)

Although Rawls directs his constitutivist critique at Kantian autonomy, the charge can also be directed toward the proceduralism of the Hierarchical Model. The main characteristic of constitutivism is the idea that the agent's pursuit of goods and ends are an expression of his practical judgment. In the Hierarchical Model, the pursuit of goods rests on the volitional structure of the individual, which allows him

to distinguish authentic decisions with decisions that cannot be coherently identified within the hierarchical structure presented by the defenders of the Hierarchical Model.

To reject the autonomy of the Socio-Relational Model we can also resort to a social constitutivism. The demands for socialization and the role played by interpersonal relationships and the recognition of social space that reinforce capacities for autonomy are constitutive conditions for an agent to realize autonomy. For autonomy conceived on the Socio-Relational Model the relations of recognition and the support of interpersonal and social relations are critical in the development of the agent's autonomy.

The models of individual autonomy can represent a relevant value to guide the conceptions of good life that people pursue. For a democratic society, the models of autonomy can provide knowledge and valuable information to design institutions that support the development and exercise of individual freedom, paying attention to relevant psychological information and people's identity. However, the procedural neutrality character of the Hierarchical Model, and the substantive commitments of the Socio-Relational Model, depend on a way of understanding the constitution of human freedom that might be controversial for reasonable citizens of a democratic society. Political liberalism, however, implies that a democratic society should *prima facie* justify the institutional arrangements and principles of justice that regulate social cooperation by appealing to reasons acceptable to reasonable citizens' comprehensive views.

Political liberalism is committed to the justification of the institutions that regulate social and political life, and not only to the acceptance of the plurality of conceptions of good life. Models of personal autonomy can contribute to supporting

the cultural diversity and multiculturalism of a complex democratic society, but they present serious difficulties in justifying the social, economic and political institutions that regulate cooperation among citizens who pursue diverse and often incompatible conceptions of a good life. The most prominent risk, undoubtedly, consists in the oppressive use of state coercion: ‘a free democratic society well ordered by any comprehensive doctrine, religious or secular, is surely utopian in the pejorative sense. Achieving it would in any case require the oppressive use of state power’. (JF, 187-188)

The Civic Model of autonomy is a political conception that can address both challenges: the justification of the legitimacy of political power and the value of the plurality of comprehensive views. Because of this, in chapters 2 and 3 that follow I address a political conception of citizens’ autonomy that can account for both the plurality of conceptions of good life, as well as the necessary conditions for the justification of legitimate institutions of political liberalism. In chapters 4 and 5, as I mentioned, I argue in favour of a Civic Model that can satisfy an account of citizens’ autonomy.

PART I. AUTONOMY AND THE STRUCTURE OF POLITICAL LIBERALISM

Chapter 2. Political Authority and Individual Freedom

‘What, then is the rightful limit to the sovereignty of the individual over himself? Where does the authority of society begin? How much of human life should be assigned to individuality, and how much to society?’

J.S. Mill, *On Liberty*

2.1. Introduction

One of the concepts to which moral and political philosophers have paid most attention is freedom. Especially influential in understanding the nature of freedom, has been Isaiah Berlin’s distinction between negative and positive freedom (Berlin 2002). Perhaps the reason for the great influence of this distinction is that it captures the intuition that a given action has, at least, two properties whose possession reveals to us whether the action is free or not: who or what interferes with the action and what is the source of the action. Thus, the idea captured by Berlin in articulating negative and positive freedom is not a description of a mental state, of an attitude or a belief, but rather a question of what characterises my free acts, and how I am free when I am under an obligation; when I consent to an authority, when I respect the law, when I force myself to assist a person, or when I

follow a rule. That is why the best answer to the question of negative freedom is, according to Berlin ‘What is the area within which the subject - a person or group of persons - is or should be left to do or what he is able to do or be, without interference by other persons?’ While positive freedom responds to the question ‘What, or who is the source of control or interference that can determine someone to do, or be, this rather than that?’ (Berlin, 2002/169)

Freedom is a relational value. For the same reason, according to Joseph Raz, the study of individual freedom should be understood as within a doctrine of authority (Raz 1986, 38-69). This makes sense when we focus on the value of individual freedom and the limits of the authority of political power. Schneewind points out that Kant discovers a type of freedom as autonomy as a response to the seventeenth and eighteenth-century conception of morality as obedience to authority (Schneewind 1998). With the elaboration of freedom as autonomy, Kant changes the foundation of morality from obedience to the idea of self-government. What this means is that ‘All of us, on this view, have an equal ability to see for ourselves what morality calls for and are in principle to able to move ourselves to act accordingly, regardless of threats or rewards from others’ (Schneewind 1998, 4). Berlin shows some concern with this identification of freedom as autonomy. He considers that a conception insensitive to ‘threats or rewards’ is a ‘retreat to an inner citadel’, a denial of the fundamental value of freedom. Berlin fears that the inner citadel or self-government recreates a higher self that may come to represent the same role of authority that external forces play in determining a free action.

In this first part of the thesis, the goal is specific. I aim to specify the place and importance of freedom as autonomy within a liberal democratic society. However, the strategy in answering this question is different from that

acknowledged above. Instead of arguing about conceptions of individual freedom, I will examine the discussion of the requirements of political legitimacy and authority. This perspective will allow me to show more directly the structure of liberalism and to discuss the practical implications for free action. Thus, the suggestion is that to specify the role that freedom as autonomy plays within the liberalism's framework, we should first review the requirements of legitimacy and authority that this framework entails. I claim that if we evaluate the weight and the scope of the requirements of the political power's legitimacy and the corresponding duties of obedience of those who are subject to its authority, then a conception of citizens' autonomy is a necessary condition in the evaluation of freedom within the liberal framework.

This conception does not imply, as Berlin would say, a retreat to an inner citadel, but implies a political competence to justify the requirement of the duty to obey political power. In this first part I will defend the claim that the political power has reasons to require the duty of obedience if it is the case that this political power is legitimate and, secondly, that if political power is legitimate, the individual has a duty to obey if the authority demands what justice requires. In a democratic regime, we can affirm this by claiming that the relationship between the citizens who exercise political power and the citizens who submit to it introduces a political inequality that should be morally justified, if the former claim legitimacy and authority to rule over the latter. Thus, the claim that this Part I discusses is that that persons are likely better to comply with an authority's directives if it is legitimate because, by accepting its authoritative directives, persons are likely to satisfy better the duties of justice by which they bound. This thesis is presented in chapter 2 and is further developed in chapter 3.

To show this, chapter 2 addresses two influential conceptions of the morality of political authority in contemporary political philosophy. First of all, I discuss Joseph Raz's Service Conception of Political Authority. The chapter discusses the importance of this conception of political authority in understanding the morality of political power. Nevertheless, it criticises the argument for identifying an authoritative directive with the legitimacy of political power. Then, the chapter discusses consent theories – particularly the approaches developed by R. P. Wolff and J. Simmons – as alternative conceptions to understand the morality of authority presented by Raz.

My critique of consent theories focuses on the rigorous demand that comes with consent as a means to legitimise political power. Under the requirements of individual consent, no existing state can meet the standard of consent theories. However, the main criticism that I address has to do with the assumptions that consent theories require. To accept the value of consent, Simmons and Wolff require us to think of the practical problem of authority from the point of view of an abstract moral evaluation which involves thinking of relations of mutual demands between monadic individuals and duties of obedience to an ideal political power. From this abstract standpoint, consent theories impose conditions of legitimacy that are insensitive to the practical nature of the demands of political power, so it is not surprising that no existing State can satisfy them. Chapter 2 ends by asking whether it is necessary to think about the conditions of the legitimacy of political power in the terms that the Raz's service conception and consent theories understand the problem of authority.

Chapter 3 has two aims. First, the chapter argues for the importance of the duty-based conception of legitimacy that I present in chapter 2. Second, I propose

to approach the problem of political authority and the legitimacy of political power under an ideal construction that assumes relations of reciprocity between members of a political community. It is argued that the legitimacy of political power and authority, although they are intertwined political dimensions, respond to different justifications. For political power to comply with the requirements of political legitimacy, it is necessary to affirm the terms of justice that organise social cooperation. Then, I claim that there are, at least, two conceptions that approach the problem of the authority of political power in that direction. I first discuss fair-play theory, as described by H.L.A. Hart, and then the natural duties theory that John Rawls defends in *A Theory of Justice*. These two theories serve to specify how the idea of reciprocity binds members of a political community with a duty of justice and with participation in political power.

I claim that assuming the idea of reciprocity as a starting point leads us to affirm a relevant practical dimension and a political conception: the dimension of public life and the conception of citizens' autonomy. These two notions together, plus the background assumptions of the idea of reciprocity, show that the duty-based conception of legitimacy may be a more robust proposal in arguing for the duty to obey the authority and legitimacy of political power. Moreover, these two notions show the political value of a conception of citizens' autonomy for the discussion of individual freedom and political legitimacy in liberalism.

The general objective of Part I is preparatory. What motivates the discussion about the conditions of political legitimacy is the question of the place and role of the conception of personal autonomy in the political philosophy of liberalism. In chapters four y five of Part II, I address in detail the question of what is the

appropriate conception of autonomy for liberal citizens who see themselves as free and equal.

2.2. Liberalism, Freedom, and Autonomy:

Liberalism has historically advocated for values such as tolerance, consent, the limits of political power, individuality, a degree of economic laissez-faire, and ethical neutrality. Within this diverse tradition, an important characteristic of the liberal political tradition is the defence of the value of individual freedom and the value of a justified exercise of political power in assisting the respect for individual freedom. Very roughly, we can define individual freedom as the absence of constraints on an agent to do something. That the exercise of political power is justified means in part that its exercise of imposing duties and obligations and granting rights to individuals should be carried out within a framework of respect for their freedom. Thus, the ideals of toleration, limited political power, individuality or neutrality are a practical expression of the ideal of liberal politics: the value of political legitimacy of a just exercise of political power to protect persons' freedom.

These are very general intuitive notions of the values that liberal politics advocates and they need to be revised and clarified. However, we can use them to start. Consider tolerance: if an agent is free to express his views on religion, he is free to the extent that there is nothing and no one to prevent him from saying what he wants to say. It seems clear in this case why he acts freely. If a government protects freedom of speech, it means primarily that its institutions protect both the right to expression and the right to speak. Now, think about consent. Suppose that

some religious leader establishes a particular orthodoxy concerning religious matters. In this case, if an agent supports the limits imposed by the religious leader on her freedom of expression, she freely acts when she adopts the limits imposed by the doctrine she supports. Thus, in the case of consent, individual freedom cannot be defined merely as the absence of restriction to do something, but in the individual's consent to do something; even to restrict herself. Notice that in this case it can be argued that, although she has freely endorsed the restrictions imposed on her by another person, what she is doing to give her free consent is, as Raz would say, render her judgment to that of the religious leader. Some liberal views would say that their consent to render their judgment in endorsing the orthodoxy of a religious leader is the site of the exercise of their individual freedom and, therefore, the justification of the obligations of orthodoxy (at least concerning that person). However, this view may fall short. It is not entirely clear why individual freedom can only be restricted when an act of consent is performed. The follower may eventually change her mind and reject the orthodoxy of the leader, and consequently, free herself from the obligations of the orthodoxy that she has imposed on herself. This implies that if consent can be an expression of individual freedom, it is not entirely a sufficient condition as a source of justified obligations.

Others might argue that she can consider that she has obligations prior to her consent because she has tacitly accepted to participate in a political community that protects, among other freedoms, the right to freedom of expression, the liberty of conscience and the right of freedom of association. So her consent to the leader's orthodoxy depends on her tacit consent prior to her decision. Therefore, in freeing herself from the obligations of orthodoxy, she simply acts by following the schemes of rights and freedoms to which she is entitled. In this case, to explain why she can

change her mind freely and release herself from the obligations of her religious association, it seems that appealing to consent as a source of obligation may be dependent on the interpretation of whether the authority of her political community represents a legitimate political power to establish rights.

These examples show that there are several ways in which people show a willingness to act freely. The liberal tradition is not immediately involved with individual freedom as the ability of someone to act *simpliciter*, but with the general relationship between political authority and persons' freedom to act. More specifically, liberalism should be committed, or so I will argue, mainly with assessing the correct political constraints that can legitimately be imposed on individuals' freedom concerning the social conditions to exercise it.

On this view, it is the right political restrictions that respect persons' freedom that is what gives legitimacy to a government and its institutions. In this chapter, I explore how the structure of this general affirmation relates to individual freedom and argue that the most appropriate way to understand individual freedom in liberal political thought is achieved with a conception of autonomy. My claim is that a description of personal autonomy can adequately accommodate political restrictions on individual freedom if we elaborate the idea of autonomy as a political conception.

To give a preliminary overview of the description of personal autonomy I favour, think again of the example of freedom and consent. Acting freely when someone endorses the restrictions of others in religious matters is consenting to endorse someone's reasons for acting. This implies that typically an agent is in possession of normative capacities that allow others to establish the limits on her right action, to the extent that it is recognised that the reasons of others may be the

agent's own reasons. Freedom is not merely the ability to decide to act or act without obstructions, but the normative capacity to guide one's actions. From this point of view, a restriction is justified insofar as the normative capacities of persons endorse the restrictions that they accept as being based on the right reasons.

To that extent, when a person acts as a citizen, their normative capacities should adopt the point of view of what is politically justified as the right reasons. Thus, the political conception of personal autonomy is not only leading a life guided by persons' normative capacities, but also involves participation in a political life that values, and helps them to realise, their normative capacities when promoting their interests. In doing so, the political conception of the autonomy that I defend justifies persons' endorsements of laws and institutions and, consequently, legitimises political restrictions on their freedom to act throughout their lives. Thus, living freely, in this view, is living endorsing the principles and enactments of just social and political institutions.

This view on personal autonomy is in line with what we intuitively think about autonomy: living according to the laws that a person gives to himself. As I explained in the introduction, I take this general formulation as an ethical one, and I do not have a direct claim against it. My claim directly addresses the structure of ethical autonomy, (see section 1.6) not because this characteristic undermines its validity, but because what this structure entails may involve unjustifiable demands on political arrangements and may promote unreasonable autonomous life plans.

Therefore, although my political conception is compatible with an intuitive formulation of autonomy, it tries to elaborate an account of autonomy that captures how the right political structures and persons' normative capacities work together in authorising and justifying citizen's actions. Although persons' normative

capacities to live a complete and autonomous life can be guided ethically by comprehensive doctrines, what is relevant for a liberal democratic society is persons' freedom to exercise and develop their normative capacities. That said, I do not have a direct claim against ethical autonomy because a liberal democratic society cannot prevent persons from developing their normative capacities through comprehensive ethical doctrines.

Now, I need to get back to the starting point, where I described very intuitive and straightforward notions of individual freedom and the liberal tradition. The point I made to begin the discussion was to identify the defence of individual freedom as the core claim of liberalism. However, this is not necessarily a claim, at least in such intuitive and straightforward form, with which every liberal author completely agrees. In trying to elaborate a more accurate view about the relation between liberalism, individual freedom, and autonomy I am going to return, better conceptually equipped, to articulate a more robust political conception of personal autonomy than those introduced so far.

2.3. Individual Freedom and Political Obligation

My aim in this chapter is to discuss the structure of liberalism in order to argue in favour of the political value of personal autonomy. I have preliminarily presented some basic elements that allow the discussion of the structure focusing firstly on an intuitive notion of individual freedom to show that liberalism imposes some limits over the conception of freedom. Regarding this, my claim can be seen as affirming that liberalism should engage primarily with the tradition of valuing the right political constraints that can be authoritatively imposed over persons'

freedom with respect to the social conditions in which that freedom is exercised. In this section, I review this alleged claim. My general assumption is that what we should understand as the core of liberalism is a particular political relation between political power and individual freedom and that such relationships should show its normative structure. Such political relation will necessarily rely on other moral and political values such as political authority, justice, legitimacy, equality (among others). In this section, I will characterise the political relationship between the exercise of political power and freedom as a relation of authority between the State and the individual.

Benjamin Constant famously describes two distinct historical types of political relation between individual freedom and the exercise of political power, which he distinguished by the names of the liberty of the ancients and the liberty of the moderns. He describes that in Rome and some ancient Greek *poleis*, citizens were ‘almost always sovereign in public affairs’ although slaves ‘in all his private relations’ (1988, 311). To be *sovereign in public affairs* is characterised as ‘exercising collectively, but directly, several parts of the complete sovereignty’ (311), in deliberating, judging, legislating and so on.

For Constant, the ancients understood liberty as a collective exercise of political freedom as a compatible value with the ‘complete subjection of the individual to the authority of the community’ (311). Moderns, on the other side, regard freedom as the right to be ‘subjected only to the laws, and not in any way by the arbitrary will of one or more individuals. This allows a series of individual guarantees such as the ‘right to express their opinion, choose a profession and practise it, to dispose of property, to come and go without permission, associate with other individuals, profess the religion they and their associates prefer, or even

simply to occupy their days or hours in a way which is most compatible with their inclinations or whims' (310-311). The major implication of the modern conception of liberty is persons' prerogatives to exercise political power in exercising 'some influence on the administration of the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled to pay heed'. (311)

Constant's famous distinction between the liberty of the ancients and the moderns is a useful framework to make the case that the political relation between political power and persons' freedom is an argument about political authority. From this perspective, I take Constant's *Comparison* as highlighting two ways of characterising political authority. On the first, that of the ancients, the collective exercise of freedom identifies political legitimacy to the government body with the participation of the citizen in the exercise of power. It seems to be historically true, from our contemporary eyes, that narrowing down individual freedom to participation in the collective exercise of political power makes no room for a substantive 'enjoyment of private independence' (316). However, what primarily should be noticed is that such a conception of freedom captures the idea that the actions of government's institutions constrain the exercise of individual freedom.

From our contemporary point of view, it is not hard to accept the idea that social and political institutions play a role in determining the limits of what is a permissible 'enjoyment of private independence'. However, Constant only explains that the freedom to participate in public affairs grants political authority to the exercise of power concerning what individual subjects are allowed to do, even in the private dimension. Why subjects must obey these directives is something that Constant explains only by appealing to the historical circumstances that

characterised ancient societies' cultural practices of political authority and legitimacy, not by offering a moral argument about why the right to impose rules implies a sort of right to be obeyed by those upon whom those rules are placed.

Similarly, the description of the liberty of the moderns entails a conception of political legitimacy centred around the laws and institutions' actions issued by the government's body. Modern political institutions, in making laws that regulate social life, enable moderns to enjoy private independence since the scope of government's influence and control is more limited. Moderns' private life, Constant suggests, does not depend any more on the arbitrary will of a government body that comprehensively rules society, as the rulers of Rome and Athens did. Modern social life, Constant argues, is exposed to other kinds of powers, such as the power of money, credit, or wealth (325), and less dependent on political power. A representative system of government is Constant's proposal as the most suitable political system to rule modern social life (325-326). Here, the argument in favour of representative institutions as government's body is drawn from the value of modern liberty combined with the description of the complex particularities of modern social life. Representative government, in this picture, is the more authoritative political system to rule modern societies. Constant presents a description of two models of freedom, and the forms of government they involve. However, the value of individual independence and the limits of political power are not reasons in themselves that explain what the legitimate conditions for people are to be willing to accept the demands of authority.

What is lacking in the way Constant conceives liberty is an account of the normative structure of the political relationship that political power establishes with persons' freedom to act and choose. Constant's account of the liberty of the ancients

and moderns relies upon descriptive practices of individual freedom in ancient and modern societies. It describes how the political authority of the ancient assemblies and modern representative governments authoritatively prescribed the scope and limits of individual freedoms, but it leaves unexplored the reasons persons have, with respect to their freedom, to be compelled to obey the political authority of those governments.

This criticism of Constant's lack of a moral argument could be a theoretical flaw if what he was trying to achieve is a comparison between two normative accounts of political conceptions of liberty, which implies two families of normative reasons to address political obligations. The more general claim, I take it, is that a political conception of liberty cannot leave unaddressed the question of the relation of persons' freedom with their obligation to comply with political power. Thus, those who would see Constant's account as flawed will see it as lacking the part of the argument which should address why persons have to give up (a part of) their freedom and obey the directives of those with political power.

For contemporary liberalism, the part of the argument about the reason to obey is crucial because it importantly determines the conditions of political legitimacy. On this thought, a liberal democratic society is generally seen as legitimate if the exercise of coercive political power is exercised in accordance with what is acceptable to persons. In Rawls's words, legitimacy obtains when political power is exercised 'in accordance with a constitution the essentials of which all citizens may reasonably accept as free and equal' (*PL*, xlix, 216-217, *JF*, 84).

Notice again that, in order to elaborate a conception of political legitimacy, what is worked out on Rawls's view is the legitimacy of political power to exercise coercion on the grounds that citizens taken as free and equal may reasonably accept

it. This is quite far from capturing the thought that citizens have the duty of obedience, or that the political power has a right to be obeyed. This is discussed in section 2.6 and in Chapter 3, but first the idea that persons have an obligation to obey political power can be found in Joseph Raz's Service conception of authority (1986).

2.4. Political Authority and Liberalism: Raz's Service Conception

Raz's Service conception of authority is a case of what he calls 'practical authority'. For practical authority provides reasons to act in a certain way that changes the normative situation of the agent. Theoretical or epistemic authority, in contrast, offers reasons to hold a belief about something or someone. The particularity of practical authority is that if A does not comply with the legitimate authority of B, A wrongs B. Raz's conception is captured in the formulation of what he calls the Normal Justification Thesis:

[T]he normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly (Raz, 1986, 53)

Raz concludes that the person ought to submit to authority's directive as a legitimate reason to act because, firstly, the acceptance of authority's directives depends on reasons that apply to the person (who has submitted her will to the authority), and, second, to the fact that she accepts the legitimacy of authority's

directives as a binding reason to act (because in doing so the agent is ‘likely better to comply’). However, the normal justification thesis still needs to be assisted by what Raz calls the Dependence Thesis, namely, the condition that

[A]ll authoritative directives should be based on reasons which already independently apply to the subjects of the directives and are relevant to their action in the circumstances covered by the directive. (Raz, 1986, 47)

The idea behind the Dependence Thesis is to specify that the reasons that apply to the agent that has submitted her will to the authority should be reasons that apply exclusively to the dominion within which the agent should have a reason to act. Thus, an authoritative directive is a binding reason to act because it covers the dominion relevant to the individual subjected to the authority.

The Normal Justification Thesis and the Dependency Thesis capture the heart of the Service Conception. However, the relationship between the reasons an authority to demand obedience has and the subject who is subject to it entails what Raz calls a ‘pre-emptive reason’:

The fact that an authority requires performance of an action is a reason for its performance which is not to be added to all other relevant reasons when assessing what to do, but should exclude and take the place of some of them. (Raz 1986, 46)

The idea behind a pre-emptive reason can be recognized in what we normally understand by ‘norm’. When we follow a norm, we adopt the reason for acting that the norm gives us as a reason that excludes other relevant reasons that we may consider to act or not act in the relevant context in which the norm acts. Such exclusionary reason, Raz calls it ‘protected reason’. (Raz 1999, 182-186) I will explain this in detail in Chapter 4, sections 4.4 and 4.5.

To illustrate, we can say that Raz's conception of practical authority has two aspects. The dependence aspect, in which the subjected agent has to be moved by reasons dependent on the circumstances 'covered by the directive' and the authority has to provide a reason among those dependent on such circumstances. There is also an authoritative aspect, in which the authority provides a protected (exclusionary) reason to act in the form of a directive if she issues her directive by following the reasons dependent on the dominion. However, that the agents are likely better to comply to authority's directive is given by the recognition of the exclusion of the dependent reasons and the agent's conformity with the directive.

There is another aspect to have in mind. With the idea implied in the Dependence Thesis that authorities' actions act in conformity with reasons that apply independently, Raz states that this thesis should be taken as an 'ideal exercise' of authority, rather than describing how authoritative directives happen to be obeyed. Ideally then, the combination of the Normal justification Thesis and the Dependence Thesis comprise what is called the service conception of authority. It means that there exists a right to rule over subjects if the authority's directives are based on compelling reasons with respect to the subject's action.

On the service conception of authority persons subject their will to the authority's directives because that authority provides reasons to act that are compelling, in the relevant dominion. Constant's comparison between the freedom of the ancient and that of the moderns, to return briefly to that framework, lacks an appropriate account of the normative structure with respect to the conditions of political authority that bind persons' freedom to act in some ways. Raz's service conception seems to provide a normative account grounded on the authoritativeness of the political authority's directives: there is a right to rule when

the authority's directives make it likely that agents do better when they adopt the authority's directives as compelling reasons for themselves.

This conception of authority, however useful in understanding why and how an authority's command is authoritative, does not straightforwardly provide an argument for the duty to obey to the authority, but the duty to obey to what the authority commands provided that it is an authoritative directive. The right to rule understood as the authoritativeness of serviceable directives is not a necessary condition to establish the duty of obedience to political authority.

2.5. Consent Theories of Political Authority

Above, I explored Raz's service conception of practical authority as a way of elaborating the intuitive ideas of 'just exercise of political power' and 'individual freedom' that I roughly sketched at the beginning of the chapter. As Raz focused on the authoritativeness of the authority's directives as a reason to act, I addressed his conception in order to start exploring the structure of liberal political legitimacy. The main implication of Raz's conception on which I focus now is that his service conception would get rid of a conception grounded on individuals' freely given acceptance; that is, on accounts linked to consent. It seems that, on Raz's view, there is no need provide an account of what is acceptable or permissible from the standpoint of the person's freedom.

For Raz, first, agents need not appeal to consent when they have reason to conform. An authority's directive is to be adopted as an exclusive reason to act so that consent plays no role, at least at this stage. Second, as the authoritativeness of a directive constitutes the source of obligation, because the agent is merely

complying with what they already had reason to do, there is no need for the agent to consent to the obligation issued by the authority's directive.

Why would the service conception do the job it says it does – justify political authority – without relying on a conception of consent? This answer is particularly relevant for present purposes since consent should be uncontroversially part of a broader conception of individual freedom. Moreover, as Raz himself stresses, if the idea of legitimacy presupposes political conditions of acceptability, it would seem counter-intuitive to intuition to give up the conception of consent to conceive legitimate authority, given that 'all people who are persons, who are autonomous agents, cannot be subject to the will of another except by choice' (Raz, 2006, 1037). The idea is that grounding the morality of consent, the justification provided by autonomy obtains.

What is at play in getting rid of consent? Raz's account of authority seeks to overcome what can be called the anarchist challenge. One version of this challenge is the idea that if persons' autonomy is inalienable, and state authority and autonomy are mutually exclusive, then there is no morally legitimate way for the state to demand compliance without undermining citizens' autonomy (Wolff, 1970). The second version of the anarchist challenge argues that persons have a right to freely consent as a necessary condition for legitimating the political relation between state authorities and individuals (A. J. Simmons, 1999).

The discussion between Raz's service conception and the anarchist challenge is particularly relevant to the purpose of the present chapter. Raz's rejection of consent theories seems to discard the claim I defended above, namely, that the structure of liberal political legitimacy can adequately accommodate liberal political constraints on individual freedom if we elaborate a political conception of personal

autonomy. To elaborate a conception of autonomy, I need to show that my conception of political autonomy offers a better alternative to the morality of political authority and consent theory. Both the ‘authority’ and ‘consent’ views need to address the moral justification of the inequality in the relationship between those who wield political power and those who are subject to it. On my view, by valuing citizens’ autonomy, citizens acquire a political competence to legitimately recognise what justifies inequality between those who exercise power and those who have a duty of obedience.

The point is that persons are likely better to comply with an authority’s directives if it is (1) legitimate because, by accepting its authoritative directives, (2) persons are likely to satisfy better the duties of justice by which they bound. (Cf. Quong 2010) My claim is that this duty-based conception of legitimate authority is the very expression of citizens’ commitment to the just terms of *Political Liberalism* they agree upon as members of a constitutional democratic regime.

In chapter 3, I explain in detail how, in order to honour the terms of political justice, a democratic society should value their members’ status as autonomous citizens. The idea is, in brief, that to justify a duty-based conception of political authority, it is required that persons should be taken as autonomous citizens who impose on themselves, and reciprocally reinforce, obligations that apply to them in order to maintain the basic structure of society that secures justice.

However, before turning to that, it is necessary to discuss the ethical conception of autonomy and the idea of free consent implied in the anarchist challenge to Raz’s service conception. This will allow me to distinguish those conceptions of autonomy from the political one which I refer to as ‘citizens’ autonomy’.

According to Wolff's account, state authority is incompatible with persons' autonomy. If autonomy is a 'primary obligation' of persons (1998 [1970], 18), and the state's authoritative directives imply the obligation to obey, then persons' obligation to refuse to be ruled, which is the primary obligation autonomous persons have to observe, entails a conflict that cannot be resolved. Persons' obligations to their primary duty of autonomy make it impossible to claim that there are right political constraints over their freedom. This is Wolff's version of the anarchist challenge. Although, with one exception: persons can legitimately deny that they have a duty to obey 'the laws of the state simply because they are the laws' (1998 [1970] 18). However, Wolff does not deny that, by invoking another kind of reasons like prudential reasons, we can come to obey the state's directives. Wolff's anarchist view is one of a philosophical, not a political, kind, which would imply a more radical rejection of any state's authority.

On Wolff's perspective, to prove that an authority's directive is authoritative is not sufficient reason to claim that the state is morally justified to demand persons' obedience. In Anna Stiltz's words, 'it has to be shown that the subject has a special moral obligation, owed *to the authority*, to comply in *all cases*, across *all domains*, without regard to the substantive content of what has been commanded.' (Stiltz 2016, emphasis in original). According to the anarchist challenge, then, as there is no way to justify state authority over all cases and all domains without undermining autonomous persons' right to refuse to be ruled, there are no claims in favour of political authority.

With some nuanced similarities, A. J. Simmons (2001) argues that a person has the right not to be subject to another's directives although Simmons bases this on the value of free individual choice rather than the moral obligation to live

autonomously. Elaborating his view on Lockean grounds, Simmons states that ‘to deny the natural freedom of persons, a basic and plausible Lockean premise’ (2001, 136), breaks what ‘constitute[s] a special moral relationship between [...] a state and each particular (consenting) subject’ (137). On his view, only when persons have freely consented to the exercise of political power and ‘only where that power continues to be exercised within the terms of the consent given’, (Simmons, 1999: 745) is that power morally legitimate.

Simmons argues that the mandatory conditions imposed by consent are similar to the obligation that one imposes on oneself when making a promise. Although, he imposes a proviso: ‘Consent is necessary—but not sufficient—for legitimacy and political obligation, (in part) because the justification of a type of state is necessary for consent to a token of that type to be binding. We cannot bind ourselves by consent to immoral arrangements’ (1999, 746). This approach is grounded on the political relation of the voluntary consent of every single person and the duties imposed by a given state. Thus, at the end of the day, such an approach leads to the conclusion that in practice there is no actual legitimate state.¹ In Simmons’ words: ‘Because I subscribe to political voluntarism as the correct account of these transactional grounds for legitimacy, and because I believe no actual states satisfy the requirements of this voluntarism, I also believe that no existing states are legitimate.’ (1999, 769)

¹ An important part of Simmons argument for the value of individual consent relies upon the distinction between political legitimacy and justification. The point of the difference follows from his account of consent: while some state can be morally justified ‘on occasions and on balance in enforcing certain laws’, it does not follow that the State is legitimate. To legitimate the State, we need different arguments to justify the State’s right to direct and coerce us (Simmons 1999, 170). I will argue in a different direction in Chapter 5, section 5.5.

Wolff's and Simmons's conceptions of consent to political authority gives rise to the following two general conditions:

(1) Persons have compelling reasons to comply with political power's directives if they consent to the authority of those who wield political power. If they do so, political authorities' directives are legitimate.

(2) Authorities' directives are legitimate if persons unanimously consent to accept the authority of those who wield political power, within the terms of the consent given.

From (1) or (2), the anarchist challenge concludes that

(3) Given that unanimous consent is the condition of political legitimacy and given that it is impossible in practice, no existing state is legitimate. If there are no legitimate states, persons do not have compelling reasons to comply. (However, persons might have sufficient reasons to obey to authorities' directives, like prudential or religious reasons to comply to what authorities demand.)

According to Raz, invoking consent does not solve the moral problem of justifying a person subjecting herself to the authority of another. There is, from Raz's perspective, no need to admit the challenge of philosophical anarchism. Raz recognises, however, that even if consent provides a mistaken view about political obligation, it is a popular approach because it tackles a problem that is eventually worth considering. Consent does not provide an answer to the moral problem of the right limits to be placed on the political relation between a person's freedom and the political authorities. Instead, the question where consent arises is a question of appropriation: 'it is that the limits are imposed deliberately and that they are imposed by another. They are not limits set by me.' (2006, 1040) However, the

problem of explaining why it matters that persons make authorities' directives their own is answered differently. Raz proposes that if we see that the need for consent better fits with the problem of appropriating the limits imposed over persons' freedom, what still needs to be done is a different kind of task: to set the limits of what a person determines as their collective identity.

Notwithstanding, Raz shows why the conditions that consent theory implies are based on mistaken moral views. Regarding condition (2), Raz states that Wolff's autonomy-based concern about the legitimacy of political obligation relies on an individualistic conception of autonomy that is defective because it only highlights that an autonomous person 'objects to demands imposed from the outside' and neglects the aspect of a morally autonomous person as 'creator of such demands addressed to himself' (1986, 86).

This neglected aspect, in turn, is a compound of two elements: the relational element and the individual project element. The relational element is the value that social and interpersonal relationships have as source of moral reasons to act, reasons that are precisely addressed by the autonomous person to herself. These relationships provide a set of moral obligations that persons impose on themselves as part of their status of self-creating autonomous persons. The individual project element is the moral value of plans of life by which persons shape their own 'moral world' (1986, 87).

Raz does not reject the idea that consent plays a moral role in the relational and individual project elements given the fact that in developing social relations and projecting valuable plans of life, persons have to acknowledge the existence of duties and obligations that constitute the fact of social and cultural life. The point that Raz stresses here as he addresses these two elements is that the conception of moral

autonomy already implies commitments to obligations that the autonomous life in itself necessarily entails. According to Raz, then, the problem with an autonomy-based theory of consent is not the value of moral autonomy, but the value of a moral conception that is too individualistic and that fails to describe accurately the value of pursuing an autonomous life.

Now, consenting to authority need not be based on autonomy. According to Simmons, the moral value of consent should instead be based on individual free choice. Raz claims, on the contrary, that even when individual consent could be needed to validate political authority's directives it does not follow that consent to authority is valid (1986, 88). In the case that consent is given to authority, it does not follow either that this consent is binding since it is only binding if there is a good reason for persons to subject themselves to authorities by their consent.

At this point, the question moves towards the general question about the reasons people have to give consent to authority. In some sense, Raz claims that consent falls short as a criterion for assessing the moral value of an order of authority. An important reason is that by consenting, persons can assure a just government. However, the existence of just government is not assured by the existence of persons' consent to their authorities, so consent is not a necessary means to establish it. Raz argues that consent to 'political authority, where is given, is often free. It does not follow that is binding'. (1986, 89) Eventually, consent could play a secondary role because '[t]he instrumental value of consent to the authority of just governments is to be seen as reinforcing other moral motives to support just institutions where those may fail due to human ignorance or weakness' (89).

The discussion between consent theorists and Raz's service conception exposes some points that I take to be relevant to the problem that I am addressing;

namely, the place of freedom in liberal thought. To start, I described a straightforward and intuitive scheme in which to know what the value of freedom is we need to understand it as expressing a political relationship between political power and persons' freedom. My initial claim was that this relation could be better accommodated by the conception of freedom as autonomy. However, since individual freedom is expressed through a moral justification of a political relationship, I mentioned that the conception of autonomy should be understood as a political conception. To begin elaborating this claim, I presented the problem of legitimate political authority as a way of approaching the justifiability of political power in exerting coercion (restricting persons' freedoms). The importance of Raz's service conception in addressing the morality of political power consists in claiming that authority's directives need not be taken as sharply opposing persons' freedom. Legitimate authoritativeness obtains because the directive of the authority replaces a decision that persons should have already taken. Thus, Raz's view would frame the political relationship between political power and persons' freedom as a relation of coordination more than as a relation that is problematic in terms of justifying coercion and fair political constraints on citizen's choices.

2.6. The Problem of Political Legitimacy

I show in what follows that the discussion between consent theories and Raz's service conception does not set the problem of political legitimacy and the site of individual freedom in a satisfactory way. The central claim is that there is a difference between political legitimacy and political authority that it is useful to put in more sharp contrast. The cost of not differentiating these two interrelated concepts is that we are not able to single out a political conception of personal autonomy. To show why, I start by criticising the validity of the conception of

autonomy invoked by Wolff's anarchist account. Raz's perfectionist project, as is well known, also relies on a conception of autonomy although of a different kind. In Chapter 3, I argue that a democratic conception of legitimacy can best address the problem of political legitimacy if it rests on the political value of autonomous citizens.

The critical point is that both Raz's service conception and consent theory cannot explain clearly why political authority should be taken as necessarily implied in the demands of political legitimacy. For a political power can be legitimate but it may be the case that persons have reasons not to comply with it. For example, think of Rosa Parks refusing to sit at the back of the bus at the time of racial segregation laws in the United States. In this case, Alabama's local Authorities are a legitimate democratically elected body with the power to issue norms and regulations in several domains. However, we intuitively understand that Rosa Parks's refusing reveals Alabama's segregation laws as lacking authority because they are unjust.

This example also shows that those that wield morally justified political power need to offer at least sufficient reasons to persons to obey their directives, so the fact that those subjected to legitimate authorities merely consent to their authority does not provide reasons to follow their commands.

Recognising the legitimacy of authority by consent is not in itself a reason to act because recognising a source of authoritativeness does not entail that any directive of such a source is a compelling reason to act. Rosa Parks can recognise that Alabama authorities have the right to issue decrees concerning transit and transportation legislation, but it does not follow that, only because of that legitimacy, Rosa Parks has the duty to obey. Political legitimacy and the political

authority of those who wield political power are two cases that should satisfy different conditions.

Recall that the anarchist challenge requires that authorities' directives are legitimate if persons unanimously consent to accept the authority of those who wield political power, within the terms of the consent given. According to this, we should evaluate Rosa Parks's refusing as a response not to an unjust law, but as a case of illegitimacy given Parks's lack of consent. In Wolff's version, if racial segregation laws wrong Rosa Parks, it is because her autonomy has been neglected.

However, we should crucially remember that it is a fair conclusion to say that, from the standpoint of philosophical anarchism, this is irrelevant in trying to figure out why and to what extent racial segregation laws can be morally justified. The default position of a theory of consent would have to assume that an act of civil disobedience is rightly a manifestation of lack of consent.

According to a philosophical anarchist, then, what could be valuable in Parks's civil disobedience is that persons are relieved from relying on prudential reasons – or any other kind of good reasons – that persons could invoke to provide grounds for obedience. If we also remember that Simmons ends up admitting that no existing state is legitimate – so consent theories are of little value in assessing cases of civil disobedience – then probably the best option is to remove the weight played by consent in defining the political relation between authority and freedom.

The central problem of consent theories is that they describe a conception of autonomy and free choice decoupled from the agent's participation in a political community. The problem with this is that it prevents us from assessing the specific value of autonomy and free choice when persons have to evaluate the moral

commitments that social life demands of them. The consequence of this is that, by default, any demand for compliance and authority are taken as originally arbitrary. It is not strange, therefore, that consent theories are attracted to philosophical anarchism, although the consequence is that the requirements of legitimacy cannot be met. To bear the consequences of such a view is, however, unnecessary.

In a similar vein, Horton (2012) describes this decoupled description as a 'libertarian starting point' that depicts a mistaken 'background picture' which is 'inevitably doomed to failure, at least if one is hoping to arrive at a plausible justification of the legitimation of any actual states'. (2012, 139) Buchanan adds another important disadvantage of this background picture: 'not only are there no existing entities or any that are likely to come about that will enjoy the consent of most of their citizens. However, also politics seems to be a concern, in some fundamental way, with how to get along when consent is lacking' (2002, 699-700).

The background picture mentioned by Horton – decoupled autonomy and unencumbered free choice – then reveals consent theories as ineffective in explaining why the difference between political legitimacy and political authority matters. The condition (1) mentioned above states that persons have compelling reasons to comply with political power's directives if they consent to the authority of those who wield political power. If they do so, political authorities' directives are legitimate. It is not sufficient to claim that only the abstract moral autonomy of an individual can impose conditions that would satisfy the type of compelling reasons required to establish a duty to obey. It does not add any significant element to accept that a legitimate authority's directive is a binding reason to comply. The reason is that having reasons to obey cannot depend only on persons' consent to authorities; it also depends on the quality of the reasons to comply. Rosa Parks, to reuse this

example, may consent that the directives of Alabama authorities generally provide binding reasons for her to obey. However, we lose sight of the value of political legitimacy if we think that her consent to the authority is inconsistent because she fails to observe bus segregation rules.

2.7. Concluding Remarks of Chapter 2

The objective of this chapter was to examine the political relationship between political demands and individual freedom in light of a discussion of political legitimacy and authority. The difference between political legitimacy and political authority seems to show that, as the former does not necessarily imply the latter, we can dispense with it. Buchanan argues that what explains the preoccupation with the morality of political authority is the popularity of the consent theory literature, that ‘flowered at a time when two key liberal notions were coming into their own: the idea that liberty is the proper condition of the human beings and the idea of the fundamental moral equality of persons’ (2002, 697; 2004, 242). In the next chapter, I will try to address a conception of political legitimacy that I think can avoid the flaws of the theories about the morality of political power discussed in this chapter. The main purpose in the following is to elaborate the duty-based conception of political authority I mentioned above as a more plausible way of capturing the importance that the notions of freedom and equality have for a conception of political legitimacy.

Chapter 3. Political Liberalism and Autonomy

3.1. Introduction

In the previous chapter, I started examining whether a political conception of personal autonomy could appropriately accommodate the relation between political power and individual freedom. The discussion so far has allowed me to argue that this relation can be examined instead in terms of how to articulate the legitimate demands of political power and the corresponding duty to obey. One significant element in this relation is the justification of the inequality of political power: the inequality between those who wield it and those who are subject to it.

As I argued in the previous section, if political authority is not necessarily implied by political legitimacy, then what is needed is to elaborate the terms under which those who wield political power do so legitimately. Also, I need to explain on what grounds a duty to obey is a requirement of citizens. In this picture, the claim is that the value of a political conception of autonomy is its ability to contribute to a moral assessment of the requirements of legitimacy and authority as justified demands in a liberal and democratic regime. If I succeed in doing so, I think that we can have a consistent response to the question about what would justify giving up individual freedom in the face of the demands of political power.

If autonomy has value as a conception of freedom, one of its main requests is that it re-conceptualises the value of political relationships relevant to the public life of a democratic society, such as the justified conditions of disagreement, citizen

participation in political power, the adjustment and change of the rules that govern social life and public reasoning about what justice demands. These values, I shall claim, can be captured by what I call the Civic Model of personal autonomy, a model of autonomy that citizens perform in their public life. The Civic Model is a model of individual autonomy that argues that the kind of freedom that citizens enjoy is what allows them to lead a complete life when the terms of justice from which they act are the principles that they would give themselves. (Weithman, 2017, 95) In this civic conception of autonomy, the conditions for individual freedom are only satisfied when the conditions of justice are adopted.

In this chapter, I will first examine two theories that explain legitimacy and political authority: fair-play theory and Natural Duties Theory. My primary purpose is to explore a conception that avoids the problems that I identified in Raz's service conception of authority and in consent theories. In the previous chapter, I discussed the inability of these theories to satisfactorily associate the conditions of political authority with the conditions of the legitimacy of political power. On the one hand, Raz's Normal Justification Thesis aims at conditions of authoritativeness, which cannot necessarily satisfy the requirements of political legitimacy. Thus, the duty to obey, it follows, cannot be fully explained.⁶ Consent theories, on the other hand, present a demand to the political authority that is so rigorous that it cannot be satisfied. However, and more crucially, to accept the conditions imposed by consent theories, we have to commit ourselves to an unencumbered conception of autonomy and free choice that is practically unrealistic with respect to the relationship between political power and individual, and therefore unhelpful in assessing the morality of political legitimacy and authority. To contrast these views, in this

⁶ In chapter 4, sections 4.4 -4.6 I describe further conditions that Service conception demands.

chapter, I argue that a conception of citizens' autonomy plays the role of a political value if we affirm relations of reciprocity between a moral construction of the person and the legitimacy of political power.

The chapter examines the discussion between the fair-play theory enunciated by H.L.A. Hart and the natural duties theory defended by John Rawls. The conception of autonomy that I discuss here is precisely a conception that is inspired by the Rawlsian conception of political autonomy. From this discussion, I elaborate a moral conception of the person that allows understanding the relations of reciprocity to understand the morality of the political power and the persons' duty to obey the legitimate authorities. At the end of the chapter, I show that the political conception of autonomy, of which the Civic Model is an instance, reflects the value of individual freedom if we conceive the relations of political power and the duty of obedience under the demands of reciprocity.

3.2. Fair-play Theory and Natural Duties Theory

The point I want to develop in this section is modest. The basis of my argument affirms that democratic societies can accept that citizens pursue their own autonomous lives. However, this does not imply that society has to justify the duty of obedience using the same moral foundations that underpin the value of individual autonomy. The acceptability of autonomy should be built on the basis of moral reciprocity between citizens who recognise each other as free and equal moral persons. This is not a particular argument aimed at justifying claims of individual autonomy, but an argument about a basis of moral equality among citizens that allows the affirmation of their freedoms and therefore, that justifies the acceptable basis under which a duty of obedience is legitimate.

In order to elaborate this idea of reciprocal equality, this section examines the conditions under which persons can set out the just terms that should regulate their liberties and their duty of obedience. Therefore, my aim is to show why fair-play theory, but mainly, the natural duties theories of authority, would affirm a conception of reciprocity that satisfactorily accommodates a conception of autonomy in terms that can be accepted by liberal societies.

How do persons establish the principles of justice? We can find at least two possibilities: persons agree to principles of justice if they mutually agree to do so, or persons tacitly accept principles of justice under which they have somehow come to live. I have already mentioned above some of problems that surround consent theories. For now, I am going to examine the idea of hypothetical agreement.

The most popular theories in political philosophy about political agreements are contractualist theories. In political philosophy, contractualist views point out that a free agreement morally determines the foundation of political life in order to reciprocally set the terms through which the fair distribution of burdens and benefits can regulate just social cooperation. Now, an agreement on the terms of justice can, in turn, be understood in two ways: as an agreement on justice as a mutual advantage, or as reciprocity.

Now, whether we understand the agreement on the grounds of mutual advantage or grounds of reciprocity, the terms of justice embedded in authorities' directives have a binding property. In effect, if the terms that organise and regulate social, political and economic life have been the result of a reciprocal agreement, persons have a duty to observe them and to fulfil the obligations that directives reinforce by its commands, given that they follow the agreement's terms. This is the basis of what I have called above the duty-based conception of legitimacy in chapter

2. However, the duty to comply with the demands of the terms of justice does not imply that citizens share the same meaning, expectation and scope by which they assess the conditions of fair social cooperation that should be met and should apply to themselves. That is to say, although the authorities' directives could be accepted as binding reasons to act (since they are representative of the terms justice), it does not follow that there would not be disagreement about the way the terms of justice impose obligations and burdens on them.

Having said that, now it is relevant to elaborate the distinction between agreements of mutual advantage and of reciprocity.⁷ A general idea of agreements for mutual advantage is this: persons would benefit reciprocally when they rationally agree that, in order to advance their own interests and ends, they should give themselves terms of justice. Since each advances their own interests, the terms will reflect the inequality of the parties' bargaining powers. From this perspective, mutual agreements are based on an ideal of rational self-interest.

David Gauthier, one of the contemporary exponents of this view,⁸ states that '[i]t is, ultimately, only what a contractarian society does for its individual members that matters, and only the opportunities with which it provides them, that justify the constraints it must inevitably impose' (Gauthier, 1997: 148). It is straightforward to see why the terms of justice in the mutual advantage agreement can be binding. Citizens commit *prima facie* to obeying to authorities' directives because in doing so the terms of justice ensure individuals can best satisfy their self-interest.

⁷ I broadly take this distinction from Brian Barry (1996) Barry sharply distinguish between justice as mutual advantage and justice as reciprocity

⁸ In contemporary political philosophy, the terms of the art to distinguish between moral views on mutual agreement and fairness are, respectively, contractarianism and contractualism. See for example, Steven Darwall (ed), 2003. Roughly speaking, *contractarianism* has its historical roots in the political philosophy of Hobbes, meanwhile *contractualism* is historically associated to Joan-Jacques Rousseau and Immanuel Kant.

However, this vision has two features that can be problematic: Given that the terms of justice that arise from a mutual benefit agreement reflect the inequalities in the parties' bargaining power in reaching the agreement, obedience to political authorities is merely instrumental; it depends on it being to the individual's benefit. Second, under an agreement for mutual advantage, the political authority's authoritativeness depends on reasons morally alien to the legitimacy of authority.⁹ For individuals, as rationally self-interested agents, have no reason to obey the authorities' directives if they do not favour their individual benefit.

At this point, the reasons that individuals would have to obey to authorities' directives are reasons that can be treated in a similar way to the discussion of the challenge of philosophical anarchism in the previous chapter. There, the main obstacle to accepting philosophical anarchism was what was described as the 'background picture'. The problem with the background picture is that it describes the conditions of free choice and autonomy decoupled from the morality of political power, imposing, as a result, insurmountable legitimacy standards. The consequence of this move is that, in practice, no single state can satisfy legitimacy standards. Similarly, if an agreement of mutual advantage determines the terms of justice, we can describe the parties as rationally self-interested individuals decoupled from the very terms of justice. Moreover, if we think of the agents decoupled from the terms of justice, what turns out to be relevant to this vision of political legitimacy is to evaluate the eventually beneficial consequences of political authority for individual wellbeing.

⁹ See for example, James Buchanan and Gordon Tullock *The calculus of Consent. Logical Foundations of Constitutional Democracy*. The University of Michigan Press, 1965.

The alternative is that persons honour the terms of justice that apply to them by agreements of reciprocity. The central idea of an agreement of reciprocity is that the terms of justice are the outcome of the parties adopting a choice situation that rules out arbitrary inequalities of bargaining power. Thus, reciprocity underscores that the terms of justice obtain when the parties regulate the burdens and benefits in a joint activity in which they participate as free and equal. The agreement should consider, to make the description of reciprocity intelligible, that the agents, to consider themselves as equals, adopt an ideal point of view that frames them as agents equally and each is morally motivated to comply with the terms of the agreement. This prevents persons from seeing themselves as rationally self-interested agents.

Rawls's own conception of justice as fairness is an instance of reciprocity: 'It is this requirement of the possibility of mutual acknowledgement of principles by free and equal persons who have not authority over one another which makes the concept of fundamental reciprocity to both justice and fairness'. (Rawls, 1999: 299) Rawls's justice as fairness models a hypothetical choice situation called 'original position' in which the parties cover themselves under what Rawls calls a 'veil of ignorance' that prevents the parties from knowing their position in the social order. By employing the recourse of the veil of ignorance, it is possible to avoid that the principles of justice that organise social cooperation in accordance with the arbitrary distribution of bargaining power.

Now, the advantage here is that agreements of reciprocity establish a duty to obey the social arrangements that the parties have asserted in the agreement. There are two ways of approaching the duty to obey under the conditions of agreements of reciprocity: The first one corresponds to 'fair-play theories' of political authority.

HLA Hart captures the central idea of this theory in the following formulation: 'When a number of persons conduct any joint enterprise according to rules and thus restrict their liberty, those who have submitted to these restrictions must have a right to similar submission from those who have benefited by their submission' (1955). This definition of reciprocity as fairness leads to the duty to obey by means of what Hart calls 'mutuality of restrictions' among persons. Such restrictions apply to persons as participants of society and not as individuals uncoupled from the power and coordination relations implied by the social agreement.

On this thought, the duty to obey is morally different from a prudential reason because the restrictions become morally binding due to the benefits that all the members of the agreement enjoy in virtue of the conditions of reciprocity. Thus, the duty to obey is relative to the status of cooperating members of society and not to the status of a human being, or rational agent who evaluates obligations in terms of reasons independent from their status of cooperating members. The agreements of reciprocity and the theory of fair play situate the problem of authority in a plainer deliberative background to the ones implicit in consent theories and agreements of mutual advantage. In fair-play theories, the members of society, or citizens, are those who owe each other the duty of allegiance.

The main problem that arises for fair-play theories is that fair reciprocity agreements do not necessarily contemplate the specific terms that regulate authority, official positions and conditions of allegiance. Fair reciprocity agreements could fail to determine the specific social and economic arrangements that can be adopted by the distributive schemes of burdens and benefits that follow from the agreements of reciprocity to stabilise the conditions of social distribution. This may lead us to object that principles of fairness could not offer an answer as to

why people ought to obey the authorities' directives that reinforce obligations deriving from particular schemes of social reciprocity, such as a welfare system or social assistance programmes.

We can address this objection if we consider a second approach, known as 'natural duties' theories. If we think that what moves persons to establish terms of justice is an agreement of reciprocity, we have to assume that for this to be worth pursuing, persons have to be considered already committed to specific basic moral duties. These are duties, as it were, to persons' moral capacity of recognising themselves in a relationship of reciprocity with others who share the same moral capacity. In that sense, the natural duties do not strictly imply that social reciprocity within the institutions of a state is what requires citizens' subjection to their authority.

However, once persons as citizens respond to the obligations that institutions impose on them, they should subject to such institutions' obligations in accordance with these natural duties. According to Rawls, examples of these natural duties are to assist to those who are in need (to the extent it is within person's power to help), the duty not to cause damage or unnecessary suffering, and the duty of mutual respect (*TJ*, 98, 297). Likewise, when persons have agreed on the principles of justice from the original position, they have a 'natural duty of justice' that has two components: 'to comply with and share our rights in just institutions when they exist and apply to us 'and' to assist in the establishment of just arrangements when they do not exist' (*TJ* 293f.).

The background picture that Rawls has in mind differs from the other approaches discussed. The main difference can be described as the division of moral labour. Rawls introduces it regarding the principles of justice that should guide the

social structure and the principles of fairness that should guide individuals. Rawls's idea is that the principles of justice apply to institutions and not to individuals. Despite this division of moral labour, the two components of the natural duty of justice have a markedly social character. The natural duty of justice helps to specify how persons as parties to the agreement establish the terms of justice.

The intuitive idea of Rawls's background picture is that the principles of justice that apply to the institutions of the basic structure of society make the obligations and duties of individuals intelligible. For if the project is to stipulate the just terms of social reciprocity, the duties and obligations that individuals ought to observe should be recognised once the principles of justice have stipulated the content of the institutions that regulate social cooperation (*TJ*, 93).¹⁰

3.3. Reciprocity and Disagreement about Justice

So far, I reviewed the fair-play and natural duty theories as plausible ways to explain the moral foundations of the duty-based conception of legitimacy I presented in chapter 2. There, I mentioned that persons are likely to comply with directives if they are (1) legitimate because, by accepting its authoritative directives, (2) persons are likely to satisfy better the duties of justice they are under. Such a duty-based conception of legitimate authority is an instance then of a natural duty. It expresses the very expression of citizens' commitment to the terms of political justice they agree upon as members of a constitutional democratic regime. Persons'

¹⁰ However, Rawls does not set a necessary priority between principles that applies to individual and to institutions: 'while it would be possible to choose many of the natural duties before those for the basic structure without changing the principles in any substantial way, the sequence in either case reflects the fact that the budget presuppose principles for social forms. And some natural duties also presuppose such principles, for example, the duty to support just institutions. For this reason, it seems *simpler* to adopt all principles for individuals after those for the basic structure.' (*TJ*, 93, emphasis mine)

duty to obey, grounded on a natural duty of justice, stipulates obedience to what the terms of justice demand. It follows that the authorities are legitimate if, in a democratic regime, they require a corresponding duty to obey their directives if they specify what justice requires. It can be summarised in Quong's words: one determines if political authority is legitimate 'not by considering the broad question – what should I do? – but rather by considering the narrower question: what does justice require me to do?' (Quong, 2010, 136).

Unlike other approaches, this conception of legitimacy leaves open the possibility that people disagree about the terms of what justice demands in a liberal democratic regime. This does not imply, however, that eventual disagreements release citizens from the duty to obey. To define the precise idea that disagreement implies, we need to return to the idea of agreement of reciprocity. The main feature of reciprocity, unlike agreements of mutual advantage, is that the terms of the agreement try to exclude any arbitrary asymmetry in the parties' bargaining power. This can be done, for example, by assuming a hypothetical initial choice situation that models the parties as being on an equal standing. Rawls's *Political Liberalism* points out that the condition of equal standing is satisfied if we 'think of citizens as free and equal persons'. (*PL*, 18f) For this, the initial choice situation model specifies the moral psychology of the parties, which is stipulated by the possession of two basic capacities, which Rawls calls moral powers: the capacity to develop a conception of the good, and the capacity to have a sense of justice. (*PL*, 19, 81)

On the one hand, the capacity to pursue, form, and revise a conception of the good is characterised by Rawls as rationality. It means that persons have the capacity to pursue, review and effectively evaluate their goals and life plans. To develop this capacity, persons typically adhere to comprehensive views that regulate

and specify the contents of their conceptions of the good. The sense of justice, on the other hand, is the capacity that Rawls characterises as reasonableness, and whose principal property is the ability to understand and honour the fair terms that regulate social cooperation and social life in general. It includes the fact that social life is characterised by what Rawls calls the fact of pluralism. The idea that persons have a corresponding higher-order interest in advancing their conception of the good and sense of justice complements persons' moral psychology taken as free and equal. This allows persons to rationally pursue their comprehensive conceptions of the good while reasonably contributing to social cooperation in a joint venture with other reasonable persons who, in turn, pursue their own ends rationally within a scheme of social institutions. I will come back to these ideas in chapter 5.

The possibility that people disagree about what justice demands depends mostly on the development and exercising of the two moral powers within the conditions of reciprocity in a democratic society. To that extent, we can evaluate disagreement as serving two different purposes. First, disagreement about what justice demands obtains when, according to some citizens, a political body cannot serve the purpose of being a stable framework for reasonable comprehensive views. This would occur, citizens would argue, because of the authorities' failure to deliver just social cooperation. In this sense, disagreement is the natural result of the plurality of values and ideals that coexists in a liberal society. To address such an approach to disagreement, the political conception of justice may seek to specify the justified limits of disagreement in such a way as to serve the purposes of political stability.

Rawls elaborates on the purpose of securing political stability in his *Political Liberalism*. There Rawls argues that a freestanding political conception –

independent of ideas or values of any comprehensive doctrine – should frame the principles of justice. A freestanding political conception of justice provides stability for the political system when it is supported by an overlapping consensus among citizens' comprehensive doctrines. Thus, such overlapping consensus would secure the stability required by the political conception of justice, given that the support of reasonable citizens can modulate the disagreement between reasonable comprehensive doctrines with respect to the political conception of justice. In doing so, the support of reasonable citizens enhances their comprehensive doctrines if they regulate their disagreements having as their focus a free-standing political conception. (*PL*, 144f, 387) This approach to disagreement, I will call it 'the stability approach'.

However, an alternative approach to disagreement could be unstable under a political conception of justice which naturally arises because of the plurality of a democratic society. In this second approach, disagreement about citizens' demands for justice concerns citizen's expectations about how a political conception of justice should regulate social cooperation. It is a disagreement that focuses on the active participation of citizens who deliberate in the public domain about the specification of the terms of justice, not merely about the causes that explain the disagreement. These expectations about the specification of the terms of justice, of course, can be based on both legitimate and illegitimate aspirations. The point is, however, that disagreement would reveal the political value of public deliberation, given that reasonable citizens may contest the specification of the principles of justice that govern the basic structure of social institutions for the existing circumstances of justice.

The relevance of political disagreement thus obtains when reasonable citizens conflict over whether laws, policies and procedures are an acceptable expression of what Rawls calls the constitutional essentials. It is plausible to consider that reasonable citizens living in a well-ordered society may have disagreements about how political authorities specify basic rights and liberties in political and economic policies. For example, reasonable citizens may disagree about the specific way in which authorities interpret and adjust rights in the legislative stage since they may conflict with other rights and values. What is relevant in this case is not merely the stability of the political system. It is citizens' engagement in public life. I will call this approach the 'political approach' of disagreement.

The point I am interested in is that both the stability approach and the political approach to disagreement in a well-ordered democratic society can help in examining the social nature of the natural duty of justice, as well as the duty it applies to reasonable citizens. Disagreement singles out the value of public life and not only the rational and reasonable exercise of the moral powers of citizens. The reason being, both approaches to disagreement are the natural result of the comprehensive doctrines of reasonable citizens, who, as moral persons have to observe the natural duties of justice with respect to the institutions of the basic structure of society. However, the political approach focuses on the value of reasonable citizens' deliberation in public life and the public domain. It is an asset of liberal political theory, to which not much attention is paid since the relevance of the public dominion is usually more associated with neo-republican political

theory¹¹. The particularity of *Political Liberalism*, at least as Rawls thinks of it, is in the idea that the value of public life is mainly the exercise of reasonable citizens' moral powers. While the stability approach to disagreement is the natural result of the affirmation of citizens' moral powers, the political approach is the expression of the public life of reasonable citizens whom a well-ordered society regulates under conditions of publicity and acceptability.

3.4. The Value of the Public Life

However, how do reasonable citizens disagree about justice? Consider Rawls's four-stage sequence procedure to address the two approaches to disagreement described above (*TJ* 171-176). Recall that Rawls's justice as fairness models a fair hypothetical choice in which citizens accept their results as a social contract that honours the conditions of an agreement of reciprocity. For this, the parties choose principles of justice in an original situation where the parties are on equal standing and under a veil of ignorance that prevents knowing information about the historical and cultural situation of society and the social position of citizens. This is the first stage, in which the parties choose the principles of justice:

A. Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value.

B. Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they

¹¹ The relevance of a dominion of public deliberation freed from any arbitrary restriction is the particularity of neo-republicanist political theory. According to Pettit, for example, freedom should be defined as non-domination, that is, the robust absence of arbitrary constraints. (Pettit 1997, Ch. 3)

are to be to the greatest benefit of the least advantaged members of society. (*PL*, 5-6)

However, these principles of justice, obtained from the original position, still need to be sufficiently specified. For this, in the second stage, the constitution convention, the parties gradually emerge from the veil of ignorance to get more information that the deliberation process needs. They lift the veil to obtain relevant information that helps specify basic rights and liberties since Rawls states that the first principle has a priority over the second. The task of the constitutional convention is to provide a constitutional framework for the operation of the institutions of the basic structure. The third stage is the legislative level, which addresses the second principle. Given the priority of the first principle, the specificity of this third stage is made taking into consideration the constraints imposed by the constitutional convention that the first principle has specified. At this stage, the parties lift even more the veil and obtain information about the socio-economic situation of the citizens. The fourth stage, finally, is where the specific rules of the previous stages are applied to particular cases, a task that the judges, the officials or administrators, and the citizens in general fulfil.

Now, Rawls acknowledges that the application of the principles in the stages is more or less effective,¹² although difficult to ascertain, especially regarding the second principle where more disagreements may arise. Let us suppose a disagreement arises in the fourth stage with respect to a piece of legislation, L. We can consider two ways of addressing the disagreement about L:

¹² Cf. 'To some degree, these matters are always open to reasonable differences of opinion; They depend on inference and judgment in assessing complex social and economic information. Also, we can expect more agreement on constitutional essentials than on issues of distributive justice in the narrower sense'. (2001, 48)

(1) Some reasonable citizens disagree about L. From the perspective of these citizens, L undermines their conception of the good because it is not in accordance with the constitutional framework. Then, the authority offers a justification for L without invoking or favouring any comprehensive doctrine (freestanding political conception of justice), and that therefore can gain the support of an overlapping consensus.

(2) Some reasonable citizens disagree about L. From the perspective of these citizens, if L specifies a scheme of fair opportunities, in the legislative stage, L should be considered in the light of additional information that is not only in accordance with the constitutional framework but also with the circumstances of justice. The authorities offer justifications regarding the legitimacy of L, for reasons of acceptability or publicity. Here, however, the value is not in the political value of a comprehensive doctrine but the political value of a well-ordered society.

Note that in (1) and (2) it is the same object of disagreement, L. Suppose that L is legislation on housing policy at a local level. What varies between (1) and (2) is how the disagreement about the housing policy is valued. In (1) the authority can justify L by appealing to the freestanding conception of justice, i.e., reasons that L does not undermine comprehensive doctrines. For example, the authority can justify the implementation of the housing policy as a law that will favour the most disadvantaged in the city, regardless of the membership of a religious group. The value of the justification of L in (1) seeks to ground the political good of a comprehensive doctrine for a well-ordered society.

In contrast, in (2) the justification of L that addresses the disagreement can rely on the validity of L, appealing to fair procedures relating to the use of available evidence, public debates, or majority rule, among others. Thus, for example, the

authority can argue that, given the information on the composition of the population in the city, the housing policy favours the most disadvantaged, which, according to what the evidence shows, happens to be correlated with a specific religious group. The fact that the housing policy favours a specific group could appear for some reasonable citizens as not in ‘accordance with the constitutional essentials’. However, in the fourth stage, political decisions, the authority can argue, can be unfair if the basic rights and opportunities are specified without resorting to information relevant to the particular characteristics of the city where the law is applied. The value of the justification of L and the disagreement in (2) protects the exercise of public reasoning, part of the public life of a well-ordered society.

The relevant question here is: what reasons do reasonable citizens, who may nevertheless disagree about legislation such as L, have to obey the authorities that implement legislation such as L?

Rawls’s four-stage sequence has allowed us to contextualize how and in what way disagreement can make sense and, to that extent, to answer the question about the reasons that citizens in disagreement may have to obey.¹³ With this idea, the objective is to be able to examine the social nature of the duty of justice, and its relation to the value of a political conception of autonomy.

With the two approaches to disagreement, the stability approach and the political approach, one can appreciate those characteristic cases where the use of the coercive power of the authority challenges citizens in observing the duty of

¹³ It is important to note that I identified the relationship between disagreement and disobedience as the reasons that a citizen might have for not obeying, taking into consideration a regime of ‘strict compliance’, given the ‘ideal theory’ approach adopted by Rawls. I have tried to focus on the disagreements that may be compatible with a ‘strict compliance’, cases that may correspond to what Rawls describes as ‘adjustment to natural limitations’, as when he says ‘We must ascertain how the ideal conception of justice applies, if indeed it applies to all, to cases where we have to make adjustments to natural limitations, we are confronted with injustice’. (*TJ*, 309)

justice. It is not my intention to suggest that the disagreement of reasonable citizens over legislation, or over directives that reinforce legislation, specifies reasons for disobedience or to challenge the duty of justice. My intention is to show how the duty of justice relates to the value of public life and the value of personal autonomy.

Earlier, I mentioned that the duty of justice has two components: ‘to comply with and share our rights in just institutions when they exist and apply to us’ and ‘to assist in the establishment of just arrangements when they do not exist’ (*TJ* 293f.) This formulation, especially the provision contained in the second component – a duty to assist does not imply a very high cost to the individual and runs parallel to another natural duty that Rawls enumerates, the duty of assistance. Analogously to the duty of assistance, this second component of the duty of justice suggests that people have a duty to those who are in a situation that should be remedied or assisted. The clause ‘to assist in the establishment of just arrangements when they do not exist’ stipulates a condition of assistance to the political community. The duty to assist in the establishment of just arrangements is not a duty relative only to the design or decisions of just institutions, as if the citizen could not but take the position of the lawmaker, as Barry believes (1996, 245). Instead, this task is carried out by society, according to the four-stage sequence, in the constitutional convention or by legislative work. This second clause specifies a related duty of civility to assist in the arrangement of legislation, bills or acts that are in accordance with the constitutional essentials and, to that extent, with the terms of justice of a well-ordered society.

In other words, the second clause of the duty of justice refers to a duty related to the morality of a practical dimension that applies to the life of citizens. This practical dimension is public life, which differs from non-public, or private life,

characterised by the pursuit and development of the comprehensive aims and interests of the citizen. For example, participating in associations and social organisations or through training activities in educational institutions (*PL*, 220). *Political Liberalism* conceives of public life as the participation of citizens both in the public sector and as exercising authority functions in the institutions of the basic structure. In the same way that a citizen who occupies a public office has obligations with his position of authority, individual citizens have a duty of justice when they participate in the public domain.

However, what is the value of the citizen's practical reasoning that deliberates and takes part in the public domain? The public domain is the space for the exchange of ideas and reasons among citizens who see themselves as equals to renew the agreement of reciprocity in the public life of a well-ordered society. For that reason, the value of the public domain has two significant consequences. First, by participating in public life, citizens are committed to the exercise of collective political power. Second, the exercise of power is the making of collective decisions that impose coercive reasons on the citizens' non-public life. Political authority has the normative capacity to impose changes in an individual's choices, by requiring action. (Cf. Raz, 1986; 38) For consent theories, the ability to alter the situation of an individual by requiring action is of such importance that it can only be accepted if the person herself consents to it, by virtue of his autonomy or the free exercise of his will.

To evaluate how citizens' practical reasoning values the public domain, it is worth the two elements of reciprocity, the exercise of collective political power and the normative power to impose reasons to act. For this reason, it can be argued that, on the one hand, citizens adopt the point of view of the exercise of collective power

and, on the other hand, commit themselves to criteria of legitimacy and acceptability that justify the authority of political power, and, consequently, the coercive force of their commands. (Rawls, PL 135, 136) The fact that citizens adopt the view of co-sovereigns would imply that they should adopt the criteria of reciprocity with which they agreed to the terms of justice of a well-ordered society. Thus, the specific function of their practical reasoning should adopt the point of view that considers themselves and their fellow citizens as being free and equal moral persons. This specific function excludes, therefore, the weighing of individual interests and valuations of the particular situation of society and individuals. However, also, citizens' practical reasoning has to consider the coercive force that characterises the normative power of the authorities' directives.

The coercive force of authorities' directives comes precisely from the wielding of political power that citizens themselves exercise when they adopt the point of view of co-sovereigns, setting out the terms of justice that regulate the basic structure of a well-ordered society. In other words, the coercive force of directing authorities obtains a *prima facie* justification of the terms of justice. Thus, an authority's directive can legitimately impose duties and reasons to act on citizens because these duties and obligations are stipulated by the very normative capacity of citizens' practical reasoning. Consequently, citizens are likely to satisfy the duties of justice they are under because the authorities' directives are legitimated by citizens acting as a collective political power. For this reason, the political conception of autonomy understood as living freely by living justly implies citizens' engagement with a subset of conducts, those involved in the public life, which impacts on their complete life.

Notice how differently Raz's service conception of authority and consent theories address persons' practical reasoning. Neither view requires specifying particular terms that apply to citizen's practical reasoning when they take part in the public domain. For Raz, a coherent conception of legitimate authority should appeal to a general account of practical reasoning that deliberates by estimating the value of social conditions that are inherently valuable if they allow a flourishing life. On this view, an individual's practical reasoning appreciates the value of a duty to obey because it acknowledges Political power's authoritativeness by identifying the reason to act that the authority imposes with the good of the social conditions of its political community. In the case of consent theories, a person's practical reasoning considers only the individual interest in order to satisfy her duty to obey to authority's directive.

Unlike Service conception and consent theories, Rawls provides a sound account of citizens' practical reasoning when reasoning and acting in the public domain. Consider citizens in the constitutional convention (first stage) deliberating how to define 'fully adequate scheme' of equal basic liberties for their society (first principle of justice). Such liberties will have a coercive force in the lives of citizens, and the authorities will have to protect them by using coercion when necessary. Rawls argues that the implementation of the 'fully adequate scheme' should consider facts about society and facts about relevant evidence of history and social theory. However critical it is to take these facts into account, an adequate implementation of the basic rights and liberties under given social conditions

should have as its purpose ‘the adequate development and the full and informed exercise of [the two moral] powers.’(*PL*, 332)¹⁴

However, if the end of the implementation is the full development of moral powers, there is still room for many definitions that have yet to be settled in the following stages. The citizens gathered, for example, in the constitutional convention can certainly have disagreements about how a constitutional framework on basic rights and liberties adequately addresses the full development and exercise of the two moral powers. In the legislative stage – the third – lawmakers might disagree about the adequate criteria that some particular piece of legislation should adopt to adjust basic rights so as to allow the exercise and development of the two moral powers. Such disagreement is an example of what I called above ‘political approach’ to disagreement.

To implement the first principle of justice, the one that specifies basic rights and liberties, Rawls points out that promoting the development of the two moral powers parallels the specification of basic liberties. Thus, the institutions and social policies of the basic structure that promote and protect political liberties and freedom of thought allow the development of the capacity for a sense of justice, while the institutions and social policies that protect freedom of conscience and freedom of association will enable the development of the capacity for a conception of the good (*PL*, 332).

We can again use as an illustration the political approach of disagreement: if there are no institutions that allow reasonable citizens to make use of practical

¹⁴ In Rawls’s view, what ensures the development and exercise of the two moral powers is what he calls higher-order interest. I will consider this critical aspect in more detail in chapter 5.

reason through free deliberation in the public domain, or they cannot express their ideas and thoughts freely, citizens will not be able to fully develop or exercise their capacity for a sense of justice. Similarly, if citizens cannot freely guide their conduct over their complete life with regard to their ideas and convictions, they cannot fully exercise their capacity for a conception of the good (*PL*, 334ff)

Taking together all these aspects that I have described under the rubric of the public domain – namely, the collective exercise of political power, the implementation in a fully adequate scheme of the basic rights and liberties contained in the first principle of justice, the idea of a four-stage sequence, the development and exercise of the two moral powers as the aim of implementing rights and liberties – and the duty of justice, it should be followed the value of taking reasonable citizens as politically autonomous. Given that public life imposes stringent demands on a series of matters that impact both the political life of a society and individual life, we should be able to think that reasonable citizens have the normative capacities to respond to such demands making use of their practical reasoning under conditions of personal autonomy.

This is the political conception of personal autonomy that I defend in this chapter. The idea that there is a political value in the idea that reasonable citizens act autonomously both in the conduct that should guide their public life, their decisions, and projects they pursue in their private life. In more general terms, the idea is that the structure of *Political Liberalism*, the justificatory project of social cooperation under the terms of a political conception of justice (and the principles of legitimacy and political authority that are involved), suggests a commitment to the political value according to which to live freely is to live justly, that is, living

under terms of justice that persons adopt as their own, even if they live under reasonable conceptions of political justice that they do not support.

3.5. The Autonomy-based Conception of Citizenship

In the following sections, the aim is to describe the political value of personal autonomy to give a final articulation to the ideas that I have tried to defend in this first part. I claim that a political conception of personal autonomy can better accommodate the commitment of the liberal tradition with respect to the relationship between individual freedom and just political demands. It is central to *Political Liberalism*, as we have been discussing it, for citizens to see themselves as reasonable citizens who collectively share political power and, for this reason, impose on one another duties and obligations. This is a requirement that may require high costs for the lives of members of a well-ordered society. The high costs consist of the demand for citizens to actively participate in the public domain, through the reciprocal justification of public reasoning and the exercise of political power, by means of direct participation or voting.

Now, there are at least two interpretations internal to *Political Liberalism* that we can adopt to understand the value of the participation of citizens in public life. The first interpretation consists in conceiving the exercise of public reasoning and engagement in public life, as a consequence of the exercise of the moral capacities of reasonable citizens who see themselves and their fellow citizens as free and equal. Let us call it, for brevity, the moral-based interpretation. The second, which is what I propose as an interpretation that is more consistent with the project of *Political Liberalism*, conceives of personal autonomy as a political value that

gives agency to the moral conception of the citizen. I will call it autonomy-based interpretation. In a nutshell, the two interpretations differ in the following way: while the moral-based interpretation holds that it is only necessary for *Political Liberalism* to address the moral personhood of citizenship to satisfy the demands of the public domain, the autonomy-based interpretation holds that there is a political value in the conception of the autonomous citizen.

The moral-based interpretation maintains that a political conception of justice only requires the moral psychology of the citizen to apply the terms of reciprocity of political agreement. This interpretation needs the conception of the citizens as moral persons. Then, the terms of reciprocity are deduced so that the citizens regard themselves as free and equal, and with a Higher-order interest for advancing his two moral or normative capacities. According to Jonathan Quong, for example, this moral-based interpretation is what prevents *Political Liberalism* from the threat of perfectionism.¹⁵ (Quong, 2010, 317) In this interpretation, personal autonomy can certainly be considered as an expression of citizen's conception of the good, which *Political Liberalism* should honour through protecting basic rights and liberties. However, *Political Liberalism* must refrain from promoting some conceptions of good over others (Cf. Brian Barry, 1996, 128-133)

Under the moral-based interpretation, *Political Liberalism* must specify the nature of reasonable citizens when they participate in public reasoning so that it is internally consistent with the fact of pluralism. This specification would admit two

¹⁵ 'Political liberalism simply insists that whatever the truth may be beyond the domain of the political, the only way we can live together as free and equal citizens governed by a fair system of rules and institutions is by eschewing perfectionist judgements in politics, and instead committing ourselves to the public justification of political power.' (Quong 2010, 317)

views. Quong identifies them as the external view and the internal view, which play a role in how *Political Liberalism* conceives of a reasonable citizen.

Quong describes the external view as arguing that the reasonable citizen's nature is a moral standard that applies to real people in current liberal democratic regimes. According to the external view, the comprehensive views of real citizens may be unreasonable, and therefore, excluded from *Political Liberalism*. Similarly, participation in the public domain is restricted only to those citizens who pass the test of reasonableness.¹⁶ (See Quong, 2010, 139-145) *Political Liberalism* thus becomes a political project that must fit with the comprehensive doctrines of real citizens. Klosko, who can be taken as a representative of the external view, argues that 'we must inquire into what liberal citizens believe... if the end is to discover principles that people can accept' (2004, 9).

The internal view, on the contrary, understands the plurality of comprehensive doctrines as something internal to liberalism. Rawls would support this view when he argues that such pluralism is 'the inevitable long-run result of the powers of human reason at work within the background of enduring free institutions' (*PL*, 4, see also 144). Contrary to the external view that excludes the unreasonable citizens to the extent that their comprehensive doctrines do not accept the moral standard of reasonableness of a liberal society, the internal view understands the plurality of comprehensive views as a natural result of citizens exercising their powers morals within a liberal society.

¹⁶ This way of understanding political liberalism has consequences that put at risk its very coherence, a discussion that I am not going to address here, but that has already been discussed. (See Quong, 2010, 139-145)

However, the acceptability of the two views described above poses a problem for the moral-based interpretation: if we accept the external view, to justify and legitimise the terms of justice public reasoning can only address the subgroup of real citizens who pass the reasonableness test. This can be a challenge for the political liberal project: anyone who adopts the external view has to ensure that real citizens assent to the terms of a liberal democratic society. However, some real citizens assent to the political conception that flows from their own comprehensive doctrines and consequently, a well-ordered society can only legitimately obtain support if the citizens' comprehensive views so assent. If, for example, a reasonable citizen, who embraces Kantian autonomy, consents to the demands of the political conception of justice as legitimate, this is only because her Kantian autonomy so permits. Thus, political legitimacy depends on citizens' comprehensive doctrines, which is a rejection of the duty of justice. What *Political Liberalism* would expect is for the reasonable citizen to accept the legitimacy of liberal society because the political conception, as a freestanding conception, is supported by an overlapping consensus, and not by direct acceptance of its comprehensive doctrine.

The advantage of the autonomy-based interpretation of citizenship is that it prevents *Political Liberalism* from having to decide between either an external or an internal view. The autonomy-based interpretation would ensure the project of *Political Liberalism* because the political conception of autonomy is a political value that can only be recognised as a conception of reasonable citizens ideally constructed when they participate in the public domain. That is, the autonomy-based interpretation focuses on the internal view and excludes the external view.

In other words, if we accept the autonomy-based interpretation of citizenship, we have to admit that *Political Liberalism* conceives of the reasonable

citizen under the terms of the internal view. The autonomy-based interpretation of citizenship reflects the idea that reasonable citizens can enjoy a kind of freedom at affirming the good of autonomous life and the value of living justly. For reasonable citizens to value freedom as autonomy, they have to consider the existence of many and varied (plural) comprehensive doctrines as the outcome of a liberal society organised under an ideal reciprocal agreement. The terms of justice that result from this ideal agreement appeal to the fact of pluralism as the natural result of the exercise of the normative capacities of individuals in a well-ordered society.

The autonomy-based interpretation of reasonable citizens also has the advantage that the legitimacy and acceptability of the demands of a political conception of justice depend not on the assent of the citizens' comprehensive doctrines which pass the test of reasonableness but, fundamentally, on the duty of justice. In fact, the Rawlsian principle of legitimacy is independent of comprehensive doctrines. On the contrary, it stipulates that 'political power should be exercised, at least when constitutional essentials and questions of basic justice are at stake, in ways that all citizens can publicly endorse in the light of their own reason.' (*JF*, 90- 91).

To understand why the idea of endorsement in the light of citizens' reason excludes endorsement in the light of citizens' comprehensive doctrines, it is necessary to recall that, in Rawls's *Political Liberalism*, the principle of legitimacy is an exercise of reciprocal justification among citizens who see themselves as equals, which is a case of what Rawls calls the 'criterion of reciprocity':

The criterion of reciprocity requires that when those terms are proposed as the most reasonable terms of fair cooperation, those proposing them must also be at least reasonable for others to accept

them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of lower political or social position. (CP 578)

The rationale of the criterion of reciprocity, and to that extent, of the principle of legitimacy aims to ‘reflect an ideal of citizenship’ (JF, 92), and therefore, to the use of public reason in the public domain where citizens are recognised reciprocally as equals.

As we have discussed above, citizens must observe the duty of justice as they participate in collective political power, which, in turn, establishes the conditions by which a fully adequate scheme of basic right and liberties is stipulated. Reasonable citizens under the internal view must be assumed to be politically autonomous because their participation in the collective exercise of political power explains their commitment to the use of public reason and the observance of duty of justice. Political autonomy in this sense is applied to the conduct that characterises citizenship. The question that follows is, therefore, to what kind of activities does the political autonomy of the citizen apply?

3.6. Citizens’ Autonomy

We have already said that, in general, the range of activities to which political autonomy applies is what we have called in general terms, citizens’ public life, or in the public domain of a well-ordered society. Following Rawls, the range of activities that political autonomy modifies are the common activities of a person who sees herself as a citizen:

Political autonomy is specified in terms of *various political institutions and practices*, as well as expressed in certain political virtues of citizens in their thought and conduct – their discussions,

deliberations, and decisions – in carrying out a constitutional regime.
(*PL*, 400 Emphasis mine)

This means that in *their conduct* citizens not only comply with the principles of justice, but they act from these principles as just. Moreover, they recognise these principles as those that would be adopted in the original position. It is in their *public* recognition and informed application of the principles of justice in their *political life*, and as their effective sense of justice directs, that citizens achieve full autonomy. (*PL*, 77. Emphasis mine)

Personal autonomy is the citizens' conduct, usually associated with but not dependent on the practice of political virtues, in political institutions and practices, by publicly recognising the principles of justice of a liberal democratic society that citizens affirm in their own life. This formulation, which I have abbreviated from both passages quoted, states that citizen's political autonomy applies exclusively to that subset of behaviours that can be seen as fitting within the political life of institutions and practices, typically characterised as activities of mutual justification regulated by public reasoning.

There are two features that we should consider from this formulation. First, the relationship between a citizen's autonomy and the citizen's non-public life, namely, all the subsets of conducts taken in a citizen's whole life. The second feature is what I call the emancipatory character that citizens' autonomy endows to the public domain. Regarding the relationship between non-public life and citizens' autonomy, it is worth remembering that the relationship between democratic citizens has two features. According to Rawls

- 1) First, it is a relationship of persons within the basic structure of the society into which they are born and in which they normally lead to complete life'; and

2) in a democracy political power, which is always coercive power, is the power of *the public*, that is, of free and equal citizens as a collective body. (*PL*, 216, my emphasis)

What these two features underscore is that the political life of a citizen – that subset of her conduct – should be understood as a relationship between citizens who lead a complete life, and who collectively share political power. The conception of autonomy involved here is a description of the complete set of conducts of the citizen's complete life in terms that can be expressed in public reason, for example, in terms of 'constitutional essentials'. However, autonomous citizens do not translate, as it were, the demands of political power and the public reason into a conception of the good guiding their non-public life. It has a more nuanced way of influencing citizens' whole lives.

In discussing the differences between public reasons and non-public reasons, Rawls argues that citizens can only freely affirm their comprehensive views if there is a constitutional framework of liberties and basic rights (*PL*, 222). This free choice to affirm a comprehensive view should be understood as a freedom that the citizen enjoys thanks to, for example, the liberty of conscience and freedom of thought that a well-ordered society ensures. That is, if citizen were not granted a scheme of constitutional freedoms and rights, then choosing, committing to, renouncing or endorsing a comprehensive view would be unintelligible, from the political point of view, since they would not have the political competence granted by constitutional protections (*PL*, 222; *JF*, 93). What permits a citizen the freedom to accept or reject

a comprehensive view is the possession of political competence, a moral power that she obtains by the fully adequate scheme of basic rights and liberties.¹⁷

Finally, there is a second feature: the emancipatory character of citizens' autonomy. One might think, as Jurgen Habermas (1995) does, that the conception of citizens' autonomy is a top-down approach. That is, that citizens' autonomy is not sufficient to 'reignite the radical democratic embers of the original position in civic life' (1995, 128). A top-down approach would only control a range of actions at the bottom by principles that have been stipulated at the top. Citizens' autonomy would simply stipulate, on this approach, the acceptable conditions for reasonable citizens once the terms of justice and the institutional framework have been established. In the words of Habermas:

The citizens cannot conceive of the constitution as a *project*, the public use of reason does not actually have the significance of a present exercise of political autonomy but merely promotes the nonviolent *preservation of political stability*. (Habermas 1995, 128. The emphasis in the original)

However, an approach like Habermas's distorts the nature of the public domain in *Political Liberalism*.¹⁸ As Rawls does, we should reject this top-down approach. (*PL*, 400ff) As I showed when I described the four-stage sequence, the participation of reasonable citizens in the political domain could not be described merely as a positive institutional action aimed at 'nonviolent preservation of political stability'. Instead, a better description is deliberative and active participation of citizens that may crucially modify the specification of the basic rights and liberties in the basic structure. The political conception of citizens'

¹⁷ This is another reason to reject dependency on the acceptance of the comprehensive view of the political conception of justice, as understood by the 'external view'.

¹⁸ This is something Habermas accepts: "Granted, this reading does not reflect Rawls's intention in formulating his theory" (Habermas 1995, 125)

autonomy is equipped to face criticisms of the kind made by Habermas in two ways: first, citizens are politically autonomous when they live under a constitutional framework that assures them of a scheme of rights and liberties for the development and exercise of their two moral powers. This allows persons to exercise political power collectively to adjust and revise legislation in terms that can be accepted by reasonable citizens when the existing social condition so requires. Secondly, citizens can disagree on how to specify the constitutional framework and the just terms by which the institutions of the basic structure regulate social cooperation. As I showed in sections 2 and 3, citizens can differently approach the terms of disagreement, and this is an expression of an emancipatory motivation to correct injustices that may be due to reasons internal to *Political Liberalism*, but that should be corrected by weighing political values and arrangements in policies and law. In *A Theory of Justice*, Rawls argues that the duty of justice is 'is problematic for permanent minorities that have suffered from injustice for many years', and remarkably adds

[A]nd certainly we are not required to acquiesce in the denial of our own and others' basic liberties, since this requirement could not have been within the meaning of the duty of justice in the original position, nor with the understanding of the rights of the majority in the constitutional convention. (*TJ*, 309)

Not acquiescing to accept injustice denotes the emancipatory motivation of the normative capacities of the autonomous citizens to comply with the second element of the duty of justice: the duty to assist in the establishment of a just agreement. Also, it denotes the recognition, according to the criteria of reciprocity, of the political competence to adequately adjust how a well-ordered society specifies the terms of social justice. Finally, by participating in public life, autonomous

citizens can demand the implementation of effective political liberties,¹⁹ as a way to ‘reignite the embers’ of political power to those who have been marginalised.

3.7. Concluding Remarks of Chapter 3

In this first part, I have tried to discuss how a political conception of freedom as autonomy fits in the structure of liberalism. In chapter 2, I claim that the question about the relationship between individual freedom and political power leads us to the discussion of the relationship between political authority and persons’ freedom. Setting up the discussion in those terms implies understanding the relationship as one between legitimate political power’s demands and persons’ duty to obey. To elaborate on this, I reviewed Raz’s service conception and consent theories of authority.

In chapter 3, I continued the discussion of the relationship between legitimacy, authority and freedom as autonomy. In particular, in this chapter, I elaborated the claim that the value of a political conception of citizens’ autonomy makes intelligible political legitimacy’s and authority’s requirements if we think that living autonomously means living justly. To show this, I argued that natural duty theories of authority could best account for the inequality between those who wield political power and those that are required to obey since political legitimacy does not directly imply authoritative commands. I then focused on Rawls’s duty of justice and how his *Political Liberalism* justifies the inequality between political power and obedience to authority. This allowed me to present, within the elaboration of Rawls’s *Political Liberalism*, the political conception of citizens’ autonomy.

¹⁹ Rawls argues that the fair value of equal political liberties, like the ‘right to vote, to run for political office, and to engage in party politics’. These liberties play the important role of allowing ‘citizens to participate in public life’ (JF 148- 150; see also, *TJ*, 197-199)

This conception of citizens' autonomy rests on a conception of public life that I discussed with respect to some objections and interpretations. The formulation that I defended maintains that personal autonomy is the citizen's conduct, expressed by political virtues, that applies to political institutions and practices. It involves publicly recognising the principles of justice of a liberal democratic society, principles that a citizen makes her own. Such a political conception of autonomy reflects a model of autonomy for citizens as free and equal, which I will call a Civic Model of personal autonomy in chapter 5. This Civic Model differs from other models of practical autonomy, in that it specifies that the conditions of the autonomous life, when persons affirm an ideal conception of citizenship, are modelled by the demands of political power. The conception of citizens' autonomy, delineated in chapter 3, outlines a plausible model within the liberal tradition. It remains to be specified in detail how political power depicts personal autonomy. In Part II, I present an account of the Civic Model that can accomplish this task. In chapter 4, I firstly argue for the political value of citizens' autonomy in a liberal democratic society. In chapter 5, I introduce the Civic Model and depict its main features.

PART II. AUTONOMY FOR FREE AND EQUAL PERSONS

Chapter 4. The Political Value of Personal Autonomy

‘The just draws the limits,
the good shows the point.’

John Rawls

4.1. Introduction

In Part II, I aim to offer an exposition of how a model of personal autonomy should be conceived for a democratic and liberal society, where its members see themselves as free and equal. This model seeks to make explicit the conditions that democratic equality imposes on people’s conceptions of good when they see themselves under the duty to fulfil the obligations of citizenship while pursuing a plan independent of what they would consider a good life. The question that this Part II aims to answer could be summed up as follows: how should persons’ autonomy look when they regard themselves as free and equal, cooperating in a liberal and democratic society? Chapter 5 attempts to answer that question directly. This chapter starts by reviewing the Rawlsian version of political autonomy.

The Civic Model of autonomy is a project of Rawlsian inspiration. To continue the discussion of Chapter 3 of Part I, the Civic Model is an adaptation that assumes the conditions elaborated by Rawls for a liberal and democratic society,

developed in *A Theory of Justice* (1971), but mainly in *Political Liberalism* (1993), and *Justice as Fairness* (2001). In particular, the Civic Model assumes, in general, the idea that a democratic society must reflect fair conditions of social cooperation, outlined from a conception of reciprocity. Rawls uses, at least, two approaches to the notion of reciprocity. Briefly, it is worth mentioning them here. Rawls calls the principle of reciprocity in his 1968's *Distributive Justice: Some Addenda*, a principle of mutual benefit, which aims to explain how the principles of justice can benefit both the best positioned in the social structure and the least advantaged. The idea of benefit in this sense points to a mutual advantage enjoyed by citizens in a society such as the one Rawls describes, a reciprocal advantage that, for example, the principle of utility of the Welfarist economy cannot capture (cf. CP, 171). The idea of reciprocity that I include in the Civic Model is the idea that Rawls elaborates in his late work, and that he calls the criterion of reciprocity. This approach to reciprocity seeks to capture not an idea of mutual benefit but an idea of shared duties in a scheme of social cooperation, especially in the use that citizens of a well-ordered society make of public reason to offer each other terms of cooperation. (Cf. CP, 578)

The idea that the Civic Model advances is the liberal idea that to live freely is to live justly, even under reasonable conceptions of political justice that one does not support. To this end, it elaborates the idea of mutual recognition and reciprocal justification in a political community of co-sovereign citizens. This idea is central to understanding what I describe in chapter 5 as the Civic Model. Part II examines three arguments that would explain the central part of this conception of citizens' autonomy, which I call a Civic Model of autonomy. The idea of normative competences, the idea of public reasoning and the idea of the demand for political

liberties and a just distribution of primary goods. The formulation of the Civic Model is as follows: *a citizen's conduct is autonomous if she pursues her own conception of a good by publicly affirming the principles of justice of a democratic society, principles that she affirms as her own through her complete life.* To explain this formulation, I explain its constitutive clauses and then examine the three values that explain it.

What I call normative competences is the idea that citizens, as co-sovereign members of society, have the competence to judge both the conceptions of the good that are permissible for a democratic society and to identify the distributive institutional arrangement that satisfies the citizens' requirement for primary goods. The normative capacities equip the citizens with the capacity to affirm their conceptions of the good as a conception that can be freely imposed under what the principles of justice permit. The characteristic of the Civic Model that I single out as public reasoning is the ability to recognise and use a mode of reflection that is mutually compatible by the citizens. Public reasoning, in turn, allows a public understanding of how citizens develop and exercise their moral powers, affirm their conceptions of the good, their comprehensive views and their lifestyles in terms that can be mutually accepted, or not rejected, by the requirements of public reason. The last characteristic, which I call the demand for political liberties and just distribution of primary goods, is the competence of autonomous citizens to require of political power that the specification of basic rights and liberties in the constitutional framework makes effective, under the criterion of reciprocity, the freedoms and rights that the principles of justice protect. In the same way, it is a demand so that the social and economic institutions of the basic structure remove the eventual arbitrary inequalities that can produce the existing social conditions,

and that the citizens judge that they do not permit the exercise of their moral capacities.

However, before embarking on a discussion of the Civic Model and its main characteristics, this chapter begins by attempting to illustrate in a fictitious case the characteristics of the Civic Model, which focuses on normative competence. The fictitious example that I call the co-operative tries to recreate ideal conditions of cooperation between members who see themselves as members in equal conditions of power and as co-operating workers.

4.2. Rawls's Moral and Political Autonomy

Rawls offered different treatments of the idea of Personal Autonomy. His labels were also varied in his work: 'rational autonomy', 'autonomy of the parties', 'Kantian autonomy', 'private autonomy', 'moral autonomy', 'political autonomy', 'full political autonomy'. This variation is explained to a significant extent by the development of his own political theory. However, through Rawls's work, at least two approaches can be found to describe what we usually understand by personal autonomy.

The first approach that can be seen in Rawls's work describes the moral relevance of individuals freely pursuing an autonomous life. Rawls never abandoned the recognition of the moral value of personal autonomy understood as either moral autonomy, private autonomy, or Kantian autonomy or Mill's ideal of individuality. Before developing, in *Political Liberalism*, the ideas of overlapping consensus, the political conception of the person, and public reason, Rawls assigned a preponderant role to the moral approach. In *A Theory of Justice*, the parties that

select the principles of justice in the Original Position are modelled as rationally autonomous. Persons, in turn, act fully autonomously when the recognition of the principles of justice of a well-ordered society expresses the condition of free and equal persons: ‘the desire to act justly derives in part from the desire to express fully what we are or can be, namely, free and equal rational beings with a liberty to choose’. (*TJ*, 225)

Thus, according to justice as fairness, a congruence obtains when people can make compatible the principles that regulate their full autonomy with the principles that regulate a well-ordered society. This congruence is a determining factor through which Rawls stipulates the conditions of political stability over time. The theory of justice, argues Rawls, ultimately reflects a conception of autonomy. Although it not the conception of autonomy that Kant expressly formulated, it is a conception that Rawls considers Kantian.

Along with the moral autonomy approach, Rawls considers a second approach, political autonomy. The main distinction of political autonomy from moral autonomy is that the former reflects a political value, while the latter reflects a moral value. Rawls emphasises the political value of political autonomy especially in his *Political Liberalism*, although he had been preparing the approach of political autonomy from the papers he published during the 1980s. This political characterisation of autonomy reflects an adaptation of Rawls’s political theory, especially when he reconsiders his conception of political stability, and the role that the Kantian doctrine plays in his formulation of autonomy and the justification of justice as fairness.

In *Political Liberalism*, Rawls sees the need to reorient the foundations of his political theory by accepting what he called ‘the fact of pluralism’ which leads him

to reject the Kantian foundation on which justice as fairness rests, since it might not be legitimately accepted by the members' worldviews given a plural democratic society. Rawls, consequently, responds to this problem by distinguishing 'the special domain of the political from the personal, the familial and the associative realms and their values'. (PL 137)

The difference between the moral autonomy approach and the political autonomy approach is crucial for understanding the development and project of Rawls's political philosophy. This importance is manifested especially when we consider that the departure point for *Political Liberalism* is the rejection of the role that the Kantian doctrine plays in *A Theory of Justice*.

Nevertheless, despite these significant differences, the moral importance that Rawls assigns to the conception of autonomy in practical philosophy remains more or less equal throughout his work. Rawls assigns a nonpolitical moral value to the conception of practical autonomy. According to practical autonomy, people value being authors of their own lives and can freely choose the comprehensive doctrines and conceptions of the good that guide their lives. In short, Rawls maintained the belief that the ideal of practical autonomy is a desirable ideal within the plurality of a democratic society.

The approach to practical autonomy rests on autonomy in relation to the formation of ends. This is to be contrasted with the view that autonomy is no more than the activity of practical judgement itself, and that therefore the practice of living autonomously is valuable for itself. However, this would reflect a commitment to a mistaken view of practical judgement. The function of autonomy is to evaluate amongst ends and then to choose from those that the agent considers valuable. This is what really has moral value. To believe that autonomous practical judgment is

what has value in itself, supposes a conception of practical judgment that can only be valued when it chooses autonomously. (Cf. Krassnof 2010) What a democratic society values, on the contrary, is that people can pursue the ends they consider valuable, although it imposes on them the constrictions demanded by political institutions and social life.

The re-evaluation that Rawls developed in *Political Liberalism* was not a rejection of the ideal of autonomy as a way of understanding how people choose the ends they consider valuable. What Rawls modified was the dependence on the value of autonomous practical judgment, which he interpreted as an expression of Kantian practical philosophy.

Rawls describes the value of autonomy as desirable because through it people can ‘give priority to their liberty to revise and change their ends’ in such a way as to assume ‘their responsibility for their fundamental interests and ends’, even at the price that some ‘may decide to yield much of this responsibility to others’ (*TJ* 456). Nevertheless, Rawls thought that the value of this aspect of people should be thought as a constitutive part of their autonomous practical judgment: ‘A person is acting autonomously when the principles of his actions are chosen by him as the most adequate possible expression of his nature as a free and equal rational being’. (*TJ*, 222) Rawls refrains from basing a political conception of justice on assimilating autonomy with practical choice. However, this does not imply that Rawls continues considering that practical autonomy is a moral value. Rawls’s liberalism asserts the idea that people, acting autonomously, even acting as autonomous Kantians, make judgements about what they consider good to be achieved and that a well-ordered society must value.

My focus now is on the idea of political autonomy. If the claim that practical autonomy is a matter of evaluating and choosing ends makes sense, the concept of political autonomy should also be redefined. As we have seen in previous chapters, political autonomy is the autonomy of citizens insofar as they see themselves as free and equal and as collectively participating in political power. Catherine Audard identifies that Rawls distinguishes three characteristics of such political autonomy: (1) 'They conceive of themselves as having the moral power to have a conception of the good' (*JF*, 21). (2) They are 'capable of revising and changing this conception ...if they so desire. As free persons, citizens claim the right to view their persons as independent from and not identified with any particular conception of the good' (*JF*, 21). 'They regard themselves as self-authenticating sources of valid claims' (*JF*, 23). (3) 'They are viewed as capable of taking responsibility for their ends and ...of adjusting their aims and aspirations ...of restricting their claims in matters of justice to the kinds of things the principles of justice allow (PL 33-34) (Audard 2015, 33).

Strictly, these three aspects that Audard identifies are the conditions that *Political Liberalism* ascribes to the freedoms related to the conception of citizenship; conditions that allow a citizen to freely identify desirable ends. The freedoms of the citizen represent a valuable end for political autonomy. However, they seem to be insufficient conditions for political autonomy.

Samuel Freeman, for his part, offers an alternative account of the Rawlsian conception of political autonomy: 'A person is politically autonomous when he or she (1) acts upon democratically or otherwise duly enacted laws; (2) where these laws are justified by liberal principles of justice, (3) and these principles can be represented as part of a freestanding (doctrinally autonomous) political conception, (4) that has a constructivist political justification based in citizens' considered

judgments and ideas implicit in democratic culture, including the self-conception of democratic citizens as reasonable and rational.’. (Freeman 2007b, 362)

From my perspective, Freeman best captures the idea that Rawls has in mind regarding the political autonomy of the citizen. It is true that, as Audard assumes, the autonomy of the citizen needs the conditions of freedom that the normative ideal of citizenship such as Rawls conceives it provides, nevertheless, political autonomy needs to the four institutional conditions that Freeman stipulates. As I have shown in chapters 2 and 3, political autonomy attempts to conceptualise not only the goods that a citizen may find valuable when acting in a democratic society, but also has a role to play in affirming and justifying the institutional terms within which citizens can pursue their conceptions of good. The good of liberty must follow the direction of right.

4.3. The Political Value of Personal Autonomy:

In the following subsection, my intention is to present the political value of *normative competence* as one of the central characteristics of the value of political autonomy advanced by the Civic Model. In short, normative competence is the agent’s moral capacity to affirm that the reasons to act and the comprehensive views that she freely imposes on herself, are permissible by the terms that regulate social cooperation. In chapter 5, political competence, together with public reasoning and the demand for political liberties and primary goods, form the core of civic autonomy. To illustrate the value of citizens’ autonomy for those who see themselves as free and equal, in what follows I introduce the case of an association that is governed by principles of equality among its members. One might object that an

association is an inadequate example since usually associations are composed of members who have voluntarily entered, and who can leave in the same way. However, for the discussion that I want to provoke with this example, we can control the voluntariness factor of the members, considering the characteristic of voluntariness only when it is necessary to do so.

4.4. The Cooperative

Imagine a small society where all the members work in the same cooperative. This means that all the members of the cooperative agree to regulate the work according to a cooperative ideal. Assume the cooperative is regulated by a group of principles that govern labour relations, hierarchies of offices and positions, and the productive goals of the cooperative. These principles let us call them the ‘cooperative essentials’, are essentials that all members recognise.

To develop this, I am going to discuss how to describe the relations of authority among the workers of the cooperative. This will allow me to show that, in a context of social cooperation, we should assume that the cooperators have what I call ‘normative competences,’ that is, the ability that social cooperation confers on members to regulate legitimate conditions of authority. The question that guides this simulation exercise in a fictitious cooperative is whether the demands of legitimate authority can be compatible with the models of autonomy that I have described in the previous chapters, and if this has any value.

My answer is that a model of autonomy has moral value if it confers on the agent normative competence to connect the moral capacities to choose freely with the morally relevant fact of affirming such choices as permissible given the terms of

social cooperation. With the example of the cooperative society, I will show how to understand the role that these normative competences play.

Later, in the following sections, I claim that normative competences allow agents to affirm the value of free choices of individuals as permissible under social and political conditions determined by a well-ordered society. In the Rawlsian language that I adopted mainly in chapters 2 and 3, and which I will adopt again in the following sections, the idea of normative competence becomes the claim that one of the values of civic autonomy obtains from the citizen's political competence. This political competence allows the comprehensive views that citizens freely impose over themselves to be affirmed as permissible by the terms of justice of a well-ordered society. In the example of the cooperative that I describe below, however, I only try to explain the moral role that these normative competences play. For the sake of argument, I start off assuming Raz's view on authority in describing the authority relations.

According to the Raz's service conception, the members of the cooperative recognise that the managers' directives as authoritative because, according to the *Normal Justification Thesis*, the workers are likely to comply with reasons that apply to them if they accept the managers' directives as authoritatively binding, and try to follow them, rather than by trying to determine and follow the reasons which apply to them directly. (Cf. Raz, 1986, 53). The workers also know that this way of justifying the managers' authority, needs the 'dependence thesis', which stipulates that the authority should base its directives on reasons that already apply to the workers and are relevant to their everyday job. (Cf. Raz, 1986, 47).

Let us suppose that in the example of the cooperative, the workers have a list of labour obligations to fulfil and can exercise their autonomy with respect to these

obligations in the sense of using their personal initiative in situations that are not covered by the minimum obligations. Let us assume now, that within such labour autonomy, two workers disagree with whether T-ing is an action that should be implemented or not. Worker A thinks there are reasons for T-ing, and worker B thinks there are reasons for not T-ing. We can assume here that both workers do not know exhaustively that their reasons for T or not T are strictly 'dependent reasons'. Part of the disagreement is that A and B are not clear about whether T-ing or not T-ing will reflect the cooperative essentials of the cooperative. To resolve the disagreement, a manager acts as an arbitrator. Both workers recognise the authority of the manager, and therefore, their decision will be a reason to act for both.

The first thing to show with this example is that the service conception of authority works here only if the workers identify that the manager's directives to perform or not perform T, are based on reasons that best apply to A and B. For this to work, the worker should be convinced that there is a strict identification that connects the authority of the manager and the cooperative essentials.

Raz's service conception would ask us, then, to consider the following picture of deliberation. Worker A presents reasons for T-ing and worker B, reasons for not T-ing. The manager ponders all the reasons, both the reasons for A for T-ing and the reasons for B for not T-ing. All the reasons presented by A and B may or may not be dependent reasons, that is to say, falling within the authority of the manager or not and may result in reflecting or not reflecting the cooperative essentials. Suppose the manager decides that, between the reasons for A and B, and after excluding the reasons that are not dependent reasons and only weighing the dependent reasons, there is a reason stronger than the other dependent reasons to T. To that extent, A's reason to T is the strongest reason for workers to T. Raz explains that this reason

for T is a 'protected reason' to T. In the language of Raz, the strong reason to T, the protected reason, is also an 'exclusionary reason', so that it excludes the rest of the dependent and non-dependent reasons, both for and against T-ing (Raz, 1999, 191 Cf 1986, 46). The authority of the manager with respect to T or not T, according to Raz's view, is an authoritative directive to T, and therefore, there is an obligation for A and B to obey and perform T.

Now, as discussed in Chapters 2 and 3, workers can identify that the protected reason of the manager is only an exclusionary reason because A and B acknowledge that the manager applies the dependency thesis. This thesis is that the reason for T already independently applies to workers A and B, and is relevant to their action in the circumstance covered by the directive (Cf. Raz, 1986, 47). However, A and B's recognition of the manager's authority depends on A and B having the belief that the manager's reasons are 'dependent reasons', namely, reasons that may be appropriate for A and B, insofar as the reasons belong to the cooperative essentials belong to the cooperative essentials.

However, this may present the following drawback: suppose that the protected reason to T, the reason that the manager pondered as the stronger reason to T, excluded both the set of B's reasons to not T and A's reasons to T. This may mean that A has to obey to Manager's protected reason to T, excluding A's other reasons to T. This would imply, in turn, that A has to obey the manager's directive to T and exclude another dependent reason to T. However, if A obeys and perform T, but on the grounds of his other excluded reason to T, but a dependent reason upon the cooperative essentials, this would mean that the entire service conception is compromised, since the justification for obeying would lose all the authoritative force that the (protected) reason provides to the manager's authority. Recall that the

idea of a protected reason seeks to give authority to the manager's directive if and only if the directive is able to show how A and B should better comply with reasons that already apply to them. But it does not seem very sensible to exclude the possibility that A freely decides to comply with T but based on an excluded reason. If we exclude that possibility entirely, that will undermine a minimum common sense regarding how practical choice typically works. Let us call the possibility of compliance by excluded reasons *the challenge of the workplace autonomy* to the service's conception.

The challenge of the workplace autonomy stipulates that cooperative essentials give the worker a sense of co-authority to form the belief that it is permissible to accept reasons to obey that are distinct but co-related to the (protected) reason of the manager's directive. This sense of co-authority commands compliance with the manager's directive and labour obligations that are publicly known to all workers. The worker's co-authority then implies a duty of obedience to authority, but under the belief that her duty is to fulfil the obligations according to other valid reasons that might apply to the dominion that falls within the manager's authority rules.

To see the latter more closely, let us return to the case of A and B and whether to T or not. Suppose that of all the set of reasons that A and B present to the manager; she selects a subset of relevant reasons for the case of T-ing or not, the dependent reasons subset: {a, b, c, d, e, f}. In the dependent reasons subset there are reasons both for T-ing ('d', 'e' and 'f') and for not T-ing ('a', 'b' and 'c'). Then, suppose the manager considers that 'f' is the stronger reason, and since 'f' is a reason to T, then A and B ought to T because of 'f'. This would imply, following Raz, that since 'f' is an exclusionary reason to T, the decision of the manager excludes two

subsets of reasons: the subset of dependent reasons without 'f': {a, b, c, d, e } and the subset of dependent reasons without 'f' but in favor of T-ing: {d, e}. The idea of 'protected reason' is that the manager's directive orders that A and B ought to perform T because of 'f' and exclude both the dependent reasons subset without 'f' and the dependent reasons subset without 'f' in favour of T-ing.

It is relatively uncomplicated to see why worker A, who initially proposed reasons to T, and adheres to workplace autonomy, excludes the reasons for not T-ing. It would be rationally inconsistent if she, after proposing to T, would not accept a directive to T. What is not so simple is to assume that she would accept T only because of 'f'. It would be necessary for A to consider that 'f' is also a stronger reason, but this may not necessarily be the case. That is, if it were the plausibly the case that A complies with T, but because of reasons 'd' or 'e', which belong to an excluded subset of reasons to T, although she obeys the manager's directive, this very plausible possibility impairs the manager's authority. The strength of the manager's authority applies best to B, who originally had reasons for not T-ing.

4.5. The Value of Workers' Normative Competences

The problem that I want to highlight with the example of disagreement about whether T-ing or not T-ing in the cooperative is related to what I have called *the normative competences*. In the example, it is not enough that workers A and B can identify dependent reasons to act in a given work situation and identify them in accordance with the cooperative essentials. What I want to capture with the idea of 'normative competence' is that A and B also have the competence to affirm that excluded dependent reasons are permissible reasons to act.

There is an important nuance that we need to differentiate between the ability to identify reasons to T and the ability to claim that the reasons identified to T are permissible reasons in the domain relevant to disagreement about whether T-ing or not. Understanding the protected reasons as the basis to obey, according to Raz's view of 'protected reason', has the high cost of subtracting workers A and B from the normative competence to affirm permissible reasons to act. To be more specific: given that the purpose of authority is to command an action, by means of providing reasons to act, what is subtracted, so to speak, is not the possibility of an agent singling out valid reasons to act, but instead the value of an agent's competence to affirm permissible reasons to act. This is the challenge of workplace autonomy; it is a challenge to replace the worker's competence to affirm that valid reasons are permissible. The purpose of the challenge of workplace autonomy is not the mere realisation that workers have agency capabilities to identify and make decisions on matters in which they have competence as participants of the cooperative.

4.6. An Alternative to Raz's Service Conception of Authority

This criticism of the cost of adhering to Raz's conception of protected reason can be extended beyond the example of the cooperative. In a liberal democratic society, for example, citizens should exercise political competence to affirm that the comprehensive view that they have freely imposed on themselves is amongst the permissible views according to the liberties and basic rights that regulate social cooperation. In Chapter 5, section 5.4.1, I will extend this point as one of the essential properties of the Civic Model of personal autonomy. For now, I have shown why the concept of the protected reason, which is an expression of the 'Pre-empted Thesis', and works in tandem with the 'dependent Thesis' and the 'Normal

Justification Thesis', gives us reasons to reject Raz's conception of authority as a means to describe the value of political authority.

Those who object to the line of criticism I have discussed above can say that assuming the importance of normative competence does not capture anything relevant about the value of authority. On the contrary, in a situation where authority is required, assuming that all agents are normatively competent to establish permissive reasons relevant to a case, would create an impractical situation. The answer to this objection serves to explain that the discussion above only shows that the theory of 'protected reason', by excluding reasons that workers can claim as permissible reasons to act, demands a high cost that should be avoided.

It is not my claim that authority should be replaced by the competence of autonomous individuals. My point is that what the 'pre-empted thesis' gets wrong is the relationship between the authoritativeness of a directive and the normative effect that authority has on the persons' practical reasoning. Moreover, this effect is crucial if what it demands is that persons cannot affirm permissible but excluded reasons once the authority has issued a protected reason. Furthermore, if we consider that authoritativeness, as Raz understands it, does not necessarily imply the political legitimacy of the authority, it is a mistake to eradicate agents' normative competences from the account.

Therefore, the service conception implies reinforcing the authority's character at the expense of rejecting agents' normative competences; that is, their capacity to affirm that the reasons identified are permissible reasons to act. The best answer to this is the one I defended in chapters 2 and 3: the affirmation of a natural duty of justice. That is, a natural duty that establishes that the parties should honour the obligations and institutions that derive from an agreement in which all the

parties establish the terms that regulate social cooperation when they consider each other as equals.

Paraphrasing how to understand authority in light of the arguments of Chapters 2 and 3: a manager's directive is authoritative if it allows the worker to better comply with the relevant duty of justice. This formulation requires that the agent has normative competences since it allows him to affirm that the reasons to act are permissible reasons according to the duties to which he is subject. The challenge of workplace autonomy is compatible with authority because the cooperative's workers have the competence to affirm that the manager's directives stipulate reasons to act that are permissible reasons that the workers can accept on the grounds of the cooperative essentials, to which their duty of justice binds them.

4.7. The Political Value of Personal Autonomy and Agency: The Cooperative Rides Again.

I return to the example of the disagreement between A and B, but this time focusing on how the challenge to authority of workplace autonomy understands the conditions of the workers' agency. In the practical dominion recreated by the example of the cooperative, I have not mentioned the moral capacity of workers A and B to make autonomous labour decisions regarding matters that are not sufficiently regulated by the cooperative essentials. The reason is that the idea was to discuss the effectiveness of the service conception for the conception of authority. Next, I will address how to understand the relevant agency of A and B from the Hierarchical Model and the Relational Model, as discussed in the Introduction.

Suppose now that in the disagreement about whether to T or not, A disagrees with B because not to T contradicts A's beliefs about what she rightly believes she is obligated to do. That is, if A had to perform T, A would consider that such action alienates her from her beliefs about her status as a member of the cooperative. If we assume that A adheres to the Hierarchical Model, it would be necessary to maintain that A sees herself as a worker with some capacity to make autonomous decisions within that model. This means that, according to A, her reasons to act should be formed according to whether her first-order reasons are wholeheartedly endorsed by her second-order volitions, which in the example correspond to the contents of her beliefs about what is to be a proper member of the cooperative.

Thus, the disagreement of A relates to reasons that for A are constitutive. With constitutive reasons, I refer here to what A believes are constitutive reasons defining the worker's constitutive responsibilities in the cooperative. This is not implausible as a description of a disagreement. For example, A could argue that she commits not to perform T since it is a demand imposed by the contents of her beliefs. These contents force A to not T since that interprets better what A believes the members of the cooperative should do.

What I want to underline with this new derivation of the disagreement about T-ing, is that the constitutive reasons of A, exposed before the manager's directive that A and B ought to T, leaves A with the alternatives of unwholeheartedly complying and T-ing or not complying at all. However, failure to comply is always an alternative in practical deliberation; therefore, it is an open option. However, here it is about adopting an ideal point of view, in which we assume strict compliance. The important thing is that if A adheres to the Hierarchical Model, A recognises as valid only the reasons for acting that belong to the constitutive

demands of labour in the cooperative. This conclusion not only implies that the Hierarchical Model prevents someone like A from fulfilling her obligations. If A endorses the Hierarchical Model of autonomy, the only way to affirm valid reasons to act is that she recognises an identification between the first order reason to act required by the authority and the second order reasons demanded by her beliefs in the constitutive contents of the cooperative essentials.

If we assume that A adheres to a Socio-Relational Model, the relevant aspects of the situation do not change. The difference is that, now, A's beliefs about why not to T are constitutive beliefs, but with different contents. A can hold beliefs about the value of the labour recognition of the manager's authoritative institution or appeal to have control over the material and interpersonal conditions of work. In any version of the Socio-Relational Model, the belief that grounds A's reasons for not T-ing has to pass the test imposed by the demands of what A believes are the constitutive conditions that should determine the formation of A's reasons.

4.8. Concluding Remarks of Chapter 4.

Part II began by proposing an example that I called 'the cooperative'. It aimed to show how the conditions of authority and obedience in social cooperation need, in general, a conception of personal autonomy such as that proposed by the Civic Model. In particular, the example of the cooperative portrays the assessment that individuals can competently make between the demands of their normative capacities and the requirements of obedience to those who wield political power.

Chapter 5. The Civic Model of Personal Autonomy

5.1 The Civic Model: Autonomy for Free and Equal Citizens.

The central value that the liberal tradition has usually assigned to the conception of autonomy is that persons can see themselves as self-governing agents of their lives. A more controversial idea is whether a liberal society should value organising institutions and laws in such a way that they foster social conditions conducive to the realisation of citizens' autonomy. The problem with this general formulation is that it presents us with important challenges for the value of political legitimacy and the justified demands of authority.

This challenge becomes more evident once we go into the details regarding how the practice of the institutions and rules that organise a liberal society should develop such a general conception of autonomy. The discussion of this problem in the chapters of Part I, suggests that the value of autonomy understood as a conception of the good life of citizens imposes moral demands on social cooperation that can become a threat to the liberal values of plurality and the principles of fairness and impartiality.

This threat can be subverted, I suggested in chapter 2, if we re-conceptualise the value of autonomy as a political value to be realised in citizens' public lives. The example of the Cooperative in the previous section shows us the value of conceiving the autonomous agents as having normative competences that affirm the decisions that they can adopt freely in light of the principles that regulate social cooperation. These two insights, the moral value of self-government and the

political value of normative competence, are the basis of what I am going to call here the Civic Model of personal autonomy.

After elaborating the Civic Model, I argue in the last three sections that personal autonomy so conceived allows us to address the value of political disagreement about political justice. In working out the definition of civic autonomy, I claim that we need to imply a complete life perspective over the basic structure of social and political institutions. As the principles of justice are implemented in the institutions of the basic structure, autonomous citizens disagree about the specific terms of political justice instantiated by the basic structure. Consequently, what exactly they disagree about are the principles of justice as they are expressed by social institutions' rules and norms. To live autonomously under a conception of justice that the person regards as unjust is, in practice, a disagreement to the way principles of justice regulate the institutions of the basic structure. This chapter then, ends up answering that we can live autonomously because, in the course of persons' life, persons assess the terms of justice by having political competence, participate in public reasoning and demand basic goods and rights.

5.2. The Civic Model of Personal Autonomy: Formulation and Definition

The very idea of the Civic Model of personal autonomy runs as follows: *A citizen's conduct is autonomous if she pursues her own conception of the good by publicly affirming the principles of justice of a democratic society; principles that she affirms as her own through her complete life.*

This formulation needs to be unpacked and its consequences examined. Firstly, it states that the scope of autonomy is 'the citizen's conduct'. The

Civic Model exclusively aims at the public life of citizens. This does not necessarily imply that the Civic Model does not affect persons' non-public lives, but simply that its focus is on the public aspect under which citizens can account for their own conceptions of the good. This clause is directly involved in the idea that the Civic Model is a model of autonomy that is predicated of 'citizens'; that is, of those conducts that characterise the condition of citizenship.

Weithman captures this idea of the duplicity of descriptions in the example of Joan. He invites us to imagine a person, Joan, who adopts a religious life that imposes total obedience. Weithman argues that Joan's choice of life can be seen under two complementary descriptions. According to the first description, Joan is a lifelong member of a religion that responds to her deepest convictions about what makes a worthwhile life. According to a second description, Joan sees herself as a member of a liberal society that accepts the principles of justice and the laws of her society affirming the basic right to enjoy liberty of conscience. (Weithman, 2017, 101) The focus on the 'citizen's conduct' additionally includes the individual's exercise of his life projects interpreted in the light of his conception of the good.

'Pursuing a conception of the good life' points to the idea that, in a well-ordered society, citizens have the normative capacities both to identify their conceptions of the good and to specify the means to achieve their ends in reciprocity with their fellow citizens each pursuing their own conception of the good. This brings us to the following clause of the formulation. It states that citizens are autonomous if they pursue their conceptions of a good life by publicly affirming the principles of justice of a liberal democratic society.

This clause may appear to compromise the freedom of citizens to identify and specify the conception of the good. However, the aim of 'publicly affirming' the principles that regulate a liberal democratic society is to provide citizens with a kind

of reasonableness, included in public reasoning, through which they can account for their conceptions of good. In other words, it is the language of citizenship, the voice that publicly affirms before its fellow citizens two claims: first, that it is not enough to be taken as morally qualified to identify and specify their conceptions of a good life freely; but, second and above all, that one must affirm these conceptions are permissible in a liberal democratic society.

Then, what ensures that this justifying exercise has a public character are the publicity conditions imposed by the use of public reasoning. These conditions distinguish those reasons that can be accepted by citizens in public life. Citizens should recognise reasons that, justifiably, appeal to the plurality of conceptions of the good in a liberal democratic society and to the principles of justice that regulate coexistence and social cooperation. This clause points to the liberal ideal of respecting the status of citizens as participants in public life, namely, as agents who have the competence to demand to be treated as free and equal, and consequently, as legitimate claimants. It is the idea that Rawls assigns to citizens taken as moral persons: ‘citizens view themselves as free in that they regard themselves as self-authenticating sources of valid claims’ (*PL*, 32; 72, also *JF*, 23)

So far, the formulation has told us that the Civic Model of autonomy aims at the description that persons as citizens make of their conceptions of the good. This description allows citizens to exercise their moral capacities to identify their conceptions of good and to identify the appropriate expression through which they can translate their conception of the good in terms of public life. However, the exercise of their moral abilities seems not to be enough. The citizen needs to show that his conceptions of good can be publicly affirmed by the principles of justice of a democratic society. This would seem to be a stringent demand.

However, it is not necessarily so. Even in the example of Joan, mentioned above, who adopts a strict religious life. Joan only needs to show that basic rights and liberties affirm the permissibility of her conception of the good and the lifestyle that it involves. Let us think of a different case. Let us suppose that Bastian's conception of a good life is to make as much money as possible. Let us suppose that to fulfil his ends, Bastian embarks on a life project that consists of raising money to finance those politicians who promote low taxes for the wealthiest.

Consequently, we can again consider the two descriptions. According to the description of Bastian's conception of the good, he is an autonomous person whose life project is to make money in part by trying to influence politics so that society prioritises the most affluent. According to the other description, Bastian is a citizen who affirms those basic rights that protect economic liberties. This example forces us to consider that whether a conception of a good life can be publicly affirmed depends on how citizens form a belief about how to specify the contents of society's principles of justice.

For example, it would be controversial to claim that a Rawlsian property-owning democracy would permit Bastian's life project. If citizens interpret the principles of such a democratic society as specifying that, given its redistributive policies, such lifestyles should be regulated by the difference principle. According to this, Bastian's freedom to specify his conception of the good in a life project cannot be affirmed by the principles of justice, and consequently, Bastian's life project can be justifiably restricted. However, if citizens adopt the belief that their society should be a Tomasian libertarian one,²⁰ - that is, a society that stipulates that

²⁰ See Tomasi (2012: 76). Tomasi claims that that economic liberties should receive the treatment of *basic liberties*.

economic freedom is a freedom that should be protected because it has a lexical priority over other principles of justice - Bastian's life project need not be restricted.

However, here there is a further claim that needs discussion: what is potentially restricted is not strictly Bastian's conception of the good, but the life project that he specifies as a condition for the development of his conception of the good. The case of Bastian forces us to distinguish, at least, between life projects or plans, lifestyles and conceptions of the good. I return to this point below (section xxx).

The exercise of publicly affirming their conceptions of a good life by the principles of justice is dynamic and dialogical. One possibility in interpreting this is as follows: citizens will typically identify a conception of the good, then specify a suitable life project and finally judge whether the principles of justice can affirm them. We can illustrate this through Joan's practical reasoning: she identifies her conception of the good with the religious ideal, decides what kind of lifestyle best expresses that conception of the good life, and takes action around its realisation. What follows is that she forms the belief that her conception of a good life and her lifestyle may or may not be affirmed by the principles of justice.

However, this may be an odd picture of the citizen's practical reasoning. Consider the following: In chapter 3, I discussed that there are two ways of understanding the idea of a reasonable citizen (Quong, 2010). The internal view, which was the view I defended as more robust, argued that the plurality of comprehensive views should be understood as a result of the exercise and development of the moral capacities of persons under liberal institutions. If we follow the internal view, the picture of Joan's practical reasoning looks as follows: Joan judges that the principles of justice of her society affirm a conception of religious life and a lifestyle of retirement and strict religious morality. Then, she

considers it worth pursuing such a life and freely imposes on herself an accordingly autonomous project of life.

This way of understanding what it means for citizens to affirm their conceptions of good by the principles of justice is a feature of democratic life. As it is impossible, in practice, for citizens to identify all possible life projects and lifestyles available that are compatible with the principles of justice, democratic society should typically reason about it in public deliberation. It is highly controversial for a society to know what the limits of permissible forms of life are and how the comprehensive views and conceptions of the good, as lifestyles and life projects, should be expressed in public life. This need not be a problem, as long as we assume that the liberal society we have in mind is a deliberative democracy.²¹

The way citizens adopt the principles of justice as their own can become highly controversial and cannot be solved theoretically by an ideal theory. However, we assume that the Civic Model of personal autonomy applies to a liberal democratic society that is also a deliberative democracy. This feature highlights once again that the Civic Model, as we have been describing it, depends on the conception of public reasonableness. Before addressing the property of the public reasoning that the Civic Model affirms, I will examine the last clause of the formulation.

5.3. Civic Autonomy through a Complete Life

The Civic Model states that the citizen adopts the principles of justice that affirm his conception of good ‘through her complete life’. This clause seeks to stipulate the idea that citizens are willing to affirm their conceptions of good in the

²¹ Ronald Dworkin, for example, identifies three dimensions of citizens’ democratic participation, a view he calls ‘partnership conception’: popular sovereignty, citizen equality and democratic discourse. The Civic Model can be compatible to any dimension, since they stress the idea that democratic institutions ‘allow citizens to govern themselves collectively through a partnership in which each is an active and equal partner’ (2002, 363)

temporal dimension of their lives. This idea needs some preliminary clarifications. There are two ways of understanding how citizens adopt the principle of justice. I will call them direct adoption and indirect adoption.

Direct adoption holds that principles of justice should regulate both the basic structure of society and citizens' lives. That citizens adopt the principles of justice means, on this interpretation, that persons guide their lives according to the principles of justice of the liberal society of which they feel part. Indirect adoption, on the other hand, understands the appropriation of the principles of justice differently. As Rawls argues, the principles of justice are principles that regulate the institutions of the basic structure of society (Rawls, *TJ*; *PL*). When we say that citizens adopt the principles of justice as theirs, we refer to the effect of the basic structure on their lives. It is in this indirect way that citizens make the principles of justice their own.

There is a difference between adopting the principles of justice as principles for citizens and adopting the principles of justice as regulating the basic structure of society. It is a difference that can be subtle but is significant. In direct adoption, citizens accept the principles of justice because they identify them as a conception of the good. In indirect adoption, citizens need not identify the principles of justice with a conception of the good. What they adopt is the affirmation of their conceptions of the good by the principles of justice. In this interpretation, the affirmation of the principles of justice that apply to the basic structure permits

citizens to freely identify a conception of the good that they consider worth pursuing.²²

The main problem with citizens identifying the principles of justice as a conception of the good is the following. When we say that a citizen ‘adopts’ a conception of the good, we mean that an agent can impose on herself a comprehensive view that satisfies or better expresses her idea of good. However, it is not enough that an agent has the moral capacities to self-impose a comprehensive view identifying with his idea of good. In Rawls’s lexicon: it is not sufficient that a person has moral powers to adopt a comprehensive doctrine. These capabilities need to be confirmed as a permissible act of identification with a comprehensive view. Citizens, by their moral capacities, can identify diverse comprehensive views. However, the point is that they have the competence to judge and publicly deliberate as to whether these comprehensive views can be affirmed within the framework that the basic rights and liberties permits.

In other words, recognising the capacity of an agent to identify a comprehensive view as an expression of her good needs to be affirmed as of value. In the example of Joan, the idea of the two descriptions illustrates the value involved. What gives political value to the description of the religious conception of a good life is not only the fact that Joan identifies the religious life as a worthwhile life, but the fact that religious life is a life that her society can affirm, and therefore, that society can value. We mean that Joan can be free to impose a religious life because she enjoys freedoms that permit it. With direct adoption, by contrast, the

²² In the indirect adoption is implicit the idea of a division of the moral labour, between the principles that apply to the society’s institutions and the principles that apply to persons. I discuss the relevance of this conception in Chapter 3.

citizen's identification between her conception of good and the principles of justice does not permit to distinguish if that identification has a value or not.

Indirect adoption allows us to recognise the claim that citizens act from the principles of justice through their complete lives. What they seek to affirm is that the institutional arrangements resulting from the adoption of the principles of justice not only affirms their conceptions of good, but also affirms their lifestyles, plans and sub-plans in different time segments of their lives. This is a direct consequence of the requirement that citizens should publicly affirm the principles of justice as the principles from which they act. In the examples of Joan and Bastian, they describe themselves as reasonable citizens and as members of a democratic society that affirms their right to pursue life projects. This description entails that the democratic society can justifiably regulate the life projects and lifestyles that specify the conceptions of the good that affirm the principles of justice.

The justification for this regulation is this: it is not necessarily clear that the life projects and lifestyles adopted by citizens are necessarily a way of articulating practices and goals that follow a conception of the good or a comprehensive view. For example, Pereira suggests that 'social life generates lifestyles that have little or no relationship with conceptions of good or comprehensive views' (Pereira, 2018, 270). However, for a democratic society to distinguish that a lifestyle is the strict continuation of a conception of the good or a comprehensive view, it is necessary to resort to an examination that cannot be solved only in theoretical terms. What is important for the present argument is that in terms of a liberal democratic society, the exercise of moral powers cannot rule out that social dynamics decouple lifestyles from conceptions of the good and comprehensive views. Bastian's example shows this controversy: we cannot assume if Bastian's ideal of 'making as much money as

possible' is really a conception of the good. If so, his life project of financing politicians and political parties might be a contested lifestyle on the grounds that the associated conception of the good can be resisted as invalid.

As we have seen, citizens develop life projects and lifestyles as a natural consequence of human life under circumstances of justice. The critical thing in this discussion is to single out the problem: citizens not only identify conceptions of good and comprehensive views, but they also form life projects and adhere to lifestyles. On the indirect adoption account, the idea of the clause that says that citizens adopt the principles of justice is that such life projects and lifestyles have a temporal dimension. However, given that the range of life projects and lifestyles is virtually infinite, given the plurality of a democratic society, it is necessary and recommendable to distinguish life segments as a solution to reduce the plurality of life project options. In this way, citizens can exercise their political competence to publicly affirm their conceptions of the good and comprehensive views through life. The three segments proposed by the Civic Model are:

- 1) *Childhood*: life projects and lifestyle should be associated with citizens' interests in children's education and recreational activities,
- 2) *Adulthood*: life projects and lifestyles should be associated with citizens' interests in labour institutions, workplace welfare, and in the activities of civil society associations, and finally,
- 3) *Old age*: lifestyles and life projects should be associated with citizens' interests in elderly persons' pensions and retirement well-being.

It is not the aim to argue that the variety of conceptions of good and lifestyles should only account for the interests mentioned in these temporal segments. This temporal distribution of the life of a citizen in a democratic society is provisional, and therefore, it can appear as discretionary and arbitrary. What is important for the argument, however, is to stress that conceptions of good and comprehensive views and their continuation in life projects and lifestyles needs a specification such as the one described above. This specification makes it possible to situate the question about the value of the freedom of citizens in a well-ordered society in more specific terms.

If the Civic Model of autonomy can stipulate the value of living freely if living justly, how should liberalism value the freedom of free and equal citizens in childhood, at work, or in old age? It is not my purpose in this dissertation to develop answers to this specific question. It aims only to point out that, if the Civic Model of personal autonomy is a plausible conception of the liberal value of individual freedom, it should involve an analysis that, at least, enunciates the specific terms to which the consequences of a conception of complete-life autonomy leads us.

To further consider the claim according to which citizens publicly affirm their conceptions of the good by the principles of justice through a complete life: First, this idea is associated with the claim according to which citizens exercise and develop their moral capacities within the basic structure of society. Second, citizens are committed to this exercise of their moral capacities when they exercise their status as co-sovereigns who conceive of themselves as free and equal moral persons, who collectively share political power.

Moral capacities, as we have already discussed, allow citizens to identify, among other things, different life projects. The development of these life projects, in turn, depends significantly on how life projects are accommodated in life's temporal segments under existing social conditions regulated by the basic structure of society. This follows Rawls's idea according to which reasonable citizens have a high-order interest in developing their moral capacities (*PL*, 74). The characterisation of the three segments of life helps us to recognise that citizens in public life and through the use of public reasoning have different interests when they seek to affirm the permissiveness of their life projects as they typically correspond to each segment.

Some parents could argue, for example, that their children's life project is to receive a Catholic education. Here, I am not implying that this is necessarily wrong. What matters here is the idea that citizens have an interest associated with the development of their moral capacities and seek to educate themselves in the different values, principles, and rules of the society to which they belong. However, citizens recognise that the exercise of their moral capacities has a development associated with the temporal segments of their lives, and not only relative to the existing social conditions and the effects of the basic structure. It follows from this, that it is part of the interest of the citizen, firstly, to be able to identify and pursue a conception of the good. Secondly, that the constitutional specification of the principles of justice arranges a basic structure of society in such a way that citizens ensure the development of their basic capacities and adequate social conditions according to the development needs of each temporal segment.

Indirect adoption of the principles of justice gives us the key to understand the latter. According to this interpretation, what citizens adopt as their own are not

the terms of justice as principles of conduct. Citizens adopt the principles of justice as their own because of the effects that the specification of basic rights and liberties, and the institutions of the basic structure of society, have on the development and exercise of moral capabilities.

5.4. The Civic Model: Three Features

In the previous section, I have tried to describe how the idea of the Civic Model of personal autonomy can be more accurately explained. In this section, I explain three features that are involved in the idea of a Civic Model. I aim to explain why these three characteristics reflect a political value for a liberal democratic society: 1) the idea of normative competence, 2) the idea of public reasoning, and 3) the idea of the demand for political liberties and just distribution of basic goods.

In other words, the Civic Model asserts that members of a democratic society can lead a free life to pursue their conceptions of the good if they see themselves as autonomous citizens. Thus, the Civic Model does not necessarily imply that autonomy is a value that a democratic society should promote as a good to be pursued by persons in their lives taken as a whole. What the Civic Model affirms is that citizens, because of their interest in developing their moral capacities, should ensure a free and just life. However, before explaining these three characteristics, it is necessary to briefly discuss how the Civic Model is a political conception that can be adopted in contemporary political philosophy.

The Civic Model aims to answer the question of what personal autonomy is when we adopt the point of view of the political conception of a citizen. The idea of citizenship that I have been using tries to retain an intuitive idea of citizenship, such as the legal status enjoyed by members of a politically constituted community whose

main characteristic is the political liberty to participate in political power. As Michael Walzer states, a 'citizen is a member of a political community, entitled to whatever prerogatives and encumbered with whatever responsibilities are attached to membership' (Walzer 1995/1989, 2011). According to this claim, the idea of citizenship need not be committed to a specific conception rather than to the idea that prerogatives and responsibilities provided by legal status. The Civic Model, however, is committed to two broad senses under which political philosophy has understood the meaning of the legal status of citizenship: the idea of *civic self-rule*, which has its origin in the republican tradition, and the liberal idea of *moral status*.

The idea of the civic rule is rooted in the Aristotelian idea that citizens are those members of the political community who have 'the right to participate in judicial functions and in office' (Aristotle 1275 to 22-23). However, the right to participate implies a prior claim: citizenship is the practice of ruling and also the capacity of being ruled. The end of the exercise of citizenship is the autonomy of the polis: 'He who has the power to share in deliberative or judicial office of any state is said by us to be a citizen of that state; and speaking generally, a city is a group of such persons adequate for a self-sufficient life'. (1275 b19-21) The autonomy of the state is sustained in virtue of the right to participate in political power and the duty to obey, a function that citizens perform indistinctly.

However, Rousseau is perhaps the theorist who ultimately expresses the canonical idea of civic self-rule in his *Social Contract*. Rousseau writes there of 'civil liberty'. Unlike 'natural liberty', which is the capacity to act restricted only by the physical force and resistance of natural objects, civil liberty is the citizen's capacity for acting within the margins allowed by the social contract into which he has

entered with his fellow citizens, and which he respects as a general will. (Rousseau 2004/1762, 21; Book I, ch. 7).

This civil liberty is directly associated with the claim found at the start of chapter 8 of the *Social Contract*. This is the idea that the transition from the state of nature, where the individual enjoys absolute natural freedom, to civil society, where he can exercise a morally recognised freedom, has the effect of typically altering the individual's situation: 'it puts justice as a rule of conduct in the place of instinct, and gives his actions the moral quality they previously lacked' (Rousseau 2004/1762, 20; Book I, ch. 7). According to Rousseau, the paradox posed at the beginning of the *Social Contract* is resolved: it says if 'man was born free', but 'he is everywhere in chains', what then makes it possible for the chains that persons put on themselves to be legitimate? The solution is to think of the paradox as a way of resignifying the brute capacity of desiring expressed in the natural freedom if it is interpreted from the government of justice, that persons give to themselves. That is to say, the affirmation that the social contract provides moral value to an action that otherwise can be intelligible only as an expression of 'natural freedom'. When the social contract obtains, it then makes sense, according to Rousseau, to conceive a third conception of freedom, that he denotes *moral freedom*, 'which makes man the master of himself', since 'obedience to a law one prescribes to oneself is freedom'. (Rousseau 2004/1672, 21; book I, ch. 8)

However, Rousseau's view of civic self-rule can be a difficult claim to accept especially considering the Rousseauian conception of General Will and dependence on the idea that happiness is achieved only in political participation (Cf. Rousseau 2004/1762, 112; Book III, ch. 15). The risk of the unlimited political power over individual freedom can be avoided by complementing it with a liberal conception of

citizenship; the idea of citizenship as moral status. This liberal idea of citizenship is not understood as the right to participate in a political order that provides moral quality to individual actions. The main idea that explains the importance of citizenship as a moral status relies on the importance of protecting individual rights and promoting individual life. This tacit idea in the understanding of citizenship as a moral status is what explains legal status. Walzer argues that moral status should be legally protected ‘against various sort of danger – posed sometimes by other people, sometimes by the authorities themselves’ (Walzer 1989, 215).

Rawls, too, offers a conception of citizenship as a moral status, which he calls the political conception of the person. Rawls specifies that his conception of citizenship is applied in a democratic society, where each person is considered ‘as a free and equal citizen, the political person of modern democracy with the political rights and duties of citizenship, and standing in a political relation with other citizens. (*PL*, xvi) Rawls also considers a version of the civic self-ruling of the republican tradition, when it stipulates that the fundamental political relationship of citizenship has two characteristics:²³ first, a relationship of citizens within the basic structure, and second, a relationship between free and equal citizens exercising the ultimate political power as collective body’. (*PL*, xlv).

The Civic Model of personal autonomy is of Rawlsian inspiration in its essence, but it shares important similarities with the idea of citizenship of the political tradition of classic and neo-republicanism. (cf. Pettit 1997, Dagger 1997) The Civic Model of personal autonomy, as discussed in the Introduction, aims to be a conceptual model that either political liberals or political republicans might

²³ See Chapter 3, sections 3.4 – 3.6

embrace. The conditions for the Civic Model to be adopted by a liberal conception or to be complemented by a conception of moral autonomy should, at least, share the three characteristics (or versions of them) that I have mentioned above: Normative competence, public reason, and demand for political liberties and basic goods.

The claim defended by this thesis is that what I call Civic Model of personal autonomy is found in ideas, relevant to his *Political Liberalism*, which Rawls enunciated but which he did not develop into an explicit argument. Rawls did not elaborate a conception of citizens' autonomy in the exact terms that I have been describing here. The available textual evidence tells us that Rawls distinguished two conceptions of autonomy in a significant part of his late work, that is, from at least *The Tanner Lectures* onwards: these were moral autonomy and full autonomy. Later, in his *Reply to Habermas*, Rawls additionally distinguished between private autonomy and political autonomy (*PL*, 372ff). Unfortunately, Rawls did not offer an argument relating the two pairs of conceptions. However, for now, I am going to discuss further the arguments of Rawls's *Political Liberalism* and the three characteristics that characterise the moral value of the Civic Model of personal autonomy.

5.4.1. The Idea of Normative Competences

From the Civic Model standpoint, politically autonomous citizens have normative powers to recognise that the pursuit of a conception of good can be publicly affirmed by the principles of justice. I have already explained this in the explanation of the formulation of the Civic Model, and the example of The Cooperative has also illustrated it. The disagreement between fictitious workers A and B about whether T-ing or not, tried to show that the workers' conflict depended in a relevant way on

the competence of both to interpret and publicly reason with the manager's authority on what reasons were permissible under the principles governing cooperation between members who see themselves as equals in the cooperative. The normative competence of the workers in the co-operative also allowed me to argue that Raz's pre-empted thesis and the doctrine of the protected reason are only acceptable if the workers surrender their own judgement. However, the idea of political competence shows that the normative force of an authority's directive does not consist in the exclusion of reasons. Instead, the normative force emphasises the character of being compatible with the demands of justice. Cooperating workers, equipped with normative competence, can recognise the character of a directive as compatible or not.

Rawls uses the notion of 'political competence' in a discussion about the difference between public reason and non-public reason. In a democratic society, Rawls argues, in addition to state power, there are non-public powers, and authority is exercised by intermediate groups in society, such as churches, associations, clubs, universities. Rawls reminds us that the authority of these civic organisations is a non-public power that exclusively applies only to those who recognise that authority.

Rawls illustrates this point with ecclesiastical power. While church authority punishes apostasy and heresy, in a well-ordered society, the punishment exercised by religious authority has no legal consequences for those who commit such offences. Those who freely choose to relinquish church membership, Rawls says, can step aside without fear of being persecuted by church power in the sense in which state coercion pursues someone who has committed a crime.

Rawls extends these consequences to any comprehensive doctrine. Citizens freely adopt comprehensive doctrines and conceptions and can freely give them up. Rawls is portraying, to no small extent, the advantages of independence that protect what Constant called the liberties of the moderns. Nevertheless, Rawls extracts a practical consequence and that is what interests us here in characterising the idea of normative competence. Rawls holds that the comprehensive views that citizens adopt are held freely, ‘politically speaking’, if citizens recognise that they agree to be under, so to speak, the empire of a right to freedom. Only when citizens take a political view can they claim to have acted freely:

Whatever comprehensive religious, philosophical, or moral views we hold are also freely accepted, politically speaking; for given liberty of conscience and freedom of thought, we impose any such doctrine on ourselves. By this I do not mean that we do this by an act of free choice, as it were, apart from all prior loyalties and commitments, attachments, and affections. I mean that, as free and equal citizens, whether we affirm these views is regarded as within our *political competence* specified by basic constitutional rights and liberties. (*PL*, 221-222, emphasis mine)

I quote the entire passage, despite its length, so that the steps of the presentation of the argument can be appreciated. To see this argument carefully let us look at the steps that the argument follows:

- (1) Citizens typically hold a comprehensive view. To hold a comprehensive view means to impose on oneself the practices and beliefs associated to one’s comprehensive view.
- (2) Citizens are politically competent, and they can identify that the action of self-imposition is a free action.
- (3) The self-imposition of a comprehensive doctrine can be affirmed as free, ‘politically speaking’ because the basic rights and liberties specify it.
- (4) In conclusion, citizens may hold a comprehensive doctrine, and (only) if they have political competence, they can affirm the action of imposing this doctrine, and its requirements on themselves, as free.

In the example of Joan discussed above we identified two descriptions Joan can offer of herself: first, as freely deciding to follow a religious life, and at the same time asserting herself as a reasonable citizen. This can now be rewritten in light of this argument concerning political competence. In the first description, Joan imposes on herself a religious life. However, she needs the second description to be able to assert that the imposition of this religious life is a politically free choice.

There is no more textual evidence to show that Rawls uses this argument beyond this discussion of non-public authority in Lecture VI of his *Political Liberalism*. However, if we look more closely at the idea behind the argument of political competence, it is plausible to associate it with what Rawls calls ‘higher-order interests’. As we have already mentioned, Rawls argues that citizens as moral persons have two moral capacities: the capacity for a sense of justice and a capacity for a conception of the good. These moral capacities describe two characteristics of the ideal construction of citizen. Citizens can identify a conception of good and have a sense of justice. However, these capacities alone are not sufficient. For these capacities to be realised, Rawls argues that citizens have to be regarded as having corresponding higher-order interests in developing their moral capacities. These higher-order interests are normative competences because they do not depend on the contents identified by the moral capacities. For example, Rawls mentions this characteristic when he stipulates that even in the original position, where the parties do not know the particular specification of their moral powers, the higher-order interest helps the parties guide the choice over the principles of justice. (see *PL*, 74-76; 106-107; 178, 186)

The fact that political competence aims at ‘specifying basic rights and liberties’ gives another reason to assert the similarity between higher-order

interests and political competence. Rawls considers that in the constitutional convention,²⁴ representative citizens specify a ‘fully adequate scheme of equal basic rights and liberties’, which is a clause that the first principle of justice stipulates. (*PL*, 331-333) The function of the constitutional convention is to specify the fully adequate scheme determined by the existing circumstances of justice, but whose purpose is the development and exercise of the two moral capacities. A primary function, in consequence, of the higher-order interest in the development of the moral powers, has to be contained as the motivation of the representative citizens by specifying a full scheme of equal basic rights and liberties. This is the same function that we described above in points (3) and (4) of the argument of political competence. Persons can ‘freely’ impose a comprehensive doctrine, that is, they can identify with their moral powers a conception of good, and express a sense of justice only because they have normative competence, or what is the same, a higher order interest, then they can affirm that they act freely, politically speaking.

If the relationship between higher-order interests and the development and exercise of moral capacities is associated with the specification of a fully adequate scheme of basic rights and liberties, then what Rawls calls political competence (that fulfils the same function), or what I call normative competence, is also correlative to moral powers. Citizens have the two moral powers to identify conceptions of good and express their sense of justice. But citizens also have a political competence to affirm, from a political point of view, the freedom of citizens to express their moral powers.

²⁴ As we saw in chapter 3, the constitutional convention is part of the second stage in the four-stage sequence argument

Finally, the idea of normative competences makes it possible to associate the emancipatory character of the autonomy of the citizen, as described in chapter 3 of part I. The idea of the emancipatory character of autonomy points to the authority of the citizens, by means of political participation, to influence the public life of a democratic society. The political competence mentioned by Rawls entitles citizens to see themselves as free to ‘regard themselves as self-authenticating sources of valid claims’ (*PL*, 32f, 72, 100) This emancipatory character of autonomy I will develop when I discuss the demand for political liberties and primary goods.

5.4.2. The Idea of Public Reasoning

The idea of public reason has a central place in Rawls’s *Political Liberalism*. It is an idea well discussed in political theory, appearing in some form in Hobbes’ *Leviathan*, Kant’s idea of publicity, and the idea of representative government and general will in Rousseau. In this subsection, I am going to focus on Rawls’s definition in order to characterise public reason as a central element of the Civic Model.

Rawls proposes a sophisticated conception of public reason, both in the role it plays in deliberative democracy, and in the contents that the use of public reason should envisage. The literature about public reason is vast, and it is not my intention to cover it in the discussion that follows.²⁵ My goal is to conceptualise public reason as a characteristic element of the Civic Model. To this purpose, I briefly discuss how Rawls understands the fundamental idea of public reasoning within *Political Liberalism* and how, in this framework, he conceives the engagement of citizens in the use of public reasoning. In this subsection, special attention is paid to the

²⁵ For a more detailed discussion of public reason, see Larmore, Charles (2003) Reidy, David A. (2000); Habermas, Jürgen (1995) Weithman, Paul (2011). Gerard Gaus (2010).

conditions that the public reason imposes on the practical judgment. This will permit us to understand the relationship that the Civic Model has with the use of the public reason.

Rawls maintains that the idea of public reason is an essential element of a deliberative constitutional regime (CP, 579). In a regime with these characteristics, prevalent in contemporary liberal democracies, public reasoning is intended to reflect the public reasoning of authorities and officials in a political regime characterised by a plurality of comprehensive views and conceptions of the good that are typically incompatible with each other. Public reason characterises, in the first place, the political relationship between the authorities of a well-ordered constitutional regime and the citizens and their commitment to their comprehensive views. What guides this relationship, Rawls states, is the criterion of reciprocity (CP, 574). To recall, the criterion of reciprocity demands that the terms that reasonable authorities and citizens propose are ‘the most reasonable terms of fair cooperation, those proposing them should also be at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of lower political or social position’ (CP, 578). Thus, the content of the public reason is the set of values and principles that regulate social cooperation in a democratic society, in terms that can be accepted by all its members.

However, the use of public reason applies primarily to the authorities that wield political power, even to those citizens who campaign for public office.²⁶ However, this does not mean that reasonable citizens do not engage in public

²⁶ However, Rawls specifies that the judges are those who have the greatest responsibility within the political authorities ranks, especially those who are members of the superior courts of justice. (CP 575-576)

reasoning. Rawls argues that citizens commit to the use of public reasoning by adopting the standpoint of an 'ideal legislator'. Citizens can adopt this view by applying the criterion of reciprocity, which allows them to evaluate 'what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact'. (CP, 577)

The use of public reasoning determines political relationships by applying its use primarily to authorities and, requiring reasonable citizens to adopt public reasonableness, consistent with the criterion of responsibility. This poses a challenge to thinking about the requirement of practical reasonableness that a democratic society demands of a citizen. On the one hand, citizens exercise and develop their moral powers to identify comprehensive views and conceptions of the good, while on the other hand, it requires them to adopt the ideal point of view of a legislator, who evaluates the reasoning of political authorities in relation to a criterion of reciprocity. Rawls argues that to ensure the political stability of a well-ordered constitutional society, the freestanding political conception of justice should regard citizens as having two distinct views, or an overall view composed of two parts: citizens adopt the conception of political justice of its society as its own point of view, and a second view, where citizens judge the way in which the identification of its comprehensive doctrine relates partially or wholly to the conception of political justice (*PL*, 140; *JF*, 189).

This can be examined with the example that Rawls provides when discussing how to understand the application of the criterion of reciprocity. Rawls argues that the contents of public reason are incompatible with the value of moral autonomy, that is, a version of autonomy that characterises 'a certain way of life and reflection' such as Mill's ideal of individuality. (CP, 286) Understood in this way, moral

autonomy cannot satisfy the requirements of public reason. To understand why we may evaluate it by the idea of the two views. First, for a citizen to adopt moral autonomy as proposed by Mill is not incompatible with the freestanding conception of political justice. A citizen, reasonably motivated to pursue the moral ideal proposed by Mill, may judge that her conception of good supports the political conception of justice in an overlapping consensus. It is not acceptable that public reason adopts from Mill's moral autonomy his utilitarian rationality and ideal of good life. This is a direct infringement of the criterion of reciprocity.

The problem that then arises, is how to think about the practical reason implicit in this argument and the idea of citizen's two views. Someone might suggest that the two views doctrine weakens citizens' commitment to their comprehensive views. Indeed, if the two views imply that a citizen should support the political conception of justice along with an assessment of how he identifies his comprehensive view with the political conception of justice, then the citizen is determined a priori to subsume his comprehensive view to the political conception of justice. If we choose this reading, then the idea that autonomous citizens, according to the Civic Model, have normative competences becomes unnecessary.

This interpretation of the two views, however, presupposes a narrow conception of practical judgement, a conception that we can call a monist conception of practical judgement. A monist conception supposes that practical judgement works around an immediate identification between the ends of a conception of the good and the ends of its corresponding lifestyle or life project. However, while this identification is not necessarily false, and it may be the case that citizens adopt the monist conception, it is not the only way in which practical judgement works. Krasnoff, for example, argues that persons are reflective agents

‘with pluralities of potential ends, ends that need to be put together into coherent forms of life’ (Krasnoff 2010, 677), or to take the language we have been using, into lifestyles or life projects.

Krasnoff illustrates the monistic conception of practical judgement with the practical philosophy of Christine Korsgaard. For Korsgaard, practical judgement would first identify a practical identity as worthy, and then come to evaluate the relative value of a potential end in correspondence with the value that the practical judgement has first assigned to the practical identity (cf. Korsgaard 1996, 100-113). This denies what in Krasnoff’s view characterises the practical judgment of citizens in a well-ordered society, in which the development and exercise of moral capabilities is the result of living under social conditions regulated by liberal institutions.

We do not have to accept a monistic conception of practical judgment when we characterise the autonomy of a citizen’s practical judgment. Krasnoff asserts that the autonomy of citizens can accept a pluralistic conception of practical judgement. Autonomy consists, in his view, in recognition of the plurality of purposes attached to a life project or lifestyle: ‘Autonomy is in fact of essential value to us as agents, because our recognitional judgements of value fall short of what we need to govern our lives. They fall short because they are irreducibly plural because there are too many things we might find to be valuable’. (Krasnoff 2010, 677-678)

It is not necessary, therefore, to consider the citizens’ two views as a conception of practical judgment that would eventually weaken the freedom of citizens to recognise a valuable end in political life and to pursue the ends of a conception of the good. The pluralist conception of practical judgement allows us to affirm how autonomous citizens – understood on the Civic Model – can make

compatible the demands of the ends of their conceptions of the good, and the demands of public life, adopting, for example, the point of view of an ideal legislator.

Finally, public reason is a characteristic element of civic autonomy. This does not imply that the autonomous citizen is the 'basis' of public reason. A democratic society does not need to establish that citizens' engagement with public reason is justified by enabling the conditions for the exercise of civic autonomy. Public reasoning is a type of reasonableness by which reasonable citizens justify the political principles and laws that regulate society. It is a reasoning that expresses itself as a characteristic of public life. Citizens motivated by a Civic Model of autonomy adopt the use of public reasoning because it is acceptable reasoning in public life.

Nonetheless, authors like Quong suggest the idea that autonomy can be taken as the basis for public reasoning. Relying on a Rawls's elaboration in *A Theory of Justice*, Quong points out that Rawls may have offered elements to think that the basis of public reason is autonomy (Quong 2014, 270-f). Quong refers to a passage in which Rawls argues that 'Kant's main aim is to deepen and to justify Rousseau's idea that liberty is acting by a law that we give to ourselves'. (*TJ*, 227) This possibility is understood, says Quong, within the argument in which Rawls rests on a Kantian interpretation of justice as fairness (*TJ* 221-227). In this Kantian interpretation, the parties would accept the principles of justice in the original position because they express our nature as free and equal rational agents. In the Kantian interpretation, the agents regard themselves as autonomous when acting from the principles of justice. Quong is right to argue that this argument should be rejected because its acceptance implies adopting a comprehensive view, an approach that Rawls rejects in his later work and that led him to write *Political Liberalism*.

5.4.3. The Demand for Political Liberties and a Just distribution of Basic Goods.

The first two characteristic elements of the Civic Model – normative competence and public reasoning – are justified by the democratic character of the idea that co-sovereign citizens guide their political participation by the criterion of reciprocity. The last characteristic element of the Civic Model pertains to the idea that civic autonomous citizens have an interest in participating in the specification of the fully adequate scheme of basic rights and liberties and in the just distribution of basic goods. The argument has already been developed when we explained the clause of the formulation that stipulates that citizens, by adopting the principles that regulate the basic structure, recognise that the specification of the principles of justice affects the exercise of moral capacities through their complete life. For this reason, reasonable citizens are interested in participating politically in the specification of the fully adequate scheme and basic goods. This interest, equipped with normative competence and expressed through public reasoning, focuses on political liberties and the just distribution of basic goods in the basic structure of society.

To clarify this idea, and how it helps to characterise the Civic Model, in this subsection I discuss how Rawls's argument about the value of political liberties allows the autonomous citizen to see himself as entitled to participate in the specification and adjustment of basic rights and liberties. The second element that I discuss is the function that the basic structure has in relation to the conceptions of the good of the citizens.

The idea of the demand for political liberties and just distribution of basic goods captures the citizens' interest in pursuing their conceptions of good under an adequate scheme of basic rights and liberties and in favourable social conditions. To

achieve this objective, citizens who seek a free life if it is a just life demand what Rawls calls ‘the fair value of the equal political liberties’ (*JF*, 148). I have already explained above how the Civic Model conceives the interest of citizens in participating in the specification of basic rights and liberties.

Recall, the objective of the specification of basic rights and liberties is the development and exercise of moral powers. The idea of political liberties complements this objective. For Rawls, the role of political liberties allows the effective participation of citizens in public life. Rawls explicitly mentions that the function of political liberties allows the constitutional specification of basic rights and liberties not in terms of a formal exercise of the stipulation of constitutional rights and freedoms, but to recognise, in practice, the equality of co-sovereign citizens and the effective exercise of their basic rights and liberties.²⁷

The argument recognises that citizens normally live under a constitution that regulates basic rights and liberties given existing social conditions. The specification of rights and liberties in the constitution and the given social conditions of society might generate a background of social and economic inequalities. The main obstacle of this scenario, in Rawls’s eyes, is that a deeply unequal democratic society cannot satisfy the criterion of reciprocity, and consequently promotes the interests of some over others. The threat is that the accumulation of economic power will translate into arbitrary political power. Rawls describes it as a practical consequence of social and economic inequalities: ‘those with greater wealth and position usually control

²⁷ This claim is, to a large extent, a continuation of the argument in *A Theory of Justice* for ‘democratic equality. There, Rawls points out that justice as fairness aims at practical equality among citizens, which is obtained by combining the principle of difference with a principle of fair equality of opportunity. (*TJ* 73ff)

political life and enact legislation and social policies that advance their interests' (*JF*, 148).

One of the main drivers of the autonomous citizens' interest in public life is the power of the criterion of reciprocity under the threat of economic accumulation and undue influence on public life generated by social and economic inequalities. In chapter 3, we mentioned that the liberal principle of legitimacy, (*PL*, 90-91) as conceived by Rawls, is a case of the criterion of reciprocity. (*CP*, 578) The demand for legitimacy that is imposed on the political power supposes, in parallel, a moral duty of civility that the citizens owe to each other. The imposition of this duty of civility is the demand of reciprocal justification between citizens who recognise themselves as co-sovereigns with respect to political power: 'to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason'. (*PL*, 217) Citizens, as members of society, have a duty to recognise the use of public reason as the means for mutual justification. This requirement is, therefore, also extendable to citizens who wield political power.

In practice, citizens demand a type of duty of civility through political liberties. Rawls elaborates a distinction between the idea that everyone is subject to basic liberties and the idea that not everyone enjoys the same use of these liberties. This distinction allows him to highlight the need for reasonable citizens to claim political liberties. The distinction between equal liberties and their worth is achieved in practice by including in the first principle of justice the 'fair value of equal political liberties'. In this way two consequences are obtained: 1) the fair value of political liberties would guarantee fair opportunities of all citizens to participate and influence the political life of a democratic society, and 2) by including the fair value

of political liberties in the first principle, its priority is guaranteed and therefore, a regulatory function of the two principles of justice is also guaranteed.²⁸ (*JF*, 149)

The fair value of equal political liberties allows a value that is of primary importance for the Civic Model of personal autonomy: It prevents existing social conditions from generating arbitrary domination in public life, and thus of the adjustment of the basic rights and liberties. Examples of this domination prevention involve ‘such things as the public funding of elections and restrictions on campaign contributions; the assurance of a more even access to public media; and certain regulations of freedom of speech and of the press (but not restrictions affecting the content of speech)’. (*JF*, 149) Without these, there is the possibility of domination with the harmful consequence that basic rights and liberties not only do not promote the development and exercise of the moral capacities of citizens, but more critically, do not promote them equally. Edmundson maintains, for example, that the ‘fact of domination’ involves that ‘those in possession of greater political influence tend to exert that influence to gain, secure and extend other advantages, economic and social, and to promote via coercive state power comprehensive conceptions of the good that others might reasonably reject’. (Edmundson 2017, 60) ²⁹

²⁸ An important consideration regarding the priority of liberties, as they can clash with one another, cannot be overridden on consideration of social advantages like well-being or economic efficiency: ‘The priority of liberty implies in practice that a basic liberty can be limited or denied solely for the sake of one or more other basic liberties, and never, as I have said, for reasons of public good or of perfectionist values.’ (*PL*, 295)

²⁹ Additionally, Edmundson relate the threat of the fact of domination to a Rousseauian topic in Rawls’s *Lectures on the History of Political Philosophy*. There, Rawls states: ‘A[nother] reason for controlling political and economic inequalities is to prevent a part of society from dominating the rest. When those two inequalities are large, they tend to go hand in hand . . . [This] allows the few, in virtue of their control over the political process, to enact a system of law and property ensuring their dominant position, not only in politics, but throughout the economy. This enables them to decide what gets produced, to control working conditions and the terms of employment offered, as well as to shape both the direction and volume of real saving (investment) and the pace of innovation, all of which in good part determines what society becomes over time. (LHPP 245)

However, how does a reasonable citizen who participates in public life recognise or is motivated to prioritise the fair value of the equal political liberties as a means to ensure that citizens enjoy basic rights and liberties? What enable citizens to avoid ‘the fact of domination’ in public life? The direct answer is that reasonable citizens would identify that under existing social conditions persons cannot exercise their moral powers and consequently cannot identify their conceptions of good or express their interest in pursuing an autonomous life. However, it is necessary to show the argument that helps citizens to assess, within the margins of just social cooperation, when citizens face such circumstances. Rawls argues that what makes the distinction between equal basic rights and liberties and their worth intelligible is the estimation of the index of primary goods.³⁰ The fair value of the political liberties allows us to discover in this way the interest in citizens’ well-being³¹ as one of the activities that guide public life and that has a direct relation to the normative competence of citizens to pursue, through their complete life, a conception of the good by publicly affirming the principles of justice. From this perspective, the Civic Model presents a commitment to the political value of equality.

Estimating the worth of the basic rights and liberties through the index of primary good provides legitimate reasons for the demand for political liberties. In texts before *Political Liberalism*, Rawls characterises the notion of ‘appropriate

³⁰ The list of primary goods Rawls provides is: ‘(i) The basic rights and liberties: freedom of thought and liberty of conscience, and the rest (ii) Freedom of movement and free choice of occupation against a back- ground of diverse opportunities. (iii) Powers and prerogatives of offices and positions of authority and responsibility. iv) Income and wealth (v) The social bases of self-respect.’ (JF 58-59)

³¹ Rawls argues that the commitment of the principles of justice to the persons’ well-being supposes a principle prior to the two principles, and that it can be called the ‘principle of necessity’ that seeks that basic needs be covered, because otherwise neither rights, freedoms nor equality can be exercised if people do not have their basic human needs covered. Rawls confirms this founding principle of necessity from the critique made of it by Marxism. (See JF 44 fn 7) For the origin of the critique see R. G. Peffer, (1990:14)

claims' to define the type of political demand that citizens can legitimately address to political power:

Another feature of a well-ordered society is that there is a public understanding concerning the kinds of claims which it is appropriate for citizens to make when questions of justice arise, and this understanding involves a further understanding as to what can support such claims. These understandings are necessary in order to reach agreement as to how citizens' claims are to be assessed and their relative weight determined. The fulfillment of these claims is accepted as advantageous for citizens and is counted as improving their situation for purposes of justice. An effective public conception of justice presupposes a shared understanding of what is to be recognized as advantageous in this sense. (CP, 361)

Rawls is going to include the idea of 'public understanding' that he uses in this 1982 paper within the idea of 'public reason' in *Political Liberalism*, and the function that describes what is 'appropriate' to demand of fellow citizens who wield political power, in *Justice as Fairness* in 2001, is re-conceptualised from the fair value of the equal political liberties. Nevertheless, the core of the idea, I claim, is maintained throughout Rawls's work: there are demands for justice that are expressed in the estimation of primary goods, demands that are legitimate insofar as they are regulated by public reasoning.

Citizens' interest in the demand for primary goods is directed at those who have political power within the institutions of the basic structure of society. Rawls stresses that the subject of justice is the major institutions of society that 'distribute the fundamental rights and duties and determine the division of advantages from social cooperation' (TJ, 6). To identify whether there is a just division of advantages from social cooperation in the basic structure, citizens should have the normative competence to recognise that the institutional arrangement of the basic structure satisfies the first principle of basic rights and liberties and the second principle that establishes fair equality of opportunities. When do the regulatory powers described

above affirm, recognise or validate the fair equality of opportunities in the basic structure?

The political competence of citizens, to recall, made the moral capacity of a citizen to identify a conception of good into a free identification by the scheme of liberties that the constitutional arrangement promotes. Similarly, citizens, in virtue of their moral capacities, can identify that the basic structure arrangements dominate existing social conditions in such a way that they cannot claim to enjoy fair equality of opportunity. However, as G.A. Cohen argues, a society can be unjust, even though its basic structure is just (Cohen 2008, 121). This could mean that, although society as a whole affirms fair equality of opportunities, persons cannot recognise this effect in the pursuit of their conceptions of good. This is because the affirmation of the institutions, policies and laws that promote and protect fair equality of opportunities are incapable of removing economic and social inequalities from the background culture.

For a reasonable citizen, the fact that the institutions of the basic structure do not remove the arbitrary inequalities of the social background is an opportunity to demand that the basic structure of society might not have the right institutions. This, in the words of the Miriam Ronzoni, means that the problem of the institutions 'is not that they violate or deny fair equality of opportunity in their conduct, but rather that they are not the right institutions in the first place'. (Ronzoni, 2008, 211)

The question that should be answered next is under what circumstances are citizens competent to claim the right institutions. To answer this, autonomous citizens – as understood on the Civic Model – recognise the 'pervasive influence' that institutions of the basic structure have over persons' lives with respect to their life-prospects. (*JF*, 55) Rawls's point is that the basic structure affects the lives of

citizens through three ‘contingencies’. (a) ‘Social class of origin’, a contingency that mainly affects childhood (‘the class into which they are born and develop before the age of reason’), (b) Native endowments, a contingency that affects adults (‘opportunities to develop these endowments as affected by their social class of origin’) and (c) good or ill fortune, or good or bad luck, over the course of life, a contingency that affects, although not exclusively, the elderly. We can complement this classification of contingencies with the three segments of life promoted by the Civic Model:

- 1) Childhood: life projects and lifestyle should be associated with the citizens’ interests in children’s education and recreational activities. *These interests should affirm the fair equality of opportunities considering the contingencies of the social class of origin.*
- 2) Adulthood: life projects and lifestyles should be associated with the citizens’ interests in labour institutions, workplace welfare and in the activities of civil society associations. *Interests should affirm fair equality of opportunity by considering how citizens can develop these endowments as affected by their class of origin.*
- 3) Old-age: lifestyles and life projects should be associated with the citizens’ interests in elderly persons’ pensions and retirement well-being. *Interests should affirm the fair equality of opportunities that persons have ‘had over the course of their lives and how they have been affected ‘by illness and accident; and, say, by periods of involuntary unemployment and regional economic decline’ (JF,, 55)*

In this way, the Civic Model can answer the question of how social conditions and the basic structure affect persons' autonomy through their life. The normative competence of autonomous citizens can also demand from their fellow citizens in political power a just distribution of primary goods so that the principles of justice allow us to affirm that not only is the basic structure just but so is society as a whole.

5.5. The Complete Life Perspective

In the last section, I claimed that autonomous citizens are in a relationship of civility with their fellow citizens within the basic structure. To be within the basic structure has as a consequence what I am going to call here, *the complete life perspective*. The specific way in which a citizen pursues her conceptions of good and constructs her life projects is mediated by the evaluation of the information and knowledge provided by both the institutions of the basic structure and the social conditions of justice. In the last section, I showed how it is plausible to correlate segments of life with the contingencies of social conditions. A first reason for the importance of the complete life perspective is the evaluation of the citizen's own situation and the justification of the demand for political freedoms and a fair distribution of primary goods.

In this section, I show a second reason: the complete life perspective makes it possible to evaluate the question of this thesis, namely, whether one can live freely in a society regulate by a conception of justice that one does not share. To this end, I assess how the relationships of citizens with their own life's prospects, along with their public and non-public life under the institutions of the basic structure of society, generates the complete life perspective. I aim to show how the basic

structure affects the development of citizens' conceptions of good and the exercise of their sense of justice.

In other words, the complete life perspective allows civic autonomy to assess how the basic structure of society determines social cooperation and, indirectly, how a citizen's own expectations are affected when pursuing a conception of the good. Rawls points out that the basic structure is what 'distributes fundamental rights and duties and determines the division of advantages from social cooperation' (*TJ*, 6). The way we have characterized civic autonomy provides a perspective for evaluating the basic structure as the focus of social justice in a democratic society. In what follows, I explain the reasoning that allows a citizen to relate the complete life perspective with the evaluation of the basic structure. The implication of this is that the complete life perspective is an expression of the citizen's sense of justice that requires normative competence to affirm the justice (or otherwise) of the basic structure.

This chapter began by examining the formulation of civic autonomy. When citizens are willing to pursue their conceptions of the good, they affirm the principles of justice as their own through their complete life. This led us to break the idea of complete life into three general segments of life: childhood, adulthood and old age. In turn, I argued that these segments of life express citizen relationships within the basic structure. Then, I showed that the citizen, in order to pursue his conception of the good, undertakes an appraisal task on how the segments of life and her interest in realising their conception of the good under appropriate social conditions relate to the regulations of the institutions of the basic structure. For example, I showed how adulthood relates to labour institutions or workplace welfare. Then, I also showed how citizens had associated interests so that fair

opportunities are expressed in institutions that can develop the skills and endowments of a citizen in adulthood. The reason for this is to affirm that the contingencies of social conditions – for example, that the class of origin – does not have an unfair influence on the opportunities for a citizen at work and on their welfare at work. The evaluation of the fair relationship between the segment of life, social contingencies, and the institutions of the basic structure was the focus of the demand for political freedoms and a just distribution of primary goods. What we need to evaluate now, therefore, is whether the functioning of the basic structure is just or not, and that answer is obtained by the citizens not only if they evaluate an institution as just, but if the basic structure has a systematic effect of justice on the contingencies of social life.

For example, a democratic society may have labour institutions that adequately articulate basic rights and opportunities. The labour institutions in this society can promote positions that are open to all, encourage employers to make public their working conditions, wages, benefits, and so on, in such a way as to benefit the less advantaged. Such a society could also promote on-the-job training and education. These and other similar measures of the labour institutions of this society thus promote respect for labour rights and fair and equal opportunities in the labour market.

Assume that at the social base of this society there persists racial discrimination against minority groups that prevents them from being proportionally represented in skills training and university education compared to other social groups. If the educational institutions of this society, for example, fail to equalize the opportunities of discriminated citizens, then the justice of labour institutions will not be able to counter the racial discrimination of the social

background. Consequently, such a society will be unable to bring about social justice in the workplace, despite the fact that labour institutions are adequately designed to express the principles of justice. The work of the complete view perspective is that the citizen can recognise, assess and eventually affirm, expressed by public reasoning, the justice of the basic structure. However, why is the citizen interested in this evaluation? What is at stake here?

The complete life perspective allows citizens to assess the justice of the basic structure. As we have already mentioned, the criterion for this evaluation is the adequacy of the basic rights, liberties and opportunities, with respect to whether it affords the development and exercise of persons' moral capabilities. A basic structure, therefore, is just, if the expression of the scheme of basic rights, liberties and opportunities, has as its focus, and makes possible the development and exercise of, moral capacities. This is why I argued in 5.3 that the adoption of the principles of justice should be indirect, in the sense that there is a commitment to an evaluation of how the institutions of the basic structure affect the development of moral capacities.

The basic structure and its larger institutions should ensure the development and exercise of moral powers if the principles of justice are properly applied. If they do not, the institutions of the basic structure have a negative effect on people's life prospects, as in training for the labour market of members of a minority community in the example above. A society in this way could end up being strongly biased towards certain conceptions of good and lifestyles. Rawls suggests that political liberalism could be unfairly biased if individualistic lifestyles are the only ones that thrive in a democratic society (*PL*, 199). In the example of the unjust society, but with just labour institutions, the members of the minority community that is the

target of social discrimination, are going to have unjust life prospects. The problem, then, is transferred to the duty of justice that citizens have with respect to the obligations they owe to the institutions of the basic structure. If, under an institutional setting, only a few conceptions of good and lifestyles can prosper, the duty of obedience to institutions implied by the duty of justice may seem a difficult burden to bear.

However, the duty of justice not only requires obedience to the institutions of the basic structure but also requires ‘just arrangements’ when these do not exist: ‘This duty requires us to support and to comply with just institutions that exist and apply to us. It also *constrains us* to further *just arrangements* not yet established, at least when this can be done without too much cost to ourselves. (*TJ*, 99. My emphasis) As I have already discussed (Ch 3, 3.4), bringing about ‘just arrangements’ does not imply, as Barry suggests, that the citizen has to embark on the design of just institutions. The first thing it implies is the adoption of the political point of view concerning what is necessary to bring ‘just arrangements’ into existence.

G.A. Cohen would suggest that this is simply an inadequate interpretation of the work that the difference principle should do in citizen’s ‘daily life’ (2008, 68-75). Cohen believes that principles of justice should determine the actions of citizens in such a way as to create an *egalitarian ethos*.³² For Cohen, it is not enough that the principles of justice determine the nature and functioning of the basic structure for it to be just. Also, the actions of persons must be legally reinforced with the two principles of justice, especially the difference principle determining the distributive arrangement of society. The principles of justice, Cohen argues, ‘apply to the choices

³² See for similar views: Liam Murphy (1998), and Seana Shiffrin (2010)

that people make within the legally coercive structures to which, so everyone would agree, principles of justice (also) apply. (2008, 116) In chapter 3, 3.2, I described that natural duties assume a division of moral labour between the principles of justice that apply to the basic structure and the principles of fairness that apply to individuals. To explain the role of the complete life perspective, I am going to explain the foundation of this division of moral labour. With such a foundation, the Civic Model of personal autonomy can be seen as the freedom that people can enjoy, even when the conception of political justice is not a conception they share.

In order to explain the rationale for the division of moral labour, it is necessary to distinguish between the principles of justice that apply to the institutions of the basic structure and the principles that apply to persons. Civic autonomy makes it possible to distinguish between the evaluation of actions within an institution and the evaluation of the institution itself. Normative competence works in this way. Rawls thought that the principles of justice can be obtained from a procedure he called constructivism. The idea of constructivism, according to Rawls, is to specify the content of the political conception of justice from an analytical procedure starting from fundamental ideas, such as the political conception of citizen, the idea of social cooperation, or the idea of moral capacities. Thus, if what is sought is to establish the just terms of social cooperation between citizens who have two moral capacities, to determine the content of the conception of justice, Rawlsian constructivism simply lays out those elements that are agreed upon as relevant for such a social practice and distils from them the conditions of social cooperation. (*PL*, 102-107)

Explaining all the nuances and implications of Rawlsian constructivism as moral theory is beyond the scope of the thesis³³. What is important, is that Rawlsian constructivism explains why the principles that apply to institutions of basic structure do not apply to individuals. From the constructivist point of view, the principles that apply to institutions only apply to those institutions because they are principles that were constructed expressly to determine the terms that regulate the institutions that govern social cooperation.

To illustrate: one could think of a moral principle that determines our obligations with respect to the institution of labour. That principle would help us establish whether that institution is just or not. Rawlsian constructivism implies, on the contrary, that institutions should be evaluated within the basic structure, not in isolation by a principle that applies only to one type of institution. For this reason, the idea and purpose of the duties of justice contribute to the understanding of Rawls's constructivism. The institutions of the basic structure create obligations and duties in those who participate in them and the duty of justice specifies and commands the fulfilment of such obligations. Thus, people have a duty of justice within the institutions in which they participate. An important element, however, is that just as they have a duty of justice within the institutions, those who are subject to the duty of justice can evaluate the institutions within the basic structure from the perspective of the principles of justice.

³³ For example, in the context of the discussion on political constructivism, Rawls introduces the conception of doctrinal autonomy: 'an autonomous political doctrine as one that represents, or displays, the political principles of justice-the fair terms of social cooperation-as reached by using the principles of practical reason in union with the appropriate conceptions of persons as free and equal and of society as a fair system of cooperation over time' (*PL*, 98)

Having said that, we can now return to the question that the complete life perspective attempts to answer: How can a citizen live freely in a society whose conception of justice he does not share? A citizen can live freely in a society whose conception of political justice she does not share if two political conditions are met: i) if political power is legitimate and ii) if there is an institutional setting that allows citizens to demand just arrangements not yet established, if she assesses that the basic structure of society is not just. According to Rawls, 'the basic structure and its public policies are to be justifiable to all citizens, as the principle of political legitimacy requires.' (*PL*, 224) Similarly, Thomas Nagel states: 'the task of discovering the conditions of legitimacy is traditionally conceived as that of finding a way to justify a political system to everyone who is required to live under it.' (Nagel 1991, 330)

On a constructivist basis, one can live freely because it is one thing to evaluate how the institutions of the basic structure affect one's freedom, and another thing for the citizen to obey the obligations and duties to which she is bound within those institutions. To explain this answer, two levels are raised. On the first level, the complete life perspective allows citizens to evaluate the effects of the justice or injustice of the basic structure on their life prospects. This evaluation matters for two reasons. First, for a self-interest-based reason: a just basic structure affects the development of moral capabilities. In the example we have been using in this chapter about Joan, she has a self-interest-based reason to be interested in whether the basic structure permits the exercise of a religious life. Second, for a duty-based reason: because the citizens have a duty of justice with respect to the obligations of the institutions of the basic structure. If institutions are unjust, citizens must not

only obey them, they are also constrained to further just arrangements not yet established.

At a second level, the evaluation obtained by the complete life perspective has an effect on the duty-based conception of political legitimacy (Ch. 3, 3.2 and 3.3). This duty-based conception establishes that citizens who exercise political power exercise it legitimately if their directives require citizens to fulfil the duties of justice they are under. This is a political-based reason, which adds to the self-interest-based reason and the duty-based reason.

Then, if at the first level of the problem the assessment shows that the citizen lives under unjust institutions, the citizens comply with the duty of justice, but they must also have a commitment to bring just arrangements to the basic structure. This would imply, at the second level, an assessment of the legitimacy of the authority's directives. If the assessment shows that the citizen lives under unjust institutions, the authorities' directives should require that the citizens comply with the duties they are under, that is, both the fulfilment of obligations and further just arrangements when unjust institutions exist. Citizens have self-interest-based and duty-based reasons to comply. If the authorities' directives somehow do not allow citizens to further just arrangements, the political legitimacy of citizens who wield political power would be undermined because citizens do not satisfy either goodness-based, duty-based, or political-based reason.

Thus, the complete view perspective allows an assessment of the basic structure of the segments of life in existing social conditions, motivated by three reasons: self-interest-based, duty-based and political-based reasons. However, the three reasons have a commonality: they are three reasons whose satisfaction allows one to live freely in a society, even when the conception of political justice is one

that one does not share. As we see in chapter 3, sections 3.3. and 3.4 the value of political disagreement come to show its value: for autonomy's reasons, citizens should commit to dispute the arrangement of the principles of justice in the basic structure and the legitimacy of the political power.

To illustrate this argument, we can return to the case of discrimination. Can a citizen who belongs to a racially discriminated group live freely in a society whose conception of political justice she does not share? Yes, she can, if the political power is legitimate, she is recognized as a co-sovereign member, and there is an institutional political setting that allows her to demand just arrangements given that they do not exist in the institutions of the basic structure of society. The experience of structural discrimination leads her, as a citizen, to adopt a full life perspective from which she assesses the basic structure. She then examines whether the social conditions where discrimination occurs are regulated by the basic structure and what her life's prospects are, because she has a primary interest in developing her moral capacities and pursuing a conception of good. Then, if the basic structure is not fair because she evaluates that her interest in pursuing a conception of the good cannot be satisfied in the existing social conditions, to satisfy her duty of justice, she comes to demand just arrangements for the basic structure. The satisfaction of the duty-based reason is then turned towards the legitimacy of political power, since the demand for just arrangements relates to whether political power can provide an institutional political setting that guarantees the demand for just arrangements.

Now, how can the citizen evaluate whether the basic structure is just or not, from her self-interest-based reasons, that is, from her interest in developing her moral capacities, and in pursuing a conception of good? The answer is civic autonomy. Normative competence allows the citizen – as argued in 4.5 with respect

to the normative competence of workers in a cooperative – to assert permissible reasons to act. An autonomous citizen not only has to identify a conception of the good, he also has to affirm that that conception of the good that he freely self-imposes is itself a permissible way of life in view of basic rights, liberties and opportunities.

When the complete-life perspective provides the citizen with information and knowledge about the relation of contingencies, social conditions and the basic structure, normative competence allows him to affirm that the conception of the good freely imposed is a permissible conception because the basic rights and liberties can specify it. Normative competence, in this way, frames the self-interest-based reason within the terms of justice of the society. Normative competence also reveals that there may be social conditions that cannot be tamed by the basic structure rendering some citizens unable to affirm their freely self-imposed conception of the good as a realizable life prospect. This is certainly a serious obstacle to living freely, but it cannot be taken as a refusal to live freely, but rather as the arbitrary domination (see 5.4.3) by those who wield political power. The reaction to this is also one of the characteristic elements of civic autonomy: the use of public reasoning to demand political liberties and a just distribution of primary goods in such a way as to avoid domination and to further just arrangements.

5.6. Concluding Remarks of Chapter 5

In this chapter, I have presented the structure of what I have called the Civic Model of personal autonomy. The chapter elaborates its three characteristic elements that constitute the value that the Civic Model proposes associated with autonomy in theories of political liberalism: citizen's conduct is autonomous if she

pursues her own conception of a good life by publicly affirming the principles of justice of a democratic society; principles that she affirms as her own through her complete life. The three elements that attempt to show why the value of the Civic Model matters are: the idea of normative competences, the idea of public reasoning and, the demand for political liberties and just distribution of primary goods.

Chapter 6. Paul Weithman's Reconciliation Model of Personal Autonomy

6.1. Introduction to Chapter 6

This is the closing chapter of this thesis. To this end, in section 6.2 I will review the only exegesis, as far as I know, dedicated specifically to examining the political conception of autonomy that Rawls develops in *Political Liberalism*. This will allow me to contrast my own conception of civic autonomy, based on two lines of criticism that I will direct at Weithman's interpretation of Rawls. Then, in section 6.3, I present the general conclusions of the present thesis. My main point of contention with respect to the reconciliation thesis is based on two aspects of Weithman's work: first, *the agonist view of citizens*. Second, I contrast Weithman's *political point of view* with what I called in chapter 5, *the complete life perspective*. Contrasting Weithman's account and mine provides an opportunity, in this last chapter, to specify how the account of political freedom in the Civic Model offers a plausible view of how we can live freely in societies regulated by principles of justice weight with which we disagree.

6.2. Weithman's Reconciliation Thesis: Rawls's Fully Political Autonomy

Paul Weithman (2017) embarks on a reconstruction of the argument of full autonomy by making two main claims: First, that a citizen can be fully autonomous in a well-ordered society given seven conditions. The second claim is that full autonomy matters because citizens would gain a point of view, which Weithman calls the 'political' point of view if the conditions that Weithman envisages were realised. The political point of view involves adopting two perspectives. First, the perspective of 'common citizenship'. Second, the political point of view allows citizens to regard themselves according to the terms of citizenship that they would give themselves on the basis of the very nature of citizenship. (Cf. Weithman 2017, 121) The conclusion Weithman draws is that a well-ordered society allows citizens who satisfy the seven conditions to adopt a political point of view that allows them to attain the 'good of reconciliation'.

The good of reconciliation, Weithman argues, is a good for citizens who live under a conception of justice they do not share, and which can be profoundly alienating. Weithman thinks that such a reconciliation would represent one of the greatest and most unexpected legacies of Rawls's *Political Liberalism* (Weithman 2017, 122). Full autonomy makes it compatible for citizens to reconcile with a conception of justice to which they are subject but which they do not share.

In this final chapter of the thesis, I explain why the conclusion, according to which full autonomy would lead us to the 'good of reconciliation', is incomplete. My claim is that if fully autonomous citizens can realise the seven conditions that allow them to see the political constitution of the society to which they belong as self-

imposed, this gives them a kind of political freedom that the reconciliation thesis does not capture.

To show this, I develop three characteristics that allow this type of freedom, and in so doing meet one of the thesis' research objectives. The aim is to demonstrate that citizens' autonomy should be characterised by ideas of normative competencies, public reasoning and the demand for political liberties and primary goods. This characterisation of citizen's autonomy, and not only the conditions that Weithman considers, is what allows me to demonstrate that freedom enables autonomous citizens as co-sovereigns of political power, to 'reignite the radical democratic embers of the original position in civic life'. (*PL*, 400)

The civic conception of personal autonomy disputes the idea that obtaining the good of reconciliation is the only value that can be derived from Rawls's ideas of political autonomy. The Civic Model rejects the claim that the only value of the political point of view is the reconciliation of the citizen with the principles of justice of his society. The reconciliation thesis can appropriately answer the question of how we can live in a society that we may consider just, but under principles of justice that we do not support. However, the reconciliation thesis does not differentiate between citizens' acceptance of the terms of justice (which they may not share) and their acceptance of the justice that the basic structure might bring if it succeeds in taming citizens' contingencies under existing social conditions (see Ch. 5, sec. 5.5). Thus, reconciliation would obtain between the 'contingencies' of the citizen and her ideal description as a citizen. I argue that Rawls's conception of political autonomy offers an answer to the question about how to live in a society under a conception with which we disagree that has further implications.

The value that citizens gain when they conceive of themselves as free and equal is the freedom to participate as co-sovereign members wielding political power who take part in the identification, adjustment and balancing of basic rights, liberties and social values and the realisation of fair opportunities across society. In order to establish the difference between the Civic Model and Weithman's with respect to the question of how we can live freely in a society under principles of justice that we do not support, I first describe Weithman's seven conditions and then show the nature of my disagreement with Weithman's exegesis of Rawls's formulation of political autonomy.

My main point of contention with respect to the reconciliation thesis is based on two aspects of Weithman's work: first, *the agonist view of citizens*. Second, I contrast Weithman's *political point of view* with what I called in chapter 5, *the complete life perspective*. Contrasting Weithman's account and mine provides an opportunity, in this last chapter, to specify how the account of political freedom in the Civic Model offers a plausible view of how we can live freely in societies regulated by principles of justice with which we disagree.

6.2.1. Seven Conditions for Fully Politically Autonomous Citizens

In what follows, I first explain the seven conditions that Weithman develops. Then I will discuss the reasons that lead Weithman to conclude that the adoption of the political point of view is what gives value to full political autonomy and that this value lies in the reconciliation that the citizen obtains with the norms, laws and policies of his society. I present the seven conditions below as stipulated by Weithman:

- A. 'The Collective Self-Legislation Condition: *The fundamental terms of citizens' association are those they would give themselves on the basis of their own freedom and equality.*'
- B. 'The Regulation Condition: *Citizens treat the fundamental terms of their association as regulative in practical deliberation, and they take the authority of those terms to be justified by the fact that the terms would be collectively self-legislated.*'
- C. 'The Full Publicity Condition: *The fundamental terms of citizens' association are fully public.*'
- D. 'The Content Condition: *The fundamental terms of citizens' association make it possible for them to enjoy the protections of the rights and liberties.*'
- E. 'The Public Reason Condition: *Judges, executives, legislators, and candidates who advocate measures which bear on constitutional essentials and matters of basic justice do so on the basis of public reasons. If ordinary citizens debate such measures in the public political forum, or vote on them, they are prepared to show in due course that the measures they favor can be supported by such reasons.*'
- F. 'The Determination Condition: *The procedure for selecting among laws, policies, administrative actions, and judicial decisions can be supported by public reasons.*'
- G. 'The Full Regulation Condition: *Citizens treat duly enacted law and policy as authoritative in practical deliberation, and they take the authority of those laws and policies to be justified by the fact that they are fully and collectively self-legislated.*' (Weithman 2017, 102 – 105)

Weithman's conditions of political autonomy coherently connects important ideas that Rawls develops in *Political Liberalism*. It is not my intention here to explain each of the seven conditions listed above. Weithman's preliminary explanation of each is limited to identifying the textual evidence from *Political Liberalism* that supports his interpretation. In chapters 3 and 4, I discussed many of the ideas that are contained in the seven conditions. What is important for examining the seven conditions is that they apply to the idea of citizenship, which is

the central normative element to which political autonomy applies. However, this brings a complication: Autonomy refers to the whole life of the citizen or refers to the conduct of the citizen in the public domain. Weithman argues that Rawls is ambiguous on this point. Citizenship would specify a 'narrowing view' in which only conduct in the public domain would be considered.

Nevertheless, there are two sources in *Political Liberalism* that point out that a citizen's conduct in the public domain has a direct and significant effect on the citizen's entire life. For example, Rawls argues that full autonomy is realised by 'enjoying the protections of the rights and liberties' (*PL*, 78) and 'full autonomy includes not only the capacity to be rational but also the capacity to advance our conception of the good in ways consistent with honouring the fair terms of cooperation; that is, the principles of justice' (*PL*, 306). Both passages indicate that the actions of a citizen have an impact on the whole life of the citizen.

Weithman uses an example to specify the application of autonomy. This is the example of Joan's two descriptions discussed in chapter 5. To recall: Joan describes herself in two ways: first, under the terms that define her conception of the good, and second, as a reasonable citizen, who can justify her comprehensive views and life project. Joan, under the first description, acts as a 'lifelong adherent' of her religion. In the second description, Joan acts as an autonomous citizen who realises freedom of conscience and association and pursues a plan of life that is regulated by the principles of justice. (Cf. Weithman 2017, 101)

How do the conditions, therefore, apply to Joan's description as a reasonable citizen? We have to remember what Weithman calls the political point of view. This view, if adopted by citizens, allows them to access an understanding of how the

terms of justice 'are'. (Weithman 2017, 121) Given the seven conditions that allow a citizen to be fully autonomous, to be able to adopt the political point of view is a demanding exercise. Nevertheless, argues Weithman, a well-ordered society such as that described in *Political Liberalism* can satisfy those seven conditions.

If Joan lives her religious life in a well-ordered society, the *Collective Self-Legislation Condition* is satisfied when Joan recognises that she has assured participation in the regular democratic procedures of her society. The *Full publicity condition* is satisfied when Joan can make compatible the terms of these democratic procedures with her conception of the good since the entire justification of the political conception of justice is publicly available to her. *The Content condition* is satisfied when Joan understands the exact terms by which her society secures and protects her religious life through the specification of constitutional essentials and laws, basic rights and liberties. Joan can also recognise that her society satisfies the *Determination condition* when, within public life, administrative decisions relating to laws, policies, judicial decisions, and so on, are specified and treated among citizens by the terms of the public reason.

Weithman asks if someone who identifies with a religious life, like Joan, could satisfy the *Regulative condition*. He observes that, under an overlapping consensus of comprehensive views, Joan's religious vocation may lead her to consider that the regulative condition of the principles of justice are authoritative because they reflect natural law. If Joan accepts the regulative character of the principles of justice because they mirror what on her comprehensive view should count as principles of political life, then Joan does not satisfy the condition that the principles are regulative 'by the fact that the terms would be collectively self-legislated'. (Weithman 2017, 106)

To address this, Weithman suggests that the idea of adopting a political point of view is useful. Under the political point of view of her second description, Weithman argues, Joan can justify the principles of justice for the right reasons, although under her first description Joan considers that the regulatory force of the principles of justice simply reflects a divine authority. In Weithman's words: 'under some descriptions of herself, Joan may take the principles of justice to be justified by her comprehensive doctrine. However, when she thinks of herself as a citizen, she can and must take their authority to be justifiable just on the basis of the values she affirms in that role' (Weithman 2017, 106).

The same would apply to *The Full Regulation* condition. Joan could fail to satisfy the part of the statement that states that 'they take the authority of those laws and policies to be justified by the fact that they are fully and collectively self-legislated' (Weithman 2017, 106). Joan could argue that the authority she respects is the universal moral order that precedes the positive laws of humanity. Similarly, argues Weithman, Joan can justify the authority of a democratic society of co-sovereign citizens. Finally, regarding the *Public Reasons Condition*, Weithman argues that Joan may be inclined to offer justifications based on her comprehensive view of the policies, laws and norms she favours. Weithman argues that in this case, Joan's interlocutors may recognise that Joan's reasons may be ultimately supported by public reasons. Rawls himself does not exclude that 'reasonable [comprehensive doctrines] may be introduced in public reason at any time, provided that in due course public reasons, given by a reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support. (PL, li-lij).

This leads us now to examine how someone like Joan could satisfy the conditions of political autonomy when she does not support the principles of justice that regulate her society. Rawls could argue that *Political Liberalism* admits that citizens can live as full autonomous citizens while living under conceptions of political justice other than justice as fairness although he does not explicitly make such a claim. To explain the plurality of reasonable conception of justice, Weithman revisits the seven conditions considering that in a well-ordered society, citizens may have disagreements about the political conception of justice. Joan could consider, for example, a political conception of justice based on comprehensive liberalism. To explain the plurality about justice, I will focus on the revision of the *Content Condition*. Can Joan satisfy the content condition in a society whose principles are not those of justice as fairness?

Weithman argues that an autonomous citizen can satisfy the *Content condition*, which states that ‘the fundamental terms of citizens’ association make it possible for them to enjoy the protections of the rights and liberties’. Examining this condition allows me to develop my idea of the limits that the reconciliation thesis introduces to the conception of citizens’ autonomy. Weithman argues that Joan can accept and live freely under a political conception of justice that she does not share if, such conception of justice:

(L1) specifies ‘certain rights, liberties and opportunities (of a kind familiar from democratic regimes),’

(L2) assigns ‘a special priority to these freedoms,’ and

(L3) requires ‘measures assuring all citizens, whatever their social position, adequate all-purpose means to make intelligent and effective use of their liberties, and opportunities. (Weithman 2017, 114; see also *PL*, 6)

According to Weithman, if a reasonable political conception can be established according to the 'higher-order principles' of (L1) to (L3), the principles of justice specified by justice as fairness may not be the regulatory principles of a well-ordered society. Moreover, citizens can be politically autonomous under a reasonable political conception if they regard the higher principles of L1 to L3 as principles that they would give to themselves (*Collective Self-legislative condition*). Weithman assumes, therefore, that citizens in a well-ordered society can live under conceptions of justice if they give themselves principles different from those of justice as fairness, but which would allow them to affirm a well-ordered society and a political conception of the citizen. Joan can live in an alienated way under principles of justice that she does not share. However, if she adopts the description of herself as a reasonable citizen, and still disagrees with the principles of justice of a liberal political conception, she can still live freely. For this, if the liberal conception L identifies principles of justice from L1 - L3, Joan can satisfy the condition of seeing herself as a co-sovereign member of the political power.

6.2.2. Civic Autonomy: Reigniting the Radical Democratic Embers of the Original Position in Civic Life.

A citizen like Joan, who lives under principles of justice that she does not support, can live freely if she conceives of herself as a reasonable citizen who participates in a democratic society that satisfies the seven conditions and which, in particular, is regulated by higher-order principles (L1-L3). Joan's autonomy allows her to reconcile with the principles of justice that she does not support by adopting a political point of view. Resting on the Kantian interpretation, Weithman suggests that the political point of view would allow Joan to see herself as acting

autonomously, not from principles that impose on her the contingencies of her class of origin or her conception of the good, but from common citizenship. (Weithman 2017, 121; *TJ*, 225).

In *A Theory of Justice*, the agents who adopt the point of view of justice can appreciate the role of the conception of the citizen in the justification of the principles of justice. So, to act as a citizen is to appreciate the value of the principles of justice that organise social cooperation. However, Weithman argues, the political point of view affords a second perspective. Not only does it make it possible to appreciate how the role played by the citizen justifies the principles of justice, but more importantly, it makes it possible to appreciate what are the terms that organise social cooperation. (Cf. Weithman 2017, 121)

The two perspectives that Weithman mentions as promoting the political point of view depict a conception of the citizen that I would describe as an *agonist* conception. By agonism, I mean a vision centred on a tension between the contingencies of the citizen - her comprehensive view and her class of origin, for example - that is resolved, or *reconciled*, only when contrasted with certain ideal conditions. That interpretation, however, leans toward the idea of the moral person in justice as fairness. There, Rawls, in a resemblance of Kantian language, points out that people act as 'noumenal selves' when they place themselves in the position of adopting the principles of justice, thus affirming their 'independence from natural contingencies and social accident'. (*TJ*, 225). In this agonist view, people are liberated and reconciled with their political and social context when they access the perspective offered by the point of view of citizenship.

There could be two ways of thinking about reconciliation. First, one can think that members of a democratic society are struggling to reconcile their *noumenal selves* with their contingencies. This is an interpretation that can capture an existential truth of contemporary political life, however, I do not think it helps to explain the normative force of the idea of citizenship. A second way of looking at reconciliation can be derived from the moral psychology of the citizen. Citizens may desire to act from principles that belong to certain conceptions of the good or a political ideal. Rawls calls these types of desire *conception-dependent desires* (PL, 84) A reconciliation in this sense is the need for reconciliation between the conception of justice that a citizen develops and the satisfaction of the desire to act from a conception of justice.³⁴

Joan, for example, may form a desire to act from a conception of justice that combines her contingencies, conception of the good, her social class, her history, or her perspective on the political history of society. This view, in turn, can become a political conception that she regards as more just compared to other competing conceptions. Religious life, and the education she has received in a democratic society, can form the basis of such a desire.

Weithman argues that a well-ordered society can accept a specification of basic rights and liberties different from that established by justice as fairness (*Content condition*). This specification can be acceptable only if the conception of justice satisfies the three higher-principles (L1 - L3). According to Weithman, if Joan adopts the political point of view in a society that has a conception of justice C, she acquires the perspective of recognising that a conception of justice C satisfies L1

³⁴ Rawls distinguishes apart from conception dependent desires, object dependent desires and principle-dependent desires. (PL, 81-88)

to L3. However, there is no guarantee that C's specification of 'rights, liberties and opportunities' is sufficient for Joan to reconcile the desire for a fair political conception with the terms of citizenship that she would give to herself. The acceptability of a legitimate conception of justice is no guarantee for reconciliation. However, the fact that Joan cannot find this reconciliation does not mean that Joan cannot live freely if her conception-dependent desire does not find reconciliation when she acts as a citizen under a conception of justice that she does not share. On the contrary, the desire to act from her preferred conception of justice could play the role of being a political motivation to adopt the political point of view of common citizenship.

Weithman's reconciliation thesis would leave little room to consider how citizens' participation in political power can play a role in how the basic rights and liberties and fair opportunities of the principles of justice are specified. Weithman seems to suppose that *Political Liberalism* portrays a *static* politics. It is arguable that the role of citizen autonomy is not simply, as Weithman puts it, to 'view the principles, constitution, laws, and policies to which they are subject as self-imposed, provided that the seven conditions of full autonomy are satisfied' (Weithman 2017, 122)

It is true that there is no explicit argument about the role of citizens in specifying the conceptions of political justice that can be the focus of an overlapping consensus. It is also true that the role of personal autonomy is not explicitly connected to discussion about political disagreement about versions of political liberalism. Rawls suggests that it is realistic to consider a variation 'within a certain more or less narrow range' of reasonable conceptions of political justice. These competing conceptions, in turn, exist in a democratic society because they are

favoured by 'different interests and political strata' (*PL*, 164) and there are 'forces tending to amend the constitution in certain ways to cover further constitutional essentials, or else to enact the necessary legislation with much the same effect' (*PL*, 166). These political forces and different interests struggle to establish the terms of social cooperation and it is normal that they generate disagreement on the political conception of adequate justice. The Civic Model is, then, a conception of personal autonomy that pursues to be a building block in the project of political liberalism. It develops, I argue, the very Rawlsian idea that the disagreement about the terms of political justice illustrates how persons have a correspondent interest in having an autonomous plan of life meanwhile having a higher interest in living under the requirements of a just society.

Alternatively, one can appeal to a natural development of moral psychological motivation to strive to contribute to a just society or to live under a conception of political justice that one can support. That a citizen can form a desire for a conception of political justice is not an unreasonable expectation in a democratic society, where citizens develop and realise their moral powers. The formation of citizenship presupposes, at least, the plausibility of the formation of conception-dependent desires that meet the requirements of public reason and the practical needs of political life. In turn, this may become the content of public reasoning in the public domain and party politics. In his *Reply To Habermas*, Rawls affirms the role that autonomous citizens play in contributing to the construction of a just society: 'whenever the constitution and laws are in various ways unjust and imperfect, citizens with reason strive to become more autonomous by doing what, in their historical and social circumstances, can be reasonably and rationally seen to advance their full autonomy'. (*PL* 400)

Weithman's reconciliation view excludes the value that citizens' contingencies and the role that political forces and interests play in a democratic society under a different conception of justice than justice as fairness. This does not seem to be desirable, as basic rights, liberties and opportunities affect citizens over the course of their entire lives. When Joan describes herself as a reasonable citizen and adopts the political point of view, the perception she obtains of higher-principles acting in the basic structure of society not only affects her as a citizen sharing political power but also her description as adhering to a comprehensive view. What a citizen like Joan looks for in the higher principles of justice is that basic rights, liberties and opportunities focus on the development and exercise of her moral powers.

Minimising the importance of political forces and social interests undermines how political liberalism affirms the effect of political and constitutional discussion as a continuing project in which citizens participate through the criterion of reciprocity and political power, affirming the principle of legitimacy. When the political conception of justice belongs to a family of reasonable conceptions of justice, the effect is most noticeable. Rawls conjectures that the family of political conceptions is supported by different 'social and economic interests'. (*PL* 167) If Joan lives under a reasonable political conception which she does not share, one way of helping to adjust and specify the basic rights, liberties and opportunities which affect the basic structure and have an effect on the whole life of citizens, is to participate as an autonomous citizen in the continuous weighting of basic rights and liberties. Rawls points out that given the abstraction of higher-principles, there are many possible ways of stipulating the fully adequate scheme of basic rights and liberties. (*PL* 415)

The complete life perspective (Chap. 5, 5.5) might better answer the question of how to live freely under a political conception of justice that we do not support. In chapter 5, I argued that the Civic Model regards citizens' autonomy as affecting citizens' entire lives. In order to assess how a political conception of justice affects citizens' entire lives, the Civic Model stipulates that the autonomous pursuit of a conception of the good is affirmed by the principles of justice if these are adopted through a complete life. The idea is that citizens are willing to affirm their conceptions of the good in a temporal dimension of their lives. Then I argued that citizens assume that it is the institutions of the basic structure that affect the whole life of the citizens. The reconciliation thesis would imply that it is sufficient that the political point of view affords a perspective on how the terms of justice of a democratic society are justified because they are the terms that citizens 'would give themselves on the basis of their own nature as citizens.' (Weithman 2017, 121)

However, Weithman does not stipulate what implications the political point of view might have once citizens see themselves as free and equal. From the point of view of the Civic Model, the perspective of citizens who see themselves as free and equal should provide an assessment of whether the terms of justice can equip the larger institutions of the basic structure with the capacity to bring about justice (or not) under existing social conditions. In other words, it cannot be enough for the perspective to give citizens the means of seeing the terms that organise social cooperation in order to recognise them as their own. Weithman may be right that Rawls assigned an important role to the idea of reconciliation in political philosophy, but I do not consider this to be the type of reconciliation that matters most to political philosophy. The Civic Model argues, along these lines, that the complete view perspective offers a more appropriate assessment on how the basic

structure brings about justice. However, this assessment is not primarily aimed at evaluating the justification of the terms of justice, but rather at applying those terms to the institutions of the basic structure. The assessment of the basic structure implies, in turn, assessing how the terms of justice acting in the larger institutions may or may not tame the contingencies of citizens in existing social conditions. (Weithman 2017, 121)

How does the assessment that provides the complete view perspective on the basic structure of a conception of political justice other than justice as fairness proceed? Joan, to follow the same example, should evaluate how the basic structure of L1, L2 and L3 affects her entire life. It is not enough for Joan to recognise that C, an instance of L1, L2 and L3, are the principles she would give herself on the basis of her own nature as a citizen. The basic structure of C may be alienating enough for Joan to recognise that C's L1 - L3 are terms she would not give herself on the basis of her own nature as a citizen. If they are alienating for Joan's life prospects, why should she give them to herself? The social conditions of C, for example, may be characterised by a culture that actively encourages women to dedicate themselves to leading lives dedicated to motherhood and care and to avoid any other lifestyle – such as a religious life – that does not allow them to fulfil these roles. A basic structure that cannot counteract the effect of these social norms on women who want to lead a religious life can be profoundly frustrating for people like Joan.

My position is that the reconciliation thesis, as described by Weithman, cannot capture the effect of the basic structure. The problem with this is that the effect of the basic structure on the entire life of the citizens is fundamental to the possibility of an autonomous life, and therefore, to the possibility of citizens living freely in a society whose conception of political justice they do not support. The

reconciliation thesis encourages citizens to reconcile the contingencies of their social condition with the terms of justice, but it does not encourage a reconciliation between the contingencies of a citizen's social condition and how those contingencies conform to the terms of justice embodied in the institutions of the basic structure.³⁵

For someone like Joan to be able to live freely in C - i.e., under the L1, L2 and L3 that C stipulates - she should adopt the complete view perspective that the Civic Model advocates and evaluate the effect of the basic structure of C on the prospect of the religious life that she identifies as her conception of good. This is Joan's self-interest-based reason (see 5.5). However, Joan is also interested in fulfilling the obligations of the institutions of the basic structure of C, out of her duty of justice. If the basic structure of C is not able to tame the culture that disdains women living a religious life, then the obligations imposed by the institutions of C can undermine Joan's religious life project. For example, Joan may find it frustratingly demanding, as a woman, to be able to compete on equal terms with men when applying to enter a religious career. If this were the situation of Joan's society under C's institutions, the duty of justice requires Joan to demand just arrangements in the basic structure so that Joan and women like her have opportunities to enter religious careers. Therefore, Joan also has a political-based reason to demand from those who wield political power that there be an institutional setting that facilitates such just arrangements.

Joan, therefore, can live freely if she adopts the Civic Model. The complete view perspective of the Civic Model would allow her to assess the basic structure of

³⁵ This responds to constructivism that I described in Ch. 5, section 5.5. It makes relevant the difference between evaluating the principles of a social practice, and the social practices themselves.

her society's political conception of justice C and its effects on existing social conditions. She is thus autonomous if she is politically competent to affirm her conception of the good and fulfil the obligations of the institutions under which she lives (and satisfy her self-interest-based reason). She is autonomous if she uses public reasoning to reflect on the need for just arrangements in the basic structure when the duty of justice deems it necessary (and satisfy her duty-based reason). She is also autonomous if she participates in political life to demand political liberties and a just distribution of primary goods (and satisfy her political-based reason).

As Brian Barry (1996, 245) might argue, the Civic Model would impose high demands to live freely, even more so when one lives under conceptions of political justice that one does not endorse: the citizen must put himself in the perspective of an ideal legislator and embark on the design of just institutions. And this is such a demanding form of freedom that it can be discouraging. Nevertheless, and as Rawls (*PL* 167) says, and as we can recognize in contemporary capitalist societies, the effort that civic autonomy would demand is an effort in proportion to the power and magnitude that social and economic interests put into political life to establish a conception of justice that responds to those interests, but that is not supported by all citizens, when they regard themselves as free and equal.

6.3 Concluding Remarks of Part II

In part II, I have presented the structure of what I have called the Civic Model of personal autonomy. The chapter focuses on its formulation and on its three characteristic elements that constitute the value that the Civic Model proposes is

appropriately associated with autonomy in theories of political liberalism. The formulation says that a citizen's conduct is autonomous if she pursues her own conception of a good life by publicly affirming the principles of justice of a democratic society; principles that she affirms as her own through her complete life. The three elements that attempt to show why the value of the Civic Model matters are: the idea of normative competences, the idea of public reasoning and, the demand for political liberties and just distribution of primary goods.

Part II began by proposing an example that I called 'the cooperative'. It aimed to show how the conditions of authority and obedience in social cooperation need, in general, a conception of personal autonomy such as that proposed by the Civic Model. In particular, the example of the cooperative portrays the assessment that individuals can competently make between the demands of their normative capacities and the requirements of obedience to those who wield political power.

I argued in the last part of chapter 5 that civic autonomy implies a complete life perspective of personal autonomy that permits to elaborate further the Civic Model as a life project that is able to combine the evaluation of information and knowledge provided by both basic structure's institutions and the social conditions of justice. This allows citizens to assess their autonomous projects and to assess whether the demands for political freedoms and fair distribution of primary goods are justified. Thus, the definition of the Civic Model and the implication of the complete life perspective shows us that disagreement about political justice is essential within the political liberalism project.

Here is important to stress why civic autonomy insists in the importance of political disagreement. Through this thesis I have tried to show different approaches

in which the relationship between disagreement and personal autonomy is part of the political liberal project. The framework for showing this discussion has been Rawls' suggestion that a political conception of justice different from *Justices as Fairness* should have three main features -basic rights, liberties and opportunities; those rights etc having special priority; adequate all-purpose means (see PL p.6)-, and that citizens may disagree as to which liberal democracy is preferable to another within this liberal framework.

The suggestion of this thesis is that within the political liberalism project, the three characteristics that define the model of personal autonomy that I call the Civic Model, can solve the problem of disagreement about political justice as an expression of people's commitment to their political participation at the same time as a commitment to the project of leading a free life. In order to explain this, what I have called the complete-life perspective is key: adopting this perspective allows us to elaborate, throughout life, how to face two different types of evaluations: on the one hand, persons' evaluations of their own and other people's actions within the social institution of the basic structure and, on the other hand, the evaluation of the social institutions themselves. The complete life perspective makes intelligible the way the basic structure affects persons' actions, decisions and preferred forms of life and then allow to identify the disagreement with the principles of justice that they eventually do not share because of the way they affects persons' actions within the basic structure. This shows that persons disagree regarding how principles of justice regulate the basic structure and regarding to the principles of justice themselves.

If this were not the way we understand the disagreement about justice, if we consider that simply the principles of justice should pass the test of whether or not we evaluate what makes a society more just, then we would be inferring that the

principles of justice imply conclusions about how persons should act. For example, as I discussed in the Part I, legitimacy obtains when authority's directives demand persons to act according to what justice requires. The evaluation about political legitimacy the co-sovereign citizens do has then to distinguish between justice requirements as expression of a specific regulation of the basic structure from justice requirements as expression of the principle of justice themselves. This is not a simple task for an individual citizen since it is not clear at all, in practice, whether a specific regulation of the basic structure is a direct and necessary inference from the contents of the principle of justice or whether it is just a possible regulatory instance in the basic structure of what the principles of justice require. That is why, as Quong thinks, citizens should ask to themselves 'what justice requires me to do' instead of simply asking 'why we should obey'. The conception of a civic autonomy equipped with the ideas of political competences, public reasoning and demandingness of liberties, rights and primary goods permits that citizens in a liberal democracy came to take part in the challenge of assessing how robust their living freely is regarding how the institutions of the basic structure adequately express the rights, liberties and social goods that the principles of justice stipulate.

Finally, in chapter 6, the last chapter of this part II, I examined Weithman's interpretation of Rawls's full political autonomy as a reconciliation project for the individual. The value of reconciliation -so Weithman argues- permits citizens to appreciate the political terms by which social cooperation is organised, and in doing so, it contributes to political stability and to maintain the advantages of a freestanding conception of political justice. However, I contend that Weithman's reconciliation thesis resembles an agonistic view of persons struggling for accommodating their autonomous project of life with the political terms of their

society. I argued that this agonistic view undermines the emancipatory character of citizenship, and it would envision a static conception of politics.

The crucial question is, beyond the exegesis of Rawls's conception of personal autonomy, the role that the political value of autonomy should play in the political liberalism's project. Weithman's reconciliation thesis seems to fairly disregard the emancipatory character of citizens' autonomy. On the other side, the civic model of personal autonomy is, in this sense, a better alternative at hand for the political liberal project: it supplies with conceptual tools that justify why persons need affirming their own pursuing of an autonomous life mirrors with the need of affirming political freedom.

Chapter 7. Conclusions

7.1 Civic Model of Personal Autonomy: Main Conclusions

The general purpose of this thesis was to answer the question of whether citizens can live freely in a society they do not consider just. A context for asking this question is suggested by Rawls in his *Political liberalism*. It suggests that a democratic society may have a reasonable political conception of justice, but different from justice as fairness. Hence this idea can be extended and asked whether citizens of a democratic society who live under a political conception that they do not support can consider alienating the imposition of duties and obligations in a society that they may consider illegitimate. The thesis takes this idea as a broader problem and develops, from the ideas of *Political Liberalism*, a conception of political freedom that I call the Civic Model of autonomy. The Civic Model of autonomy stipulates that citizens can live freely if (i) the use of their normative competences and public reasoning allows them to further just arrangements with respect to the institutions of the basic structure and (ii) to demand political liberties and a just distribution of primary goods, if their fellow citizens who wield political power do not provide an institutional setting for just institutions to exist.

To develop the argument of civic autonomy the thesis was divided into two parts. In part I, I presented a duty-based conception of political legitimacy that justifies the authority of political power and the place of a political conception of autonomy for citizens who see themselves as free and equal. In Part II, I identified the value of political autonomy with the normative competence of citizens to identify and realise their own conceptions of the good if they affirm the just terms that regulate a democratic society. Then, I presented the basic formulation of the Civic Model and described its three characteristic elements: normative competence, public reasoning, and demand for political liberties and a just distribution of primary goods. In this final chapter, I present the conclusions of the thesis in relation to the initial objectives, then the main contributions that it makes to the debates on political freedom and liberal political societies, and finally, I will consider some possible implications for future research.

7.1. Research Objectives:

To address the general problem posed by this thesis, namely, whether we can live freely in a society whose conception of justice we do not share, I assumed as true Raz's claim that the discussion of freedom must be studied within a doctrine of authority. The Civic Model of autonomy proposes that citizens can live freely in a democratic society if they are subject to a duty-based conception of authority that justifies the legitimacy of citizens who wield political power to govern over those who subject themselves to it. This discussion led me to examine four conceptions of political authority, Raz's Service conception, Wolff's and Simmons's consent theories, H.L.A. Hart's Fair-Play Theory, and Rawls's natural duty theory, on which the duty-based conception is based.

In this first discussion of the legitimacy of political power and individual freedom, an important first conclusion is the condition of the citizen as a centre of political value when affirming political legitimacy. The thesis argued that citizens exercising political power are exposed to citizen scrutiny of the legitimate use of political power. This implies that the political legitimacy of political power is a contested condition. The duty-based conception that the Civic Model proposes holds that political power is legitimate because citizens accept the authority if its directives help them to comply with what justice requires of them. If the legitimacy of political power relies upon the acceptance of citizens, the exercise of political power is subject to constant evaluation. The fact that political power is subject to accountability in a contemporary democratic society can be trivial. What is not trivial is the condition of the citizen as a moral locus for the assessment of the legitimacy of political power. A duty-based conception of legitimacy captures that characteristic of the citizen.

A second conclusion is the value of political autonomy in discussing the legitimacy relations between co-sovereign citizens in a democratic society. The conception of authority and legitimacy discussed in chapters 2 and 3 contains the idea that autonomy conceived for free and equal citizens has a commitment to normative reciprocity in its approach to the political relations between citizens' freedom and political power. This is no surprise to someone familiar with the abundant literature on Rawls's work. However, it is not often stressed that the political value of a conception of citizens' autonomy can contribute to an understanding of the idea of political authority and legitimacy in the contemporary tradition of political liberalism. The idea of normative reciprocity contributes in this direction.

A third conclusion is the political value of citizens' autonomy. As illustrated in the example of the co-operative (Ch. 4, 4.4. and 4.5), political autonomy can represent a political value to justify conditions of legitimacy and political authority. The idea of normative competence is concurrent with the higher-order interests in developing and realising the citizens' moral powers. The value of political autonomy represented by normative competence helps to understand the conditions of permissibility of the conceptions of the good that citizens can identify through the exercise of their moral powers.

The thesis also proposes a fourth finding in the form of articulating a non-comprehensive conception of autonomy from the ideas of *Political Liberalism*. These ideas, contained in *Political Liberalism*, and reconsidered in *Justice as Fairness: A Restatement*, form a coherent whole rich in interpretations, even though the arguments are not organized as harmoniously as they are in *A Theory of Justice*. The arguments of this thesis demonstrate that the ideas of political competence, public reason, and political liberties, point to central ideas of *Political Liberalism*, such as a political conception of citizenship, citizens' moral powers, full autonomy, comprehensive doctrines, public reason, and the fair value of political liberties. From this, it would follow that new ways can be found to think about political problems in the ideas and arguments enunciated in Rawls's late work.

These conclusions lead to state that the Civic Model of autonomy is a conception of political freedom that citizens can enjoy in a democratic society. It establishes the conditions of the legitimacy of a constitutional regime by morally assessing the democratic political inequality between the citizens who wield political power and those who subject themselves to it. As one of the characteristic elements of civic autonomy is the demand for political liberties, autonomy thus conceived

prevents arbitrary democratic domination, such as, for example, the disproportionate influence that wealth can exert on fellow citizens wielding political power. The use of wealth in this way, while aiming at the control of the political domain, has a pervasive effect on the non-public life of people, preventing, for example, the development and exercise of citizens' moral powers.

The second conclusion is contained in the first. The Civic Model combines demands for the legitimacy of political power with conditions of social justice and a fair distribution of social goods. This is a characteristic of the political value of civic autonomy. Civic autonomy holds that the pursuit of a conception of the good is affirmed in the recognition of the principles of justice throughout the complete life of the citizen. This temporal dimension gives a practical character to the Civic Model and makes it possible to distinguish segments of life as the focus of a fair distribution of primary goods.

In contemporary democratic societies we can surely live under conceptions of justice that we do not share. This thesis contributes a theoretical model that reinforces citizens' autonomy as a political value in democratic societies.

7.2. Further Focus of research

In this section I want to offer three recommendations for future research that emerge from my discussion of the model of civic autonomy. The first is to deepen the debate between a duty-based conception of legitimacy and civic autonomy. One of the aspects that the thesis examined was the relationship between the natural duty of justice and the legitimacy of political power. The civic conception of

autonomy confronts the question of the legitimacy of political power from a democratic basis in which political power is conceived as dwelling in the body of co-sovereign citizens. As I have tried to show in this thesis, the criterion of reciprocity from which citizens who are subject to political power evaluate citizens who wield political power, rests on the evaluation of the justice, or otherwise, of the basic structure. One line to continue future research is to consider the influence of global justice on national borders and the implications for the basic structure assessed by citizens possessed of civic autonomy. Clearly, this may require a different way of justifying the legitimacy of institutions wielding political power, since extra-national institutions exercise a different kind of coercion from that exercised by the institutions of a national state. Notwithstanding the differences, the conception of civic autonomy can contribute as a domestic level assessment point for demands for just arrangements in international level institutions.

The second recommendation is to explore the implications of civic autonomy through a complete life. This may help in thinking of duties relating to childhood, the workplace, and institutions related to old age, as targets of moral obligation from the point of view of civic autonomy. Particularly interesting is autonomy at work and its relationship with pension and retirement systems. My proposal is to consider society's distributive obligations in relation to the value of people's autonomous decisions when faced with the uncertainty and risks of labour markets. My preliminary hypothesis is that the value of these autonomous decisions should be the measure of moral assessment of how a democratic society should establish pension and retirement institutions. To this end, it may be interesting to discuss the idea in the literature on economic pension policies that has been called 'Collective Defined Contribution'; that is, a retirement plan that combines the benefits of

‘defined benefit’ pay-as-you-go social schemes with ‘defined individual contribution’ schemes. In line with the uncertainty of labour markets and the imposition of a defined contribution for the retirement of workers, the collective defined contribution distributes the risk collectively, through pension funds contributed during the working life of a cohort, instead of being assumed individually (as in individual capitalization systems). In this way, the collective pension funds of a cohort make it possible to socialise the risk associated with longevity and, consequently, with well-being in old age. The Civic Model can contribute by providing a political value to this demand for labour and pension justice that is based on the political value of civic autonomy. This would avoid basing a moral obligation on the value of a comprehensive doctrine of autonomy.

Within the discussion of Rawls’s political philosophy, a third recommendation is to examine the role of political autonomy as a case for discussing how to establish an economic political regime that best expresses the principles of justice as fairness. In *Justice as Fairness* (2001), Rawls discusses political regimes that can better articulate the social justice proposal of justice as fairness. Rawls identifies Property-owning democracy and Liberal democratic socialism as two economic political regimes that can best express the two principles of justice. Within the same context of discussion in *Justice as Fairness* (2001), the Civic Model can also contribute to frame the discussion regarding the implications of the ‘special psychologies’ in the context of political stability (*JF*, 87-89; 180-181). Envy, spite, risk aversion, or interpersonal domination, might play an important part in evaluating the condition of political stability in societies that have grown within the political conception of justice. What I have called Civic Model of personal autonomy

can be taken as contribution to an account of political stability in what Rawls called the second part of the original position.

7.3. Contributions

This thesis addresses ideas of political freedom, legitimacy, authority, and the duty of obedience. The Civic Model approach is a contribution to the debate on the idea of legitimacy of political power and the justification of demands for authority. It contributes an alternative conception to Raz's service conception, and to consent theories. In particular, the Civic Model can be a contribution to the justification of authority's permissible actions in the context of reasonable pluralism of comprehensive views. Raz's Service conception and consent theories provide theories of justification of political authority and legitimacy as parts of a comprehensive liberalism. Civic autonomy contributes to a line of enquiry into legitimacy and political authority that depends on the affirmation of citizenship and public life as political conceptions, and thus contributes to the discussion of a justification of political power grounded in a conception of autonomy that does not depend on a comprehensive doctrine.

A second contribution of this thesis is the articulation of political autonomy as a political value for liberalism and democratic theory. The thesis contributes a conception of political autonomy that develops directions indicated by Rawls in *Political Liberalism*. The idea of autonomy has usually been associated with the ethical value of a conception of good. Ways of life have value, it is argued, if they have been freely chosen. However, not every freely chosen way of life necessarily has value in a democratic society. The Civic Model contributes to rethinking the

value of autonomy within the tradition of political liberalism by emphasizing the political competence of citizens to freely impose on themselves ways of life that they consider valuable if they can affirm the terms of justice that regulate a democratic society. For that reason, this thesis is a contribution to the discussion of how a democratic society respects neutrality with respect to the plurality of conceptions of the good life. At the same time, the discussion of the characteristic elements of the Civic Model of autonomy is a contribution to discussing the duties of a democratic society with the protection of public life and the political participation of citizens from the point of view of the autonomous pursuit of their own conceptions of the good.

A third contribution of the Civic Model is to relate two debates that are often taken separately: the debate on political liberties and social justice. Political liberalism is built on a commitment to just terms of social cooperation. This involves the consideration of citizens in an agreement of reciprocity extended in an inter-generational and intra-generational framework. The Civic Model contributes to such framework by relating citizen's autonomy, the principles that regulate the affirmation of citizen's conceptions of the good to the demands for just political institutions. The demanding condition of the autonomous citizen and the standard of public reason places the relevance of the effects of distributive justice in segments of complete life. This may contribute to a debate on the fair distribution of burdens and benefits in an egalitarian theory that takes as its point of reference the temporal dimension of the demands of social justice. This would imply a discussion of the protection and promotion of a society's duties for the development and exercise of citizens' conceptions of life.

Thus, the Civic Model can be shown to be not only important in its own right, but in the ways in which it both reveals further questions and contributes a framework for answering them. However, that is a task for another time.

Bibliography

- Audard, Catherine. (2015) 'Moral Autonomy', 'Political Autonomy'. In *The Cambridge Rawls Lexicon*, edited by J. Mandle, and D. Reidy. Cambridge, UK. Cambridge University Press.
- Barry, Brian. (1995) 'John Rawls and the search for stability.' *Ethics*, 105, (4), 874–915.
- ---. *Justice as impartiality*, (2006) Oxford, UK; New York, US. Oxford University Press.
- Berlin, Isaiah. (2002) *Liberty: Incorporating Four Essays on Liberty*, Oxford, UK; New York, US. Oxford University Press.
- Buchanan, Allen. (2002) 'Political Legitimacy and Democracy.' *Ethics*, 112 (4), 689–719.
- ---. *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*. (2004) Oxford, UK; New York, US Oxford University Press.
- Christiano, Thomas. (2004) 'The Authority of Democracy.' *The Journal of Political Philosophy*, 12 (3), 266–90.
- ---. (2008) *The Constitution of Equality: Democratic Authority and Its Limits*, Oxford, UK; New York, US. Oxford University Press.
- Christman, and John. *Autonomy in Moral and Political Philosophy*. plato.stanford.edu/entries/autonomy-moral/. Accessed 21 December 2018.
- Christman, John, and Joel Anderson, ed. (2005) *Autonomy and the Challenges to Liberalism*. Cambridge, UK. Cambridge University Press.
- Cohen, G. A. (1997) 'Where the Action Is: On the Site of Distributive Justice.' *Philosophy and Public Affairs*, vol. 26, no. 1, 1997, pp. 3–30.
- ____ (2008) *Rescuing Justice and Equality*, Harvard University Press, 2008.
- Conly, Sarah. (2013) *Against Autonomy: Justifying coercive paternalism*, Cambridge, UK. Cambridge University Press.
- Constant, Benjamin. (1988) 'The Liberty of Ancients Compared with that of Moderns': in *Political Writings*, Cambridge University Press.
- Darwall, Steven, ed. (2003), 'Contractarianism/Contractualism'. London, UK. Blackwell

- Dagger, Richard. (1997) *Civic Virtues: Rights, Citizenship, and Republican Liberalism*. Oxford, UK; New York, US. Oxford University Press.
- Dorsey, Dale. (2015) 'Political Liberalism, Political Independence, and Moral Authority.' In Sobel, D. et al., *Oxford Studies in Political philosophy*. Oxford, UK. Oxford University Press.
- Dworkin, Gerald. (1988) *The Theory and Practice of Autonomy*. Cambridge, UK. Cambridge University Press.
- Dworkin, Ronald. (2002) *Sovereign Virtue. The Theory and Practice of Equality*. Cambridge, MA; London, UK. Harvard University Press.
- Edmundson, William (2017) *John Rawls: A Reluctant Socialist*, Cambridge, UK. Cambridge University Press.
- Essert, Christopher. (2012) 'A Dilemma for Protected Reasons.' *Law and Philosophy*, 31 (1), 49–75.
- Forst, Rainer. (2011) *The Right to Justification: Elements of a Constructivist Theory of Justice*. Columbia University Press. Trans. Jeffrey Flynn
- _____. (2005) 'Political Liberty: Integrating Five Conceptions of Autonomy'. In Christman, John, and Joel Anderson, ed. (2005)
- Frankel Paul, Ellen, et al., editors. (2013) *Autonomy*, Cambridge, UK. Cambridge University Press.
- Frankfurt, Harry (1971) 'Freedom of the Will and the Concept of a Person'. In *The Journal of Philosophy*. 68(1). Republished in Christman, John (1989) *The Inner Citadel. Essays on Individual Autonomy*. Oxford, UK, New York, NY. Oxford University Press.
- Frankfurt, Harry. (1999) *Necessity, Volition, and Love*. Cambridge University Press.
- Freeman, Samuel, editor. (2003) *The Cambridge Companion to Rawls*, Cambridge University Press.
- ---. (2007a) *Justice and the Social Contract: Essays on Rawlsian Political Philosophy*, Oxford, UK, New York, NY. Oxford University Press.
- ---. (2007b) *Rawls*, Oxford, UK. Routledge, 2007.
- Freyenhagen, Fabian. (2017) 'Autonomy's Substance.' *Journal of Applied Philosophy*, 34(1), 114–29.

- Gaus, Gerard (2010) *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. Cambridge: Cambridge University Press.
- Greene, Amanda. (2016) 'Consent and Political Legitimacy.' *Oxford Studies in Political Philosophy* 2, edited by David Sobel et al., Oxford, UK. Oxford University Press.
- Habermas, Jurgen. (1995) 'Reconciliation through the public use of reason: remarks on John Rawls's political liberalism'. In *The Journal of Philosophy*. 92 (3), 109-131
- Honneth, Axel. (2014) *Freedom's Right: The Social Foundations of Democratic Life*, Columbia university Press.
- Honneth, Axel and Anderson, Joel. (2005) 'Autonomy, Vulnerability, Recognition, and Justice'. In Christman, John and Anderson, Joel (2005) *Autonomy and the Challenges to Liberalism*. Cambridge University Press.
- Horton, John. (2012) 'Political legitimacy, justice and consent.' *Critical Review of International Social and Political Philosophy*, 15,(2), 129–48.
- ____ (2012) 'Political legitimacy, justice and consent.' *Critical Review of International Social and Political Philosophy*, 15 (2), 129–48.
- Julius, A. J. (2003) 'Basic Structure and the Value of Equality.' *Philosophy & Public Affairs*, 31(4), 321–55.
- Killmister, Suzy. (2017) *Taking the Measure of Autonomy*. Oxford, UK Routledge.
- Klosko, George. (2004) *Democratic Procedures and Liberal Consensus*, Oxford, UK, New York, NY. Oxford University Press.
- Krasnoff, Larry. (2010) 'Autonomy and plurality.' *The Philosophical Quarterly*, 60 (241), 673–91.
- ____ (2014) 'Kantian Constructivism' in *A Companion to Rawls*, edited by Jon Mandle and David A. Reidy, Wiley Blackwell.
- Larmore, Charles. (2003) 'Public Reason'. In Samuel Freeman (ed.), *The Cambridge Companion to Rawls*. 368-393.
- ____ (2016) 'Political Liberalism: Its Motivations and Goals.' Sobel et al., *Oxford Studies in Political philosophy*.
- MacIntyre, Alasdair. (2007) *After Virtue: A Study in Moral Theory*. 3rd ed. Notre Dame, University of Notre Dame Press.

- Mackenzie, Catriona; Stoljar, Natalie, eds. (2000) *Relational Autonomy. Feminist Perspectives on Autonomy, Agency, and the Social Self*. Oxford, New York. Oxford University Press.
- Mandle, et al., editors. (2015) *The Cambridge Rawls Lexicon*, Cambridge, UK. Cambridge University Press.
- Melenovsky, C. M. (2018) 'The Implicit Argument for the Basic Liberties.' *Res Publica*, 24(4), 433-454.
- Mills, Chris. (2017) 'How Should Liberal Perfectionists Justify the State?' *Moral Philosophy and Politics*, 4(1), 43–65.
- Murphy, Liam (1998), 'Institutions and the Demands of Justice,' *Philosophy and Public Affairs* 27, 251-91
- Peter, Fabienne. (2012) 'Authority and Legitimacy.' *The Routledge Companion to Social and Political Philosophy*, edited by Gerald Gaus and Fred D'Agostino, Oxford, UK. Routledge.
- Oshana, Marina. (2015) 'Introduction' in Oshana, M. (ed.) *Personal Autonomy and Social Oppression Philosophical Perspectives*. Routledge.
- Pereira, Gustavo. (2018) 'Estilos de vida y Justicia' (Eng: 'Lifestyles and Justice'). *Ideas y Valores* 67 (167), 265 - 287
- Peffer, R.G. (1990) *Marxism, Morality, and Social Justice*. Princeton, Princeton University Press.
- Pettit, Philip. *Republicanism*. (1997) *A study of Freedom and Government*. Oxford Clarendon Press. Oxford, New York.
- Quong, Jonathan. (2010) *Liberalism without Perfection*, Oxford University Press.
- Rawls, John. (1993) *Political liberalism*. Columbia University Press.
- ---. (1997) 'The idea of public reason revisited.' *University of Chicago Law Review*, 64(3), 765–807.
- ---. (1999 [1971]) *A Theory of Justice: Revised Edition*, Harvard University Press.
- ---. (1999) *Collected Papers*. Freeman, Samuel, Harvard University Press.
- ---. (2001) *Justice as Fairness: A Restatement*, Harvard University Press.
- ---.(2007) *Lectures on the History of Political Philosophy*, Harvard University Press.
- Raz, Joseph. (1986) *The Morality of Freedom*, Oxford University Press.

- --- (1999 [1975]) *Practical Reason and Norms*, Oxford University Press.
- ---.(2006) 'The Problem of Authority: Revisiting the Service Conception.' *Minnesota Law Review*, 90(1003), 8–23.
- Reidy, David (2000) 'Rawls's Wide View of Public Reason: Not Wide Enough.' *Res Publica* 6: 49-72
- Ronzoni, Miriam. (2008) 'What Makes a Basic Structure Just?' *Res Publica*, 14, 203–18.
- Sandel, Michael. (1982) *Liberalism and The Limits of Justice*, Cambridge, UK. Cambridge University Press.
- ---. (1984) 'The Procedural Republic and the Unencumbered Self'. *Political Theory*. 12 (1).
- Scanlon, T. M. (2004) 'Adjusting Rights and Balancing values.' *Minnesota Law Review*, 72(1477), 8–23.
- Scheffler, S. (2003) 'What is Egalitarianism?' *Philosophy & Public Affairs*, 31 (1), 5–39.
- Shiffrin, Seana (2010) 'Incentives, Motives, and Talents,' *Philosophy and Public Affairs* 38, 111-42
- Schneewind, J. B. (1998) *The Invention of Autonomy. A History of Modern Moral Philosophy*. Cambridge, UK. Cambridge University Press.
- Simmons, A. John. *Moral Principles and Political Obligations*, Princeton University Press, 1979,
- ---. (1999) 'Justification and Legitimacy.' *Ethics*, 10(2), 130–53.
- ---. (2001) *Justification and legitimacy: Essays on Rights and Obligations*. Cambridge, UK. Cambridge University Press.
- Stoljar, Natalie. (2000) 'Autonomy and the Feminist Intuition'. In Mackenzie, C. and Stoljar, N. Eds. (2000)
- Taylor, Charles. (1989) *Sources of the Self. Making of the Modern Identity*. Cambridge, UK. Cambridge University Press.
- Tomasi, John. (2012) *Free Market Fairness*. (2012) Princeton, NJ: Princeton University Press.
- Veltman, Andrea and Piper, Mark, editors, (2015). *Autonomy, Oppression, and Gender*. Oxford University Press.

- Waldron, Jeremy. (1987) 'Theoretical Foundations of Liberalism.' *The Philosophical Quarterly*, 37(147), 127–50.
- Walzer, Michael. (1989) 'Citizenship.' In Ball, Terence et al. (eds.) *Political Innovation and Conceptual Change*. Cambridge, UK. Cambridge University Press.
- Weithman, Paul. (2017) 'Autonomy and Disagreement about Justice in Political Liberalism.' *Ethics*, vol. 128, 95–122. doi:10.1086/692943.
- _____. (2011) *Why Political Liberalism?* Oxford, UK, New York, NY. Oxford University Press.
- Wolff, Robert Paul. (1998 [1970]) *In Defense of Anarchism*, University of California Press.