ARISTOTELIAN-LIBERAL AUTONOMY

A Thesis
Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Master of Arts

in

The Department of Philosophy and Religious Studies

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December 2006

Acknowledgments

First, I must thank my thesis adviser, Dr. Ian Crystal, for his advice and for taking over the direction of this project in my last semester from my original thesis adviser, Dr. James Stacey Taylor. Dr. Taylor left the department unexpectedly to take up a post at another university, but before he did so he sparked in me an interest in the concept of autonomy. This thesis would not exist without his enthusiasm for the subject and his encouragement. For this I thank him. I have also benefited immeasurably from the advice and expertise of the other members of my thesis committee: Dr. Gregory Schufreider and my Ph.D. dissertation adviser, Dr. Cecil Eubanks. I am also grateful to Dr. James Stoner and The Earhart Foundation for the H. B. Earhart Fellowship which has funded the writing of this thesis. I must also acknowledge my parents, family, and friends, without whom I would not be who I am today. Last but certainly not least, my lovely wife, Sajida, has been my island of sanity while writing this thesis, especially during those times when it seemed I was in over my head. My deepest thanks to all of you for your encouragement and support, and for putting up with an intransigent wild-eyed radical such as myself. The usual disclaimer regarding any and all errors remaining in this thesis applies.

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Abstract

Written in the burgeoning tradition of Aristotelian liberalism, my thesis seeks to enrich this tradition by developing a liberal theory of autonomy based on a broadly Aristotelian foundation. Chapter One summarizes and critiques the major contemporary theories of autonomy developed by Kant and analytic philosophers. Chapter Two explicates the Aristotelian conception of autonomy, drawing on recent work by Fred Miller and Roderick Long. Aristotle is chided for not being liberal enough and so Chapter Three develops an Aristotelian-liberal theory of autonomy based in part on recent work by Douglas Rasmussen, Douglas Den Uyl and Roderick Long. Global and local individual autonomy are distinguished, with global autonomy being the exercise of one's rational faculty (or self-direction) and local autonomy relating to particular desires, preferences, actions, and so forth. Local autonomy is further conceived as having three fundamental dimensions: political, social, and personal. Political autonomy equates with the traditional classical liberal/libertarian concept of liberty, and is normatively protected by the right to liberty. Social autonomy involves freedom from social influences other than the threat or use of physical force that lead a person to deviate from his *telos*. Personal autonomy involves internal freedom from deviant desires, severe addiction to drugs, and so forth that lead a person to deviate from his *telos*. Personal and social autonomy cannot be promoted at the systematic expense of political autonomy. Aristotelian liberalism, and an Aristotelian-liberal theory of autonomy, promise to transcend the liberal/communitarian debate. An Aristotelian-liberal theory of autonomy avoids the Enlightenment pitfalls that plague Kantian and analytic theories of autonomy.

Introduction

Autonomy is an important concept in Kantian moral philosophy, contemporary analytic and moral philosophy, the political philosophy of liberalism, and the contemporary liberal/communitarian debate. It is often argued by proponents and critics alike that autonomy is of fundamental importance to moral agency and/or to liberalism.[1] And communitarian critics of autonomy and liberalism charge the concept of autonomy with being atomistic, asocial, ahistorical, and presupposing a radically free self. The dominant theories of autonomy outside of liberalism seem to be those in the Kantian and analytic traditions. Both sets of theories are deficient not only from the communitarian perspective but also from the point of view of Aristotelian and neo-Aristotelian philosophy.

Many communitarians hearken back to Aristotle for inspiration and support, but a growing number of liberals are arguing that a broadly Aristotelian philosophy provides a better foundation for liberalism than those of the Enlightenment.[2] An Aristotelian liberalism promises to transcend the liberal/communitarian debate as well as to provide a conception of autonomy that is not vulnerable to the familiar communitarian critique.

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[1] At least one scholar has argued that autonomy is not required for moral responsibility, however; see Kekes (1998).

[2] I mean, of course, liberal in the classical or libertarian sense. My approach is an Aristotelian-liberal synthesis. Obviously, despite some definite liberal tendencies, Aristotle was no liberal; nor was he fully a communitarian, however. Aristotelian liberals, on the other hand, recognize a greater degree of pluralism and demand a larger scope for individual autonomy. For the roots of liberal individualism and natural law and natural rights theory in Aristotle, see Fred D. Miller, Jr. (1995); and for a necessary amendment to it, see Long (1996). Also, on the ontological and moral priority of the individual in Aristotle's thought, see Zeller (1897), Machan (1998), and Khawaja (1999, 2000). On Aristotelian liberalism in general, see Rasmussen and Den Uyl (1991, 1997, 2005), Den Uyl and Rasmussen (1981), Rasmussen (1980), Den Uyl (1991), Rand (1964, 1966), Long (1994/95, 2000, 2001, 2002), Sciabarra (1995, 2000, 2005), Khawaja (1999, 2000).

However, autonomy is not commonly thought of in connection with Aristotle, nor is the great philosopher commonly thought of as a predecessor of or friendly to liberalism.

In chapter one, I will briefly discuss the Kantian and major analytic theories of autonomy, then offer some criticisms of these. In chapter two, I will explicate the Aristotelian conception of autonomy, employing textual exegesis and drawing on the more thorough work of Fred Miller and Roderick Long. Finally, in chapter three, I will develop an Aristotelian-liberal conception of autonomy influenced by the work of Douglas Rasmussen, Douglas Den Uyl, Roderick Long, Fred Miller, and Chris Matthew Sciabarra. In so doing, I will argue for conceptual distinctions, but not separations!, between global and local autonomy on the one hand and on the other hand between three fundamental dimensions of local individual autonomy (political, social, and personal), both of which I think are necessary for avoiding certain common confusions.

I. Major Contemporary Theories of Autonomy

The dominant theories of autonomy in analytic philosophy received their inspiration, but are now very different, from Kant's conception of autonomy. Before turning to these analytic theories it will be useful by way of contrast to briefly explicate Kantian autonomy and why analytic philosophers have developed an alternative to it. I will here be following the interpretation of Thomas Hill in his essay "The Kantian Conception of Autonomy."[3] For Kant, autonomy has both positive and negative dimensions. Before discussing these dimensions, it is important to point out a faux-Kantian view of autonomy that is sometimes attributed to him.

According to Hill, this faux-view is that when one acts from inclination or desire then the act is causally determined by desire, unfree, and heteronomous; but when one acts from moral principle, namely a moral law willed on oneself, then the act is "causally undetermined choice, free, and perfectly rational" – i.e., autonomous.[4] This view has the absurd consequence of holding all immoral acts to be unfree or heteronomous and all moral acts as being free or autonomous. Moreover, "since Kant argues both that negative freedom is inseparable from autonomy and that it is a necessary condition of moral obligation, we would have to conclude that whenever one lacks autonomy one is not under moral obligation. Thus the apparently immoral thief, acting from greed, is not merely excused from responsibility; he was not even acting contrary to a moral obligation."[5] In any case, it is not a view properly attributable to Kant.

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[3] Hill in Christman (1989), pp. 91-105.
[4] Ibid., p. 95.
[5] Ibid.

Hill argues that for Kant autonomy is a property of human wills. Kant says that to have a will is to have "the power to act in accordance with [one's] idea of laws...[or] principles" or "a kind of causality belonging to living things so far as they are rational."[6] Hill argues that Kant viewed autonomy as a property of virtually all normal adult human beings and not merely a special feature of the few who manage to be perfectly rational and moral. Any will with autonomy is necessarily "free in a negative sense," which means "the property [the will] has of being able to work independently of alien causes."[7] This negative freedom is a necessary condition for moral agency. Rational agents can have reasons not based on their desires, but Kant argues that we *must* think of them as having reasons for their actions. Wills with autonomy are free but not lawless, they do not engage in some sort of Sartrean "radical choice"[8]

Kant also says that autonomy is freedom "positively conceived," which means that a will has the property of being "a law unto itself...independently of every property belonging to the objects of volition."[9] Autonomy implies the obligation to be rational and moral. Hill summarizes what he sees as the main features of this idea of positive freedom thusly:

> To conceive a person as having positive freedom is to think of the person as having, (1) in addition to negative freedom, (2) a deep rational commitment to some principle(s) of conduct as (rationally) binding but (3) not adopted for the sake of satisfying desires, (4) not just prescribing means to rationally contingent ends, and yet (5) in some sense necessarily imposed on oneself by oneself as a rational agent. Further, though one may not always live up to it, (6) the commitment is seen by the agent as rationally overriding other sorts of principles and aims, in case of conflict.

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[6]   Kant (1964), pp. 80 & 114, respectively.
[7]   Ibid., p. 114.
[8]   Hill in Christman (1989), p. 100.
[9]   Kant (1964), p. 108; see also p. 114 .

Finally, setting aside cognitive requirements and formal principles such as "Take the means or abandon the end," the *only* action-guiding principles that are rationally "authoritative" for the agent with autonomy are principles that satisfy these conditions, and so (7) no principle to which one is committed because of contingent features of one's human or individual make-up has this sort of necessary reason-giving force.[10]

The Kantian conception of autonomy has been rejected in analytic philosophy for a number of reasons. First, it lacks an empirically testable referent. Second, it seems to entail acceptance of questionable metaphysical and epistemological doctrines (although Hill argues against the former). Third, it seems to entail commitment to certain moral values and principles (something Hill also seems to dispute[11]), while analytic philosophers seem increasingly to be striving for a theory of autonomy that is content-neutral with regard to morality. Now, the Kantian conception of autonomy has problems from the Aristotelian point of view as well, but not necessarily the same as those identified by analytic philosophers. Indeed, there is much in Kant with which Aristotelians can disagree, particularly his separation of reason and morality from desire and emotion, from man's animal nature, from the contingent and the particular and from specific contexts and circumstances. On the other hand, to provide one criticism of analytic theories in advance, an Aristotelian conception of autonomy, like the Kantian conception, would not be entirely content-neutral, separating autonomy from a particular moral theory. Just why this is not incompatible with liberalism's commitment to pluralism, as is often thought, will be touched upon in chapter three. Communitarians often take issue with Kant's notion of a transcendental self that is free from alien causes; such a conception of the self, or something like it, is thought to underlie the liberal notion

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[10] Hill in Christman (1989), pp. 89-99.
[11] See ibid., pp. 99 & 101.

of autonomy. As will be seen in chapters two and three, however, an Aristotelian-liberal conception of autonomy can avoid this problem of relying upon a radically free self.

The most influential account of autonomy in analytic philosophy is the desire-based hierarchical model, which has also been called the Dworkin-Frankfurt (DF) model. Theories of autonomy based on this model posit a split-level self in which human beings are distinctively characterized by their ability to critically assess their first-order desires and endorse or repudiate them with second-order desires. According to this account, as James Stacey Taylor relates: "A person is autonomous with respect to a first-order desire that moves her to act (e.g., she wants to smoke, and so she smokes) if she endorses her possession of that first-order desire (e.g., she wants to want to smoke)."[12] On the other hand, if she does not endorse her first-order desire (e.g., she wants not to want to smoke), then she is not autonomous, she is heteronomous, with respect to her first-order desire. Taylor argues that this hierarchical approach has three major advantages: 1) it fits our intuitions about persons, 2) it is explicitly naturalistic and compatibilist, and 3) it is content neutral - "for it does not require persons to hold any particular values in order for them to be autonomous."[13]

The hierarchical theories of Harry Frankfurt and Gerald Dworkin have important differences, so it will be useful to examine them separately. Frankfurt's theory has been the more influential of the two. In Frankfurt's original theory, a person is autonomous

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[12] Taylor (2005), "Introduction," p. 1. The remainder of this chapter is heavily indebted to Taylor's scholarly introduction to his anthology *Personal Autonomy* (2005) as well as to his older review essay, "The Theory of Autonomy" (1999).

[13] Ibid., p. 2. As I will argue in chapter three, the lack of such content-neutrality is not necessarily a problem.

with respect to an effective first-order desire if he *volitionally endorses* that desire.[14] A first-order desire is a desire that a particular state of affairs obtains. An *effective* first-order desire is a desire that moves one to act. A first-order desire is volitionally endorsed if one has a second-order desire to have that particular first-order desire *and also* wants that first-order desire to move him to act.

In Dworkin's original theory, "an autonomous person is one who does *his own thing*," that is, when "the attitude that [the] person takes towards the influences motivating him...determines whether or not they are to be considered 'his'."[15] Authenticity and autonomy seem here to be conflated. A person's motivations are authentic (or autonomous) if he endorses (or identifies with) being moved by the first-order desires he has. But actually, Dworkin writes that "autonomy = authenticity + independence."[16] In addition to authenticity, Dworkin posits two other requirements for autonomy: procedural and substantive independence. As Taylor pithily relates: "A person possesses procedural independence with respect to her motivations if her desire to be moved to act by them has not been produced by 'manipulation, deception, the withholding of relevant information, and so on'. A person possesses substantive independence with respect to his motivations if he does not 'renounce his independence of thought or action' prior to developing them."[17]

While intuitively plausible, hierarchical theories of autonomy are vulnerable to three serious objections or problems. These are the Problem of Manipulation, the

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[14] See Frankfurt's "Freedom of the Will and the Concept of a Person" in Christman (1989), pp. 63-76 and in Frankfurt (1988), pp. 11-25.
[15] Dworkin (1976), "Autonomy and Behavior Control," pp. 26-27.
[16] Ibid., p. 24.
[17] Taylor (2005), "Introduction," p. 4. The passages cited by Taylor are from Dworkin (1976), pp. 26-27.

Regress-cum-Incompleteness Problem, and the *Ab Initio* Problem/Problem of Authority.[18] As will be seen, these problems are interrelated. The most serious of these appears to be the Problem of Manipulation. Frankfurt's theory in particular is vulnerable to it, because his theory is an "*ahistorical* (or *structural*, *punctuate*, or *time slice*) account of autonomy."[19] Consider that in Frankfurt's original theory, a person is autonomous with respect to his effective first-order desires regardless of their historical origins so long as he volitionally endorses them. Frankfurt is committed to holding a person to be autonomous even if his first-order desire and his second-order desire to have the first-order desire were both inculcated in him by means of brainwashing, hypnotism, or some other form of trickery or coercion. So long as a person volitionally endorses his effective first-order desire, whatever it may be and however he came to so endorse it, he is considered autonomous in Frankfurt's theory.

Taylor contends that because of his procedural independence and substantive independence requirements, Dworkin's theory of autonomy is not directly subject to the Problem of Manipulation. However, Taylor launches an indirect challenge to Dworkin's theory by arguing that Dworkin "simply rul[es] *ex cathedra* that a person is not autonomous with respect to those desires that he has been manipulated into possessing."[20] In order to provide a *theoretically* satisfactory account of autonomy, Dworkin needs to explain "why a person's autonomy would be thus undermined, so that influences on a

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[18] For a more thorough and nuanced account of these three problems, and as a general introduction to the major analytic theories of autonomy, see the introduction in Taylor (2005). See also, Taylor (1999) and the introductions in Christman (1989) and Christman and Anderson (2005). Then, consult the essays collected within the edited volumes cited herein.

[19] Taylor (2005), "Introduction," p. 5.

[20] Ibid.

person's behavior that do not seem to undermine her autonomy (e.g., advice) can be differentiated from those that do (e.g., deception)."[21] To extend Taylor's argument, it is not clear how Dworkin would handle the issue of education, particularly of children. What is it, if anything, that makes the education of children different from "manipulation, deception, the withholding of relevant information, and so on"?[22] Can children be autonomous? If yes, does education or certain forms of it violate procedural independence? And if not, at what point in human development do procedural and substantive independence become relevant criteria, at what point do developing human beings become autonomous? Following this line of reasoning, one might wonder whether or at what point a person raised to have certain beliefs and behave in certain ways (whether rightly or wrongly, as all children are by involved parents) did not "renounce his independence of thought or action"[23] (i.e., substantive independence) prior to being educated by his parents and others. This last is suggestive of the *Ab Initio* Problem/Problem of Authority discussed below. Unless Dworkin can somehow account for childhood development and education, it would appear his original theory avoids the Problem of Manipulation only at the cost of implausible and counterintuitive implications – that children are autonomous ab initio[24] or become autonomous through a non-autonomous process[25] or that education is manipulation, deception and so forth.

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[21] Ibid., p. 6.

[22] Dworkin (1976), pp. 26-27.

[23] Ibid.

[24] A play on words, *ab initio* meaning "from the beginning," and not to be confused with the related *Ab Initio* Problem.

[25] The *Ab Initio* Problem; see below. This problem seems significant for desire-based hierarchical theories of autonomy, but may not be so for other kinds of theories such as the Aristotelian and Aristotelian-liberal theories discussed in chapters two and three.

The Regress-cum-Incompleteness Problem is twofold. The very nature of hierarchical theories threatens an infinite regress, and requires a theoretically satisfactory explanation for any claim that such a regress will not occur. If, as these theories claim, a person is autonomous with respect to his effective first-order desires if he volitionally endorses them with a second-order desire, the question then arises as to whether he is autonomous with respect to his second-order desires. That autonomy requires effective first-order desires to be volitionally endorsed by second-order desires implies that an even higher, third-order, desire is required to endorse the second-order desires. And this, of course, implies that an even higher, fourth-order, desire is required, and so on, ad infinitum. In order to head off this regress, it must be claimed that a person is indeed autonomous with regard to his second-order desires without the need for endorsing third-order desires; but if this is so, a further question arises as to why; Frankfurt's and Dworkin's theories are thus incomplete. Yet another question arises, however, and this is the question of why autonomy requires that effective first-order desires be endorsed by second-order desires in the first place if second-order desires do not need to be so endorsed by higher order desires in turn. Thus, the need for a hierarchical model is itself put in question.

An alternative way out of the Regress-cum-Incompleteness Problem is open to Frankfurt and Dworkin, but it leads directly into the third problem: the *Ab Initio* Problem/Problem of Authority. Frankfurt and Dworkin, perhaps wisely, do not take this path, but it is important to examine it in any case. Hierarchical theories like those of Frankfurt and Dworkin may yet be trapped by it, as the issue of childhood education

raised above with regards to Dworkin's theory suggests. As Taylor points out, "the proponents of the hierarchical approach *could* avoid the Regress-cum-Incompleteness Problem simply by claiming that although the person in question is *not* autonomous with respect to her higher-order endorsing desire, she *is* autonomous with respect to her endorsed first-order desire, because autonomy is simply constituted by such an endorsement."[26] Aside from the problem of appearing to be another *ex cathedra* claim like Dworkin's discussed above, this move leads directly to the *Ab Initio* Problem: "How can a person become autonomous with respect to a desire through a process with respect to which she was not autonomous?"[27]

When put in the following manner, the *Ab Initio* Problem is often termed the Problem of Authority: "how is it that a person's higher-order desires possess any authority over her lower-order desires?"[28] In other words, as Gary Watson has pithily and aptly pointed out: "Since second-order volitions are themselves simply desires, to add them to the context of conflict is just to increase the number of contenders; it is not to give a special place to any of those in contention."[29] This again calls into question the very need for and validity of the hierarchical model. Why should we accept the ontology of the split-level self as it is presented, that is, as involving levels of desires?

To make a first cut at answering this last question, as Watson's statement suggests, I have thus far found no compelling reason to view second-order desires as having any special place or authority over that of first-order desires, in any theory of autonomy and

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[26] Taylor (2005), "Introduction," p. 6.
[27] Ibid.
[28] Ibid.
[29] Watson (1975), p. 218.

in general. It seems just as reasonable to me, if not more so, to see the first- and second-order desires (e.g. the desire to smoke and the desire not to desire to smoke, respectively) simply as competing desires, one of which will be revealed in action as a person's demonstrated preference. Who is to say which desire is better or correct? It might just as well be the first-order desire as the second that is the better to act on, the one more autonomous or truer to one's 'self'.

Second, it is not clear to me that people even have second-order desires rather than just competing desires. The hierarchical model presented thus far seems to impose a false structure on the natural operations of the mind. It seems problematic at best to base an entire theory of autonomy on the way people sometimes colloquially speak. Rather, it seems more natural to see desires and desiring in the following light: it is possible and quite common to have two competing desires (e.g., the desire to smoke and the desire not to smoke, as opposed to the above hierarchical model of the desire to smoke and the desire not to desire to smoke). What normal human beings do seem to have is a second-order *capacity* for critical reflection (rationality). One might have these two competing desires and, upon critical reflection, endorse one and reject the other; or one might form one of these desires as a result of critical reflection and thereby endorse it, while the other desire has another source. Three things follow from this: 1) one part of the person wants to smoke and another part does not want to smoke, but this does not necessarily entail a second-order desire about either want; 2) the mere fact that one of these desires has been endorsed and the other rejected does not mean that one is autonomous if one then acts on the endorsed desire rather than on the rejected desire; 3) even if a desire if formed as a

result of critical reflection, acting on this desire is not enough to establish one's autonomy. People can mistakenly endorse the wrong desires, desires that are not theirs in either or both of the following senses: 1) the desire is the result of 'illegitimate' external influences, 2) the desire is not representative of one's true 'self' – however 'illegitimate' and 'self' are conceived.

It turns out that Dworkin intended his hierarchical theory of autonomy to be something like the preliminary sketch given in the previous paragraph. In later work he clarified his account. This clarification hinges upon a distinction between local and global conceptions of autonomy. A local conception of autonomy involves the conditions that must be met for a person to be autonomous with respect to his desires or actions. Frankfurt's theory, and Dworkin's as it was for a time interpreted, as well as the alternative account sketched in the previous paragraph, represent local conceptions of autonomy. Instead, Dworkin clarified that his theory is really a global conception in which autonomy is a "second-order capacity of persons to reflect critically upon their first-order preferences, desires, wishes, and so forth."[30] The similarity between the account sketched in the previous paragraph and what we now know to be Dworkin's actual theory is the importance of the second-order capacity for critical reflection, but it is in the exercise of this capacity that Dworkin locates autonomy rather than in a person's relation to his particular desires and actions. Contrary to Dworkin, I am inclined to conceive of the exercise of this capacity as self-direction, which in turn is a constitutive part of autonomy. More will be said on this in chapter three, but first more remains to be said about the major analytic theories of autonomy.

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[30]   Dworkin (1988), p. 20.

Dworkin argued that his theory, properly understood, avoids the Regress-cum-Incompleteness Problem and the *Ab Initio* Problem/Problem of Authority. It avoids the former because what matters is that a person enjoy procedural independence with respect to his reflection upon his desires, not whether "preferences at the second order would themselves be valued or preferred at a higher level,"[31] and it avoids the latter because autonomy just is the exercise of the capacity of critical reflection. Dworkin's theory still seems vulnerable to the childhood education issue, however, for it is still unclear when a human being becomes autonomous and what exactly counts as manipulation, deception, and so forth.

Finally, Taylor criticizes Dworkin's theory on other grounds, viz., that Dworkin's theory, properly understood, "is no longer offering an analysis of autonomy that is congruent with the discussions in moral philosophy in which autonomy plays a major role, for these discussions focus on the more localized question of what makes a person autonomous with respect to her *particular* desires or her *particular* actions."[32] The distinction between self-direction and autonomy might help solve this deficiency. This distinction will also make unnecessary John Kekes's effort to demonstrate that moral responsibility does not depend upon autonomy, for it is on self-direction that I hang moral agency and thus much of moral responsibility, and not on local autonomy.[33] On the other hand, if moral philosophers insist on resting moral agency and moral responsibility on local autonomy rather than self-direction, and if resting them on self-direction instead turns out to be mistaken, then Kekes's effort may indeed be necessary to avoid the

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[31] Ibid.
[32] Taylor (2005), "Introduction," p. 8.
[33] See Kekes (1998).

problem of rampant heteronomy absolving people of moral responsibility. Again, more will be said on this distinction between self-direction and local autonomy in chapter three.

Although I have already criticized Frankfurt's theory (and theories like it) on more fundamental grounds than the three Problems, it is still worth noting the ways in which Frankfurt attempted to avoid them. First, in "Identification and Wholeheartedness," Frankfurt attempted to avoid the Regress-cum-Incompleteness Problem by modifying his theory with a decision-based element such that "a person is autonomous with respect to his effective first-order desire if he *decisively* endorses it with a second-order volition."[34] He claimed that any possible regress would be terminated if a person endorsed his effective first-order desire "without reservation...in the belief that no further accurate inquiry would require him to change his mind."[35] This version of Frankfurt's theory still fails to avoid all three Problems, however; the regress problem in particular it fails to avoid because the question of whether a person is autonomous with respect to his *decision* still arises. Frankfurt then made a further satisfaction-based modification to his theory in "The Faintest Passion." Attempting to avoid endorsement qua 'deliberate psychic event', which brings on the regress, he posits instead a sort of endorsement qua passive acceptance or satisfaction. Active reflective endorsement as an event is no longer required. Instead, a person merely needs to have "no interest in making changes" in his desires.[36] This allows him to avoid the regress problem. Frankfurt further argues that the passive acceptance or satisfaction has no normative authority but is rather merely

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[34] Ibid., p. 7.
[35] Frankfurt (1988), pp. 168-169.
[36] Frankfurt (1999), pp. 104-105.

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descriptive of whether or not a person's desires are his. This apparently immunizes

Frankfurt's theory to the *Ab Initio* Problem/Problem of Authority. One problem with

Frankfurt's new theory has been pointed out by Michael Bratman, who argues that the

mere failure to reject one's desires does not constitute endorsement of or identification

with them.[37] Moreover, the passive acceptance or satisfaction element of Frankfurt's new

theory seems to have a highly problematic implication, viz., that the more unreflective

one is, the more autonomous one is. Finally, Frankfurt's new theory is still undermined by

the Problem of Manipulation.

In "Autonomy and Personal History" and "Defending Historical Autonomy,"

John Christman incorporates a historical dimension into the hierarchical model of

autonomy. According to Christman's theory, a person P is autonomous with respect to a

desire at time t if and only if

> i. P did not resist the development of D (prior to t) when attending to this
> process of development, or P would not have resisted that development
> had P attended to the process;

> ii. The lack of resistance to the development of D (prior to t) did not take
> place (or would not have) under the influence of factors that inhibit self-
> reflection;

> iii. The self-reflection involved in condition i is (minimally) rational and
> involves no self-deception;[38]

> iv. The agent is minimally rational with respect to D at t (where minimal
> rationality demands that an agent experience no manifest conflicts of
> desires or beliefs that significantly affect the agent's behavior and that are
> not subsumed under some otherwise rational plan of action).[39]

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[37] See Bratman (1996).
[38] Christman (1993), p. 288. See also, Christman (1991), p. 11 and Taylor (2005), "Introduction," p. 10.
[39] Ibid., p. 288. This fourth condition was added in Christman (1993). See also, Taylor (2005),
"Introduction," p. 10.

However, Taylor argues that Christman's theory "fails to provide either necessary or sufficient conditions for a person to be autonomous with respect to her desires."[40] It fails to provide the necessary conditions because a person can become autonomous with respect to a desire that he acquired through a non-autonomous process if he endorses the desire while nevertheless repudiating the manner in which he came to have it. Taylor gives the example of a child coming to love playing piano despite his mother's tyrannical means of forcing him to learn. Christman's theory fails to provide the sufficient conditions for autonomy because someone plainly heteronomous, such as a person who had voluntarily subordinated himself to the arbitrary dominion of another, would still be counted as autonomous on Christman's theory due to the fact that he was autonomous with respect to his desire to subordinate himself when he entered into the relationship.

The aforementioned Michael Bratman has developed a new reasons-based theory of autonomy which builds on Frankfurt's satisfaction-based theory and includes a broadly Lockean account of personal identity. A person's personal identity is constituted by his standing decisions, intentions, and policies. To be autonomous with respect to one's desires, one must decide to treat them as reason-giving (i.e., end-setting) in a given context *and* one must also be satisfied with them in the sense of not having reached and retained any conflicting decisions, intentions, or policies as also reason-giving. Bratman's theory appears to avoid the *Ab Initio* Problem/Problem of Authority and the Regress-cum-Incompleteness Problem. It avoids the former because the decisions, intentions, and policies are authoritative due to being constitutive of one's self and it avoids the latter because the question of whether one is autonomous with respect to them does not arise.

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40   Taylor (2005), "Introduction," p. 10

Bratman's theory, however, is still vulnerable to the Problem of Manipulation because a person's self, defined as one's standing decisions and so forth, can be manipulated, constructed, or reconstructed in the ways previously described (including, perhaps, childhood education/socialization/manipulation).

That the childhood education/socialization/manipulation issue and the Problem of Manipulation appear to be problematic for all of the major analytic theories discussed so far is indicative of the central complaint of communitarians about liberalism and autonomy: namely, that they seem to be explictly or implicitly based on and/or produce atomistic, ahistorical, asocial, radically free selves. Such a notion of a transcendental, unencumbered, or radically free self is suggested by this statement of Taylor's: "my desire to shout *was not 'really mine'* – it wasn't one that I endorsed, or identified with – but, instead, *was just a desire that occurred within me, and which I was subject to.*"[41] Consider, also, another statement by Taylor:

> For example, while sitting in my seat at the local cinema I am – and entirely unbeknownst to me – subject to repeated images of delicious popcorn covered in lovely warm, fresh, salty butter. Such images have been designed by unscrupulous popcorn salesmen to instill in me a desire for buttered popcorn, and to make me decide to treat such a desire as being reason-giving when the interval comes around, and to be satisfied with this decision. When the interval comes, then, I – and everyone else in the cinema – gets up, and goes off to buy buttered popcorn from the foyer. Now, although this inculcated desire does meet the conditions of autonomy outlined above, it seems mistaken to claim that this desire for popcorn is truly autonomous.[42]

The "unbeknownst to me" apparently refers to subliminal advertising but, although I wonder how effective subliminal advertising really is, in the next paragraph Taylor

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[41] Taylor (1999), p. 9. Emphasis mine.
[42] Ibid., p. 10.

includes normal advertising as well. He also cites 'certain forms of socialization' and political campaigning. If such normal social phenomena as these are enough to compromise autonomy, then the conception of autonomy being employed here seems implicitly to be one in which any external influence that is not first endorsed by the self is alien to the self but this implies a fully developed radically free self apart from social influences. It also seems to me mistaken to claim that such 'inculcated' desires are not truly autonomous. Wherever a particular desire happens to come from, what seems important is whether or not the choice to act (or not) upon the desire is volitional or self-directed. In addition to self-direction, local autonomy must depend upon conditions other than simply the ultimate point of origin of one's desires.

Finally, an important new account of autonomy worth noting is the coherentist theory of Laura Waddell Ekstrom. Instead of desires simpliciter, Ekstrom builds her theory on preferences. She conceives of a preference as a species of desire, "a very particular sort of desire: it is one (i) for a certain first-order desire to be effective in action, when or if one acts, and (ii) that is formed in the search for what is good."[43] Structurally, then, Ekstrom's preferences are similar to Frankfurt's second-order desires and thus appear to be equally subject to the criticism leveled above at the first-order desire/second-order desire distinction. Leaving this criticism aside, Ekstrom also distinguishes between a person's 'self' and his 'true or most central self'. A person's self consists of his character, where his character is constituted by his preferences and the set of preferences he accepts at a given time, and his power for "fashioning and

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[43]   Ekstrom (1993), p. 603. See also her essay in Taylor (2005).

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refashioning" his character.[44] The true or more central self is constituted by those subset of preferences that actually cohere (i.e., do not conflict). A person is autonomous with respect to his preferences if they are part of his true self. For familiar reasons, Ekstrom's theory avoids the Regress-cum-Incompleteness Problem and the *Ab Initio* Problem/Problem of Authority. Her theory also seems to avoid the Problem of Manipulation; however, it does so only at the problematic cost of holding that any manipulation of one's core preferences results not in a loss of autonomy but rather in a new person. Additionally, from an Aristotelian eudaimonist perspective, Ekstrom's theory is deficient in that it holds whatever cohering preferences one happens to have as one's 'true self' whereas these may be entirely out of step with one's natural end and therefore not representative of one's true self in the teleological sense. Finally, Taylor points out that Ekstrom's theory fails to provide a sufficient condition for autonomy because someone plainly heteronomous, such as a person who had voluntarily subordinated himself to the arbitrary dominion of another, would still be counted as autonomous on her theory on account of the servant's cohering preferences constituting his 'true self' despite being his only because they are his master's.[45]

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[44] Ibid., p. 606.
[45] Taylor (2005), "Introduction," pp. 15-16.

II. Aristotelian Autonomy

In recent decades communitarians like Alasdair MacIntyre have hearkened back to Aristotle for support in their repudiation of modern liberalism. Also recently, a growing number of liberals are turning back to Aristotle in search of a better grounding for liberalism than the Enlightenment. Aristotle was by no means a liberal, but nor was he unequivocally a communitarian; rather, Aristotle seems to have had both liberal and communitarian tendencies. In "Aristotle's Conception of Freedom," written as an amendment to Fred Miller's *Nature, Justice, and Rights in Aristotle's* Politics, Roderick Long identifies seven theses that Miller persuasively argues can be attributed non-anachronistically to Aristotle's political thought, theses which establish his affinity with modern liberalism. The theses are:

1) individuals have rights;

2) these rights are natural, not merely legal or conventional;[46]

3) these rights forbid any sacrifice of the individual's interests to the interests of the community;

4) the state has an obligation to respect and protect these rights;

5) in order to secure these rights, the state's constitutional structure should be arranged so as to provide checks on governmental power;

6) legitimate political authority rests on the consent of the governed; and

7) a government that fails to respect the rights of its citizens may legitimately be overthrown.[47]

Long, however, argues that Miller could have gone farther, that Miller made four

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[46] Natural in the sense of being based on natural justice, not as of being possessed in a state of nature.
[47] Long (1996), p. 776.

concessions to communitarian interpretations of Aristotle which he did not have to make. These are:

> *Concession One*: Aristotle, unlike the modern liberal, countenances no right to do wrong.

> *Concession Two*: Aristotle, unlike most liberal natural-rights theorists, recognizes no rights existing in a prepolitical "state of nature."[48]

> *Concession Three*: Aristotle, unlike the modern liberal, regards liberty as having only an instrumental and peripheral value.

> *Concession Four*: Aristotle, unlike the modern liberal, assigns no central place to autonomy in his conception of rights.[49]

Long then goes on to provide arguments and textual evidence that these concessions need not be made. More recently, Miller has provided a textual exegesis of "Aristotelian Autonomy" (2002). I cannot do the full range of their arguments justice here, nor do I need to do so. Instead, I will do my best to reconstruct the main points of their arguments that relate to autonomy in the limited space available. For more detailed and nuanced accounts, the reader should consult the aforementioned works by Miller and Long.

In "Aristotelian Autonomy," Miller discusses what he calls individual autonomy and political autonomy. Miller's individual autonomy corresponds roughly to what has in the mainstream literature come to be called personal autonomy. Miller's political autonomy is a form of group (as opposed to individual) autonomy: political self-rule under law (πολιτική ἀρχή).[50] In Aristotle's political thought these two types of

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[48] In part, Long argues that Aristotle recognizes some prepolitical$_2$ rights (pre- in the sense of being prior in generation (or temporally)), but not prepolitical$_1$ rights (in the sense of being prior in teleological completeness). Long, of course, recognizes that Aristotle "would not have been willing to call the prepolitical state a 'state of nature', since for him the natural state is the highest and most developed one, that is, the political state" (785 n. 43).

[49] Long (1996), p. 776.

[50] Miller (2002), pp. 386-387.

autonomy are intimately interrelated. Both types of autonomy have their basis in Aristotle's natural teleology, his philosophical anthropology, and his eudaimonist theory of virtue ethics.

According to Aristotle human beings have a nature, i.e., an end or *telos*. The natural end of human beings is *eudaimonia* (flourishing, well-being, or happiness). Eudaimonia is "the activity of the soul according to reason (or not without reason), i.e., activity in accordance with the most perfect (or complete) virtue or excellence" and it includes goods of the soul (e.g., virtue), goods of the body (e.g., health), and external goods (e.g., friendship, wealth, liberty).[51] Aristotle's conceptions of eudaimonia and virtue depend heavily on his conception of the human soul.

The human soul for Aristotle consists of irrational (ἄλογον) and rational (λόγον) parts.[52] The irrational and rational parts of the soul each appear to be further subdivided into two parts. The two irrational parts of the soul are 1) the vegetative faculty (φυτικόν) and 2) the appetitive faculty (ἐπιθυμητικόν) and in general the desiring faculty (ὀρεκτικόν). The rational part in turn appears to be two-fold: 1) the rational faculty, which has reason in the strict sense, with authority (κυρίως), and in itself, and 2) the other, apparently the desiring faculty (ὀρεκτικόν) insofar as it obeys reason.[53] The rational faculty is itself further subdivided into two parts with distinctive functions: 1) the scientific part (τὸ ἐπιστημονικόν), "by which we contemplate the kind of things whose

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[51] Miller (1995), p. 19. See Aristotle's *Nicomachean Ethics* (hereafter *NE*) I.7 1098a7-17 and I.8 1098b9-1099b8.

[52] Aristotle rejects Plato's tripartite psychology in which the three parts of the soul have three corresponding types of desires; see Miller (1999, 2002: 377) and Aristotle's *De Anima* (hereafter *DA*) III.9 432b4-7 and III.10 433a21-b4. For Aristotle there is only one faculty of desire, only one source of movement for the human soul.

[53] See *NE* I.13 1102a5-1103a10. On this interpretation, see Miller (1995: 7-8) and Miller (2002: 377).

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principles cannot be otherwise" (the necessary), and 2) the deliberative or calculative part (τὸ λογιστικόν), "by which we contemplate variable things" (the contingent)[54] and reason about means and ends.[55]

Aristotle distinguishes between intellectual and ethical virtues. The intellectual virtues are excellences of thought whereas the ethical virtues are excellences of character expressed in action. Each of the parts of the rational faculty (the scientific and deliberative) has its own distinctive set of intellectual virtues. The key intellectual virtues for our purposes are *sophia* (σοφία; contemplative wisdom) and *phronēsis* (φρόνησις; practical wisdom or prudence). Sophia belongs to the scientific part of the rational faculty and involves excellence in apprehending true first principles and true conclusions drawn from them. Aristotle defines phronēsis, which belongs to the deliberative part of the rational faculty, as "a state [of the soul] involving truth and reason concerned with action regarding things that are good and bad for a human being."[56] The ethical virtues belong to the second rational subdivision of the soul, the desiring part insofar as it obeys reason. An ethical virtue is an activity of the soul that makes a man good, enabling him to perform his function (ἔργον) well, and is a constitutive part of eudaimonia.[57] An ethical virtue is a right action, a mean (relative to us) between extremes (vices) of excess and deficiency in specific contexts. Aristotle argues that practical wisdom is inseparable from the ethical virtues: "It is clear, then, from what has been said, that it is not possible to be good in the

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[54] *NE* VI.1 1138b36-1139a17. All translations are from the Revised Oxford Translation unless otherwise noted.
[55] See *DA* III.10 433a14.
[56] *NE* VI.5 1140b4-6; Miller's (1995: 10) translation.
[57] See *NE* II.6 1106a22-24.

strict sense without practical wisdom, nor practically wise without moral excellence."[58]

Aristotle thus implies the unity of virtue, for the presence of practical wisdom entails the

presence of all the ethical virtues.[59] One might pithily say, then, that practical wisdom

without the ethical virtues is 'empty', while the ethical virtues without practical wisdom

are 'blind'.[60]

For Aristotle, an agent is autonomous insofar as his soul rules over his body and

his rational faculty rules over the rest of his soul. How is it, however, that reason can rule

over desire? Aristotle is a hylomorphist, which means that he views the soul and the body

as distinct but inseparable (at least for the most part). In terms of his four causes, the

elements that make up the body are the material cause whereas the soul is the other three

causes: "the efficient cause (the source of change, and specifically of locomotion)," "the

final cause or end," and "the formal cause or essence."[61] Reason is for Aristotle the

formal and final cause of human beings.

Aristotle is clear that the faculty of desire is the source of movement in the soul,[62]

although he is also clear that either imagination or thought is also involved.[63] Is desire,

then, the primary cause of human action? And is Aristotle, therefore, a proto-Humean? Is

reason only the handmaid of desire? Several more of Aristotle's distinctions are pertinent

here. First, Aristotle distinguishes between imagination and thought. Animals are

incapable of desire unless they have imagination, and imagination involves perception or

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[58] *NE* VI.13 1144b30-32.
[59] See *NE* VI.13 1144b35-1145a2
[60] This is not, however, to say that practical wisdom can be present without the ethical virtues but in an 'empty' condition or that the ethical virtues can be present without practical wisdom but in a 'blind' condition. Indeed, neither can be present without the other.
[61] Miller (2002), p. 378; cf. *DA* II.4 415b8-27.
[62] See *DA* III.10 433a21; cf. 433a31-b1 and 433b10-11
[63] See *DA* III.10 433a9-26.

reason.[64] Only human beings, so far as we know, possess reason and are capable of thought. Aristotle further distinguishes between perceptual imagination and deliberative imagination. Only rational animals are capable of deliberative imagination, while all other animals with perception only have perceptual imagination.[65] Deliberative imagination does involve some conceptualization and reasoning about means. As Miller points out, humans "do not merely succumb to temptation; they also figure out how to satisfy their aberrant urges."[66] Aristotle says, however, that "thought is always right, but [desire] and imagination may be either right or wrong. That is why, though in any case it is the object of [desire] which originates movement, this object may be either the real or the apparent good."[67] I follow Miller in interpreting the first clause of this passage not as "thought is never in error" but as "thought (*nous*) is able to attain a state of knowledge which is certain and inerrant, namely, when it apprehends first principles."[68]

Second, Aristotle follows Plato in distinguishing three distinct kinds of desire (ὄρεξις): appetite (ἐπιθυμία), passion (θυμός), and wish (βούλησις).[69] Wish is a kind of 'rational desire' in that it is of the end, rather than the means, and it can be activated by reasoning.[70] Aristotle points out that not only can desire be opposed to reason, as in the case of the incontinent man, but the desires themselves can be opposed to each other. This is because beings who are able to perceive time, to distinguish between the present and the future, can have for example an appetite for immediate gratification (e.g., to

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64   See *DA* III.10 433b28-30.
65   See *DA* III.10 III.12 434a5-10.
66   Miller (2002), p. 398 n. 67.
67   *DA* III.10 433a26-28.
68   Miller (2002), p. 397 n. 54.
69   See *DA* II.3 414b2; *Movement of Animals* (*MA*) 6 700b22, 7 701a36-b1; *Magna Moralia* (*MM*) I.12 1187b37; *Eudemian Ethics* (*EE*) II.7 1223a26-27; *NE* III.2 1111b11.
70   See Miller (2002), pp. 385 and 400 n. 84.

smoke, an apparent good) and a wish for health (a real good).[71] Aristotle further remarks:

> The object of desire (ὀρεκτόν) and the object of thought (νοητόν) bring about movement without undergoing movement. Their primary objects are the same. For the apparently noble is the object of appetite (ἐπιθυμητόν), and the really noble is the object of wish (βουλητόν). But we have desire because we have opinion, rather than having opinion because of having desire. And thinking (νόησις) is the starting-point (ἀρχή). But thought (νοῦς) is moved by the object of thought (νοητόν).[72]

For Aristotle, then, the desire is the proximate efficient cause of action and the source of movement, but it is the source of movement because the object of desire is the ultimate source of movement.[73] The object of desire is an unmoved mover, stimulating the desiring faculty into movement when it becomes an object for it. Reason, however, plays an important role in identifying objects of desire.

For Aristotle, eudaimonia and virtue require voluntariness and choice. Voluntary actions are those "of which the moving principle is in the agent himself, he being aware of the particular circumstances of the action."[74] Involuntary actions, on the other hand, are those "done under compulsion or by reason of ignorance,"[75] but actions done "by reason of anger [a passion] or appetite are not rightly called involuntary."[76] Aristotle here disagrees with Taylor, for whom a deviant desire seems to be an alien desire:[77] "the

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[71] See *DA* III.10 433b5-16. Cf. *DA* III.11 434a11-14.

[72] *Metaphysics* XII.7 1072a26-30; Miller's (2002: 398 n. 68) translation. Notice how different this is from a Humean conative account of reason as subordinate to desire.

[73] Cf. *DA* III.10 433a27-28, quoted at the end of the previous paragraph.

[74] *NE* III.1 1111a23-24.

[75] *NE* III.1 1111a22-23.

[76] *NE* III.1 1111a25-26. See also a22-b3; note that Aristotle here finds the notion absurd that one's noble acts are voluntary and one's base acts involuntary.

[77] This apparent view of Taylor's was observed toward the end of chapter one above.

irrational emotions are believed to be not less human, so that the actions resulting from passion (θυμός) or appetite (ἐπιθυμία) also belong to a human being."[78]

Aristotle uses the term choice more narrowly than it seems to be used today. Choice is not simply reducible to voluntary action. Other animals and children "share in voluntary action, but not in choice."[79] Choice is related to wish and yet it is different, because one can wish for the impossible or for something not in one's power but one cannot choose the impossible or something beyond one's power.[80] Wish is of the end, choice of the means: "for instance, we wish to be healthy, but we choose the acts which will make us healthy, and we wish to be happy and say we do, but we cannot well say we choose to be so; for, in general, choice seems to relate to the things that are in our power."[81] Nor is choice simply opinion, for choice has to do with character and therefore action.[82] Choice follows and is the completion of deliberation:

> The same thing is deliberated upon and is chosen, except that the object of choice is already determinate, since it is that which has been decided upon as a result of deliberation that is the object of choice. For everyone ceases to inquire how to act when he has brought the moving principle back to himself and to the ruling part of himself; for this is what chooses....The object of choice being one of the things in our own power which is desired after deliberation, choice will be deliberate desire of things in our own power; for when we have decided as a result of deliberation, we desire in accordance with our deliberation.[83]

The object of choice, then, the means, is discovered by the deliberative part of the rational faculty but the end, the object of wish, is discovered by the scientific part (νοῦς).

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[78]   *NE* III.1 1111b1-2; Miller's (2002: 399 n. 69) translation.
[79]   *NE* III.2 1111b8-9.
[80]   See *NE* III.2 1111b20-25.
[81]   *NE* III.2 1111b26-30.
[82]   See *NE* III.2 1112a1-5.
[83]   *NE* III.3 1113a3-13.

To the extent that one reasons well, to the extent that one exercises practical and contemplative wisdom, one can know his natural end and the proper means to achieve it and act accordingly. By employing reason to identify the proper ends one ought to pursue and the proper means for achieving them, a human being enables them to become objects of desire for himself. Aristotle identifies three conditions that an agent must be in for his acts to be considered virtuous: "in the first place he must have knowledge, secondly he must choose the acts, and choose them for their own sakes, and thirdly his action must proceed from a firm and unchangeable character."[84] Miller sums up this account of the rule of reason nicely:

> The foregoing analysis explains how Aristotle could think of reason as having as its proper role the rule over the soul, even though it is not a proximate cause of action on a par with desire. By revealing to agents their natural end, it enables this end, which is as such unmoved, to become an object of action for the agent, and thereby to bring about desire, the movement or change in the soul which is the proximate cause of action. Although he speaks of desire as the source of movement, Aristotle is not a Humean, because thought enables desire to find its proper end. But, although Aristotle speaks of the rule of reason, he is not a Kantian either. For Kant practical reason discovers the moral law by abstracting entirely from human nature and appealing to the necessities of action among rational wills in general. Aristotle differs from both Hume and Kant in that he explains the roles of reason and desire in terms of his natural teleology.[85]

It might be objected, however, as Aristotle anticipates, "that all men aim at the apparent good, but have no control over how things appear to him; but the end appears to each man in a form answering to his character."[86] Roderick Long's reconstruction of Aristotle's theory of natural freedom, which he sees as a corollary of Aristotle's theory of

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[84] *NE* II.5 1105a30-b1.
[85] Miller (2002), p. 385.
[86] *NE* III.5 1114a31-b2.

natural slavery, provides a good refutation of this objection:[87]

> Our rational capacities give us the ability to stand in judgment over our
> natural impulses instead of being controlled by them; natural slaves lack
> this ability entirely, while free women are said to have it only imperfectly
> (the capacity is ἄχυρον, noncontrolling),[88] while free adult Greek males
> have it in complete functionality (which is not to say that they always
> make proper use of it). Anything which lacks a rational capacity is the
> deterministic slave of the forces acting upon it; in a given set of
> circumstances, a nonrational potentiality can only produce a single
> outcome.[89] The rational capacities of humans in normal condition, by
> contrast account for their possession of free will and moral responsibility –
> the fact that at least some actions are up to us to perform or not, as we
> choose.[90] Human free choice breaks the chain of necessitation and allows
> us to transcend the natural order.[91] Rational potentialities are what enable
> us to choose the bad as well as the good,[92] because they enable us to
> control how the end appears to us;[93] thus rational potentialities are also at
> the root of our liability to weakness of will,[94] since the key to weakness of
> will lies in our capacity to focus our attention on some values and avoid
> thinking of others.[95] Thus Aristotle's theory of the right to freedom, like
> the Kantian liberal theory, bases itself on the metaphysico-ethical capacity
> of autonomous rational agents to transcend the motivational force of
> sensible appearances.[96]

Additionally, immediately after stating the aforementioned objection, Aristotle goes on to

reject it explicitly:

> We reply that if each man is somehow responsible for the state he is in, he
> will also be himself somehow responsible for how things appear; but if

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[87] Long (1996), pp. 801-802. See *Politics* I.3-8, 12-13.

[88] See *Politics* I.13 1260a13.

[89] See *Meta.* IX.5 1047b35-1048a25.

[90] See *EE* II.6 1222b41-1223a15; *NE* III.5 1113b2-1114a3; *MM* I.11 1187b10-20, I.18 1189b37-1190a2.

[91] See *On Interpretation* 9 18b31-19a12; *Meta.* VII.3 1027a29-b16.

[92] See *EE* II.10 1227a21-32.

[93] See *NE* III.5 1114a30-1115a3.

[94] See *DA* III.9 433a1-4; *Problems* XXX.12 956b33-37.

[95] See *NE* VII.3 1146b31-1147a24; cf. *EE* II.9 1225b10-16 and *DA* II.5 417b21-27.

[96] Long (1996), p. 802. For a more detailed defense of these interpretive claims, see Long (1992). Long's
account of Aristotelian autonomy here seems to correspond to two aspects of autonomy: what has been
referred to as global autonomy or self-direction and the political dimension of local autonomy that
liberals commonly refer to as liberty. Miller's account of Aristotelian autonomy includes but does not
seem to differentiate both global and local autonomy. It also bears pointing out that Aristotle's notion of
rational choice is not one of radically free choice; he does not build his philosophy on a concept of pure
reason.

not, no one is responsible for his own evildoing, but everyone does evil
acts through ignorance of the end, thinking that by these he will get what
is best, and the aiming at the end is not self-chosen....If this is true, then,
how will excellence be more voluntary than vice? To both men alike, the
good and the bad, the end appears and is fixed by nature however it may
be, and it is by referring everything else to this that men do whatever they
do.[97]

Aristotle concludes: "If, then, as is asserted, the excellences are voluntary (for we are

ourselves somehow part-causes of our states of character, and it is by being persons of a

certain kind that we assume the end to be so and so), the vices also will be voluntary; for

the same is true of them."[98] Thus, metaphysical, biological and social determinism all

appear to be ruled out by Aristotle.

To weave together the threads of the foregoing discussion: Aristotle's conception

of individual autonomy is that of the soul ruling over the body and, within the soul,

reason ruling over desire. This conception of autonomy is twofold: first and

fundamentally, there is global autonomy or self-direction (i.e., the exercise of one's

rational capacities) which makes the second, local autonomy, possible. It is the former in

which moral agency and much of moral responsibility are grounded. Regarding

Aristotle's psychological and ethical theory, Miller states: "In an incontinent person, the

desiring part opposes reason and the agent thus fails to act rationally;[99] in a continent

person, this part 'listens to' reason even though he is tempted to do otherwise; and in a

virtuous agent, the desiring part is in complete agreement with reason."[100] To speak more

precisely, then, an agent is (locally) autonomous insofar as the desiring part of his soul is

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[97] *NE* III.5 1114b2-16
[98] *NE* III.5 1114b21-25.
[99] See *NE* III.2 1111b13-18 and VI.6 1149b3.
[100] Miller (1995), p. 8.

in agreement with reason. Given that the telos for human beings is a life of reason, this implies that an agent is heteronomous insofar as the desiring part of his soul opposes reason, that is, to the extent that he acts contrary to his eudaimonia. To be more precise still, an agent is autonomous with respect to a particular desire, preference, action, and so forth if it is in accord with reason (or his eudaimonia); contrariwise, he is heteronomous with respect to a particular desire, preference, action, and so forth if it opposes reason (or his eudaimonia).

One condition for or dimension of autonomy that needs to be further elaborated upon is that an agent's actions must be voluntary. It will thus be necessary to examine the role that liberty plays in Aristotle's ethical and political theory. Long argues that liberty is an external good for Aristotle. He distinguishes between two different meanings of external, however: "An $external_1$ good is one that is external to body and soul; that is, one that consists largely or solely in facts about the agent's environment. By contrast, an $external_2$ good is one that is external to the agent's well-being; that is, its value is purely instrumental."[101] Miller seems to concede to communitarians that liberty is an $external_2$ good for Aristotle with these remarks: "Aristotle...evidently relegated liberty to the status of a mere external good" and "freedom is only instrumentally valuable."[102] Long argues that, to the contrary, Aristotle treats liberty as an $external_1$ good but not also as an $external_2$ good.

Like friendship, liberty is an $external_1$ good but is not merely of instrumental value. It is a constitutive part of eudaimonia. We have already seen that voluntary action

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[101] Long (1996), p. 787.
[102] Miller (1995), p. 356 and 356 n. 46, respectively.

for Aristotle is that in which "the moving principle is in the agent himself"[103] and that

actions done under compulsion are involuntary.[104] When one is physically coerced the

moving principle is not in the agent himself.[105] We have also seen that for actions to be

considered virtuous or vicious, and by implication for someone to achieve eudaimonia,

the agent must act voluntarily and not under compulsion.[106] Additionally, Long makes the

following points: He observes that Aristotle says in the *Politics* that "slavery is

inconsistent with self-sufficiency (αὐτάρχεια)."[107] In the *Nicomachean Ethics*, we see

that self-sufficiency is a formal requirement of eudaimonia,[108] and that "subordination to

another person, being slavish, is inconsistent with greatness of soul."[109] We are also told

in the *Politics* that "virtuous people must be spirited and that spiritedness involves an

inclination toward freedom."[110] Moreover, Aristotle argues that deviant constitutions are

despotic whereas a polis "is a community of freemen."[111] Finally, in the *Metaphysics*,

Aristotle anticipates Kant when he says "the man is free...who exists for himself and not

another."[112]

 As the foregoing analysis implies, liberty and individual autonomy are intimately

interrelated with political autonomy. Miller argues that "political autonomy (political rule

according to law) requires some measure, at least, of individual autonomy (self-

governance of the soul): that is, a city-state is (politically) autonomous only if the citizens

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[103] *NE* III.1 1111a23-24.
[104] See *NE* III.1 1111a22-23.
[105] See *NE* III.1 1110a1-5.
[106] See *NE* III.5 1114b21-25.
[107] Long (1996), p. 788; cf. *Politics* IV.4 1291a10.
[108] See *NE* I.7 1097b7-21.
[109] Long (1996), p. 788; cf. *NE* IV.3 1124b31-1125a2, *EE* III.7 1233b36-37.
[110] Ibid.; cf. *Politics* VII.7 1327b19-1328a7.
[111] *Politics* III.6 1279a21; see, also, 1279a17-21.
[112] *Meta.* I.2 982b26.

are (individually) autonomous to some degree."[113] The individual citizens must be able to

rule themselves rationally before being fully able politically to rule and be ruled in turn.

Political autonomy also requires, among other things, the consent of the governed to the

constitution of the polis.[114] Miller argues that consent is merely evidence of a just

constitution for Aristotle: "Aristotle gives no indication of...treating the consent of the

governed as a *justification* for political authority. Rather, his view is that the voluntary

compliance of the subjects to political rule is *evidence* that the political rule is

justified."[115] But as Long points out, Aristotle suggests otherwise:

> Yet it would, like as not, seem highly absurd to those willing to reflect, if
> this should be the task of the πολιτικοῦ: to be attending to how he can
> rule and despotize (δεσπόζη) over his neighbors, both those who are
> willing and those who are not willing. For how can that be πολιτικόν, or
> appropriate to a lawgiver, which at any rate is not even lawful? Now to
> rule not only rightly but wrongly is unlawful, and to dominate is not also
> to do so rightly. Nor yet do we see this in the other sciences; for it is not
> the task (ἔργον) of a healer, nor of a steersman, to either persuade or
> coerce, the one his patients and the other his passengers [but only to
> persuade them]. But most people seem to think despotic art is πολιτικήν.
> And precisely what they each will say is neither right nor advantageous
> with regard to themselves, this they are not ashamed to practice toward
> others; for they seek rightful rule for themselves, but toward others they
> have no concern for the things that are right.[116]

Long argues that this passage is a reply to Plato's argument in the *Politicus* that,

analogous to a good physician, the "true πολιτικός...is not one who rules over willing

subjects, but rather one who rules wisely, be his subjects willing or unwilling."[117]

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[113] Miller (2002), p. 390.

[114] See *Politics* II.11 1272b30-31, III.14 1285a27-b21, IV.10 1295a15-24, V.10 1313a5-10, VII.2
1324b22-26.

[115] Miller (1995), p. 273.

[116] *Politics* VII.2 1324b22-36; Long's (1996: 790) translation. The brackets are his. Cf. *Politics* VII.14
1333B5-1334a10.

[117] Long (1996), p. 790. Cf. Plato's *Politicus* [Statesman] 276d-277a and 291e-293e.

Aristotle here turns Plato's argument on its head by denying his "assumption that the consent of the patient is irrelevant to the ἔργον of medicine; and he insists that to rule against the will of the ruled is a violation of [natural] law and [natural] justice."[118]

This consent of the governed is no mere consent of the majority but must be unanimous consent. This is the case because, as Miller convincingly argues in *Nature, Justice, and Rights*,

> Aristotle implies that the best polis is a group of individuals co-operating for *mutual* [not the overall] advantage, when he characterizes it as 'a community of similar persons for the sake of the best possible life' ([VII.8] 1328a35-7). It is implied that all members of the polis must take part in the good life, since the inhabitants who play a merely functional role in promoting the end without partaking are adjuncts rather than members (cf. IV 4 1291a24-8).[119]

As evidence, among others, Miller cites the following passage from Aristotle's *Politics*:

> But a polis is excellent due to the fact that the citizens who partake in the constitution are excellent; but in our case all the citizens partake in the constitution. We must therefore enquire as to how a man becomes excellent; for even if all the citizens could be excellent without each of the citizens [being excellent], the latter would be more choiceworthy; for 'all' follows from 'each'.[120]

In other words, a polis that does not have the consent of every citizen or does not promote the eudaimonia of every citizen is not a just polis. Consent, of course, is not enough by itself to establish political autonomy and justify political rule. As the foregoing has suggested, it is also necessary that the constitution of the polis be in accord with natural justice and, more generally, that it promotes the eudaimonia of each and every one of its citizens.

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[118] Ibid.
[119] Miller (1995), p. 219.
[120] *Politics* VII.13 1332a32-38; Miller's (1995: 222) translation. The brackets are his.

An important qualification needs to be made regarding the role of consent in Aristotle's political theory, however. Long remarks that "Aristotle's focus is on consent *to* the political framework, rather than on consent *within* the political framework. Liberalism, of course, has traditionally been concerned with both."[121] Long points out that it is important to take note of the different uses to which Aristotle put the terms ἐλευθερία and ἐξουσία. Both can be translated as "freedom" or "liberty," but ἐλευθερία "represents the condition of not being ruled against one's interest and without one's consent" and "is for the most part a matter of consent to the constitution as a whole" while ἐξουσίαι "are specific freedoms one is allowed under that constitution."[122] The following passage from the *Metaphysics* is evidence that Aristotle did not think ἐλευθερία necessarily implied any and all ἐξουσίαι:

> For all things are ordered together in relation to one end; but, just as in a household, to those who are free (ἐλευθέροις) it is least open [ἥκιστα ἔξεστιν; note that ἔξεστιν is the verb form of ἐξουσία] to act as chance dictates, but rather, all or most things are ordained, whereas for slaves and beasts little is ordained toward the common end, and most is as chance dictates.[123]

For liberals and for the Athenian democrats, ἐλευθερία is not separable from ἐξουσία; but Aristotle rejects this conception of ἐλευθερία: "It is thought that...doing whatever one wishes counts as being free (ἐλεύθερον). Thus, in democracies of this sort, each person lives as he wishes....But this is base; for one should not deem it slavery, but rather salvation, to live according to the constitution."[124] Hence, the door to paternalistic legislation is open.

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[121] Long (1996), p. 795. Emphasis mine.
[122] Ibid., p. 794.
[123] *Meta.* XII.9 1075a18-23; Long's (1996: 795) translation. The brackets are his.
[124] *Politics* V.9 1310a30-36; Long's (1996: 795) translation.

However, there are at least two rights in particular, highly valued by (classical) liberals, that Aristotle also recognizes and values: the right to bear arms and the right to private property. According to Aristotle, the "constitution must be confined to those who bear arms."[125] Indeed, ancient Athens possessed no standing army or police force. It relied on a citizen militia. Aristotle's reasons for advocating an armed citizenry are the same as the reasoning for the Second Amendment of the United States Constitution, viz., so that the citizens could ward off both threats from abroad and tyranny at home.[126] An unarmed citizenry is virtually an enslaved one.[127] It is tyrannies and oligarchies, and certainly not the best polis, that do not trust the general population with arms.[128]

In *Politics* II.5, Aristotle claims that private property is necessary for virtuous actions: for example, generosity.[129] Miller correctly observes that Aristotle does not explicitly "endorse a Locke-style labour theory of acquisition,"[130] but Long argues that Aristotle does do much to lay the groundwork for such a theory.[131] Long points out that "Aristotle, like the Lockean liberal,[132] insists that one's property is an extension of oneself;[133] it is for this reason that our property is so precious to us, as something that is

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[125] *Politics* IV.13 1297b2; Long's (1996: 799) translation. Cf. *Politics* IV.13 1297a30-b2 and VII.9 1329a10-12. It does not appear as if this is an optional right, however; that is, it is not clear whether citizens have a right *not* to bear arms.

[126] See *Politics* III.15 1286b33-40, IV.4 1291a7-9, VII.8 1328b7-10.

[127] See *Politics* II.8 1268a16-20.

[128] See *Politics* V.10 1311a6-13.

[129] Herein lies one case in which Aristotle recognizes at least implicitly a right to do wrong. He defends private property rights as a necessary precondition of the virtue of generosity. Generous giving differs from just giving in that the former involves giving what one has a right to withhold: "Aristotle's point is that without private property rights, no act of giving could count as generous; generosity would simply collapse into justice. Thus, in Aristotle's eyes, generosity presupposes the right to act ungenerously." (Long 1996: 779)

[130] Miller (1995), p. 328.

[131] Long (1996), pp. 800-801.

[132] See Locke, *Second Treatise*, 5.26-27.

[133] See *NE* V.6 1134b10-14, *Politics* I.6 1255b11; cf. *Politics* I.4 1254a7-18.

our own."[134] Most significantly, Long adds, property comes to have this relationship to and importance for us precisely because we have produced it.[135] Aristotle states:

> The cause of this is that existence is to all men a thing to be chosen and loved, and that we exist by virtue of activity (i.e., by living and acting), and that the handiwork *is* in a sense, the producer of activity; he loves his handiwork, therefore, because he loves existence. And this is rooted in the nature of things; for what he is in potentiality, his handiwork manifests in activity.[136]

It remains to explain precisely just what political autonomy and political rule are for Aristotle. To begin with, Aristotle distinguishes political rule from other forms of rule such as kingly, despotical, and household management.[137] "When the government is personal, the ruler is a king; when, according to the rules of the political science, the citizens rule and are ruled in turn, then he is called a statesman" and there is political rule.[138] Those who know only how to rule and not how to be ruled as well as those who know only how to be ruled and not how to rule are not capable of political rule.[139]

Aristotle remarks that "there are different kinds of citizens; and he is a citizen in the fullest sense who shares in the honours of the state. Compare Homer's words 'like some dishonoured stranger';[140] he who is excluded from the honours of the state is no better than an alien."[141] A polis "ought to be composed, as far as possible, of equals and similars."[142] It is the virtuous who possess individual autonomy, or the greatest measure of it, and in the best polis the citizenry will all be virtuous and roughly equally so. The

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[134] Long (1996), p. 800. See *Politics* II.4 1262b22-23, II.5 1263a40-b5; *Rhetoric* I.11 1371b12-28.
[135] Ibid.
[136] *NE* IX.7 1168a5-10.
[137] See *Politics* I.1 1252a7-9; cf. I.3 1253b19-20.
[138] *Politics* I.1 1152a14-17.
[139] See *Politics* IV.11 1296b15-26.
[140] *Iliad* IX.648.
[141] *Politics* III.5 1278a35-38.
[142] *Politics* IV.11 1295b25-26; cf. I.7 1255b19-20, III.6 1279a8-16, and III.17 1287b37-1288a5.

reason for this lies in Aristotle's conception of distributive justice and, particularly in

relation to the question of who should rule, what has come to be called the merit

principle. In discussing the just distribution of political offices, Aristotle makes the

following argument:

> All men think justice to be a sort of equality; and to a certain extent they
> agree with what we have said in our philosophical work about ethics. For
> they say that what is just is just *for* someone and that it should be equal for
> equals. But there still remains the question: equality or inequality of
> what?...But if wealth and freedom are necessary elements, justice and
> valour are equally so; for without the former qualities a [polis] cannot
> exist at all, without the latter not well....If the existence of the [polis] is
> alone to be considered, then it would seem that all, or some at least, of
> these claims are just; but, if we take into account a good life [which is the
> telos of the polis], then, as I have already said, education and excellence
> have superior claims.[143]

> Our conclusion, then, is that political society exists for the sake of noble
> actions, and not of living together. Hence they who contribute the most to
> such a society have a greater share in it than those who have the same or a
> greater freedom or nobility of birth but are inferior to them in political
> excellence; or than those who exceed them in wealth but are surpassed by
> them in excellence.[144]

Thus, a polis that is politically autonomous will consist of citizens who are virtuous and

roughly equal in this regard so that they can justly rule and be ruled in turn.

Both individual and political autonomy depend upon the citizens receiving a

proper education, however, for virtuous behavior generally requires education beginning

in childhood. Aristotle, in essence, discusses two forms of education pertaining to

intellectual virtue and ethical virtue, respectively, in *Nicomachean Ethics* II.1.

"[I]ntellectual excellence in the main owes both its birth and its growth to teaching (for

which reason it requires experience and time), while moral excellence comes about as a

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[143] *Politics* III.12 1282b16-22, 1283a19-21, 13 1283a23-25.
[144] *Politics* III.9 1281a3-8.

result of habit."[145] It is the task of legislators to "make citizens good by forming habits in them...and those who do not effect it miss their mark, and it is in this that a good constitution differs from a bad one."[146] The legislators or lawmakers must design the constitution and the law, which need not be written,[147] so that the polis will perform its proper educative function of teaching the citizens intellectual virtue and habituating them in ethical virtue, for

> the paternal command indeed has not the required force or compulsive power (nor in general has the command of one man, unless he be a king or something similar), but the law *has* compulsive power, while it is at the same time an account proceeding from a sort of practical wisdom and intellect. And while people hate *men* who oppose their impulses, even if they oppose them rightly, the law in its ordaining of what is good is not burdensome.[148]

Aristotelian autonomy has much to recommend it over Kantian autonomy and the major theories of autonomy in contemporary analytic philosophy. Unlike Kant, Aristotle does not base autonomy on so-called pure reason abstracted out from man's animal nature, desires, and the particulars that are so vitally relevant to morality. Unlike the analytic theories, Aristotelian autonomy is not burdened by a hierarchical, and often Humean, conative psychology. Aristotelian autonomy, instead, is natural and teleological and takes into account the nature and requirements of human flourishing.

However, from the point of view of the modern liberal, Aristotle's conception of autonomy is deficient in a number of ways. First, Aristotle's conception of eudaimonia is arguably overly monistic, focusing on a rather narrow conception of the contemplative

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[145] *NE* II.1 1103a14-19.
[146] *NE* II.1 1103b3-6.
[147] See *NE* X.9 1180b1.
[148] *NE* X.9 1180a19-24.

life, the political life, or some combination of the two. Despite his significantly greater recognition of the value of diversity and the individualized and diverse nature of human flourishing than Plato, he did not appreciate them fully. Second, Aristotle did not fully understand the nature, value, and fundamental importance of individual liberty for human flourishing. Third, he wrongly attributes to nature rather than cultural factors and mere prejudice on his part the alleged rational deficiency of women compared to that of men and of non-Greeks compared to Greeks. Fourth, he conflates the state and civil society in his conception of the polis, a conflation that might have been unavoidable in the era of the Greek city-state but can no longer be excusable in light of modern experiences, theory, and historical knowledge. The conflation of state and civil society can only lead to conceptual confusion, paternalism, and totalitarianism. Fifth, he overestimates the power and efficacy of the state to educate its citizens in virtue.

Two central principles that Aristotle accepts – the principle of community and the principle of rulership – have little if any validity for classical liberals and libertarians. The principle of community holds that "individuals can attain the good only if they belong to and are subject to the authority of the political community," and the principle of rulership holds that "the community can function only if an order is imposed on it by rational agents."[149] Ronald Hamowy observes: "For at least two hundred years [owing to the Scottish Enlightenment], social philosophers have known that association does not need government, that, indeed, government is destructive of association."[150] Scottish Enlightenment thinkers like Adam Ferguson, David Hume, and Adam Smith as well as

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[149] Miller (1995), p. 336.
[150] Hamowy (2005), pp. 236-237.

modern thinkers like Austrian economist F.A. Hayek have theorized about and described

the emergence of society, culture, law, language, and markets as spontaneous orders. A

significant body of literature exists demonstrating both theoretically and historically that

legislative law and a state-run public education system are inferior to the educative power

of societal norms, customary law, market forces, and private educational organizations

such as the family, churches, and private schools. The former are also, generally, counter-

productive. And whether individuals can attain the good only if they are subject to the

authority of community depends on what exactly is meant by 'subject to the authority of'.

III. Aristotelian-Liberal Autonomy

The burgeoning tradition of Aristotelian liberalism combines Aristotle's concern with eudaimonia and virtue with the classical liberal/libertarian emphasis on the importance of individual liberty, pluralism, individuality, and the free market. Liberals have for the most part up till now, with the exception of left-liberals, focused primarily or exclusively on negative individual liberty. Negative liberty is most clearly defined as freedom from the threat or use of physical force (including fraud). Contemporary conceptions of autonomy generally incorporate negative liberty, although its importance and nature are often not well understood or consistently defended. Also included in contemporary conceptions of autonomy are vague notions of so-called positive liberties or freedoms. For instance, it is rightly pointed out that there are subtler forms of coercion than the more clearly problematic threat or use of physical force. Classical liberals and libertarians ought to take note of this and take seriously the possibility that certain forms of non-rights-violating behavior and social institutions might be inimical to a free society and human flourishing. On the other hand, not all of the behaviors, social institutions and social influences claimed to be illegitimate, unjust or what have you actually are. We can also distinguish non-social, or less directly social, impediments to one's autonomy such as severe addiction to drugs, deep-seated emotional or self-control issues, and so forth. Moreover, it is fashionable nowadays to advocate methods or policies for the removal of such impediments for some persons or groups in order to promote their autonomy, the implementation of which must necessarily compromise the autonomy (negative liberty) of others and possibly of the intended beneficiaries as well. Finally, as we have seen in

chapters one and two, there are different ways in which we can conceive of autonomy: e.g., global or local, individual or group. Thus, before laying out the Aristotelian-liberal theory of autonomy in detail, it will be necessary to develop a new taxonomy of autonomy.

It seems sensible to begin with Miller's distinction, discussed in chapter two, between individual and group autonomy. Group autonomy is the autonomy of individuals *as a group*. Perhaps the most commonly recognized form of group autonomy is political autonomy, or political self-rule. Individual autonomy is a property of individuals considered, as the term suggests, individually. Note that this does not necessarily entail conceiving of human beings as essentially a-social or apart from society or in a state of nature. Within individual autonomy we can further distinguish global and local dimensions. Global autonomy is the exercise of one's rational capacities. This is similar to Dworkin's account of autonomy discussed in chapter one. Local autonomy is individual autonomy with respect one's particular desires, preferences, actions, and so forth. Douglas Rasmussen and Douglas Den Uyl refer to what I have here labeled global autonomy as self-direction. In order to maintain continuity with their work, upon which I will draw heavily in the following pages, and for the sake of clarity and simplicity, I will be using the term self-direction in place of global autonomy and will refer to local autonomy simply as autonomy. Self-direction can be compromised, and when not compromised it can be exercised well or poorly.

It bears pointing out that (local) autonomy can be distinguished yet further in two ways. First, autonomy can be considered in relation to particular desires, preferences,

actions, and so forth taken singly; or it can be considered in relation to particular desires, preferences, actions, and so forth in the aggregate. In the former case, one is either autonomous with respect to a particular desire, etc., or one is not. The latter case is a matter of degree, one is more or less autonomous in proportion to the number of desires, etc., in relation to which one is autonomous and/or heteronomous. Granted, there are obvious epistemic difficulties with respect to judging the degree of autonomy possessed by particular individuals, but this does not vitiate the theoretical usefulness of the distinction.

Second, in light of the difficulties mentioned in the introductory paragraph of this chapter, it seems necessary to conceptually distinguish three dimensions of autonomy: political, social, and personal. Political autonomy is here roughly equivalent to the traditional classical liberal/libertarian concept of liberty (or negative liberty). I therefore use these terms interchangeably; and because of this traditional meaning of liberty, and to avoid common and unnecessary confusions, I prefer to restrict the usage of liberty to this meaning, viz., freedom from the threat or use of physical force. Autonomy therefore has a broader meaning than liberty, and freedom a broader meaning still. The threat or use of physical force clearly constitutes a violation of autonomy, or at least this should be clear, and it bears noting here, though more will be said on this later, that it is the surest means of compromising self-direction. This has not deterred so-called advocates of autonomy from calling for and supporting organizations and policies that constitute the threat or use of initiatory physical force in the name of promoting other dimensions of autonomy, however. I define social autonomy as freedom from social influences other than the threat

or use of physical force that lead a person to deviate from his telos.[151] Personal

autonomy, in turn, is internal freedom from deviant desires, severe addiction to drugs,

and so forth that lead a person to deviate from his telos. The usefulness of and

justification for these numerous distinctions within the concept of autonomy, as well as a

clearer understanding of their nature, will become more apparent as the Aristotelian-

liberal theory of autonomy is laid out.

Before self-direction and the dimensions of autonomy can be profitably discussed,

some preliminary work must be done. The Aristotelian-liberal conception of eudaimonia

must first be examined. Douglas Rasmussen and Douglas Den Uyl argue that eudaimonia

or human flourishing has six basic and interrelated features: it is 1) objective, 2)

inclusive, 3) individualized, 4) agent-relative, 5) self-directed, and 6) social.[152] Arguably,

Aristotle's conception of eudaimonia incorporates all of these features. The differences in

the neo-Aristotelian account described here are the greater emphasis on the

individualized nature of flourishing, the open-ended and potentially cosmopolitan nature

of human sociality, and the greater recognition of the importance of liberty to human

flourishing.

In addition to the Aristotelian account of eudaimonia given in the previous

chapter, it is instructive to have a look at some observations of the Roman orator and

statesman Cicero, whom I interpret to be elaborating upon the role of both the universal

and the particular in Aristotle's ethical theory. In Book I of *De Officiis* he discusses the

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[151] It is actually redundant to include the phrase "other than the threat or use of physical force" in this
sentence for nothing is more *anti-social* than the initiation of behavior of this sort and organizations or
institutions that conduct, legitimate, and support it.
[152] See, e.g., Rasmussen and Den Uyl (2005), pp. 127-152.

four *personae*, or roles, the requirements of which all men must fulfill in order to live the

Good Life: universal human nature (i.e., reason) and the individual's inborn talents, social

context, and personal choice.

> Furthermore, one must understand that we have been dressed, as it were,
> by nature for two roles: one is common, arising from the fact that we all
> have a share in reason and in the superiority by which we surpass the brute
> creatures. Everything honourable and seemly is derived from this, and
> from it we discover a method of finding out our duty. The other, however,
> is that assigned specifically to individuals. For just as there are enormous
> bodily differences (for some, as we see, their strength is the speed that
> they can run, for others the might with which they wrestle; again, some
> have figures that are dignified, others that are graceful), similarly there are
> still greater differences in men's spirits. (I.108)

> Each person should hold on to what is his as far as it is not vicious, but is
> peculiar to him, so that the seemliness that we are seeking might more
> easily be maintained. For we must act in such a way that we attempt
> nothing contrary to universal nature; but while conserving that, let us
> follow our own nature, so that even if other pursuits may be weightier and
> better, we should measure our own by the rule of our own nature. For it is
> appropriate neither to fight against nature nor to pursue anything that you
> cannot attain. Consequently, it becomes clearer what that seemliness is
> like, precisely because nothing is seemly 'against Minerva's will', as they
> say, that is, when your nature opposes and fights against it. (I.110)

> If anything at all is seemly, nothing, surely is more so than an evenness
> both of one's whole life and of one's individual actions. You cannot
> preserve that if you copy someone else's nature and ignore your own. [...]
> (I.111)

> To the two roles of which I spoke above, a third is added: this is imposed
> by some chance or circumstance. There is also a fourth, which we assume
> for ourselves by our own decision. Kingdoms, military powers, nobility,
> political honours, wealth and influence, as well as the opposites of these,
> are in the gift of chance and governed by circumstances. In addition,
> assuming a role that we want ourselves is something that proceeds from
> our own will; as a consequence, some people apply themselves to
> philosophy, others to civil law, and others again to oratory, while even in
> the case of the virtues, different men prefer to excel in different of them.
> (I.115)[153]

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[153] Cicero, *On Duties* (1991), pp. 42-45.

Cicero unfortunately means one's social context as imposing a wide range of obligations beyond the realm of personal choice, as long as they are not contrary to nature or beyond one's ability. Thus, the mere accident of birth into a noble family with a long lineage of public service imposes the obligation of maintaining and furthering the family's heritage and position in society with one's own deeds. Thus, also, is a Roman obligated to serve the Roman Republic to the best of his ability so long as nothing he does or is called upon to do is contrary to nature. The crux of the issue, of course, lies in how one defines the relationship between particular social contexts and nature.

The scope of personal choice seems rather limited in the Roman context. We have as an example of the dominant role of social context Cicero's admonition to his son in *De Officiis*:

> Anyone who is thinking about embarking upon an honourable life ought to do so [learn about duties from the Stoics], but perhaps no one more than you. For you carry this burden: many expect you to emulate my diligence, most my honours, and some, perhaps, even my renown. Besides, you have incurred a weighty responsibility from Athens and from Cratippus; since you went to them as if going to purchase arts of good quality, it would be most dishonourable to return empty-handed, thus disgracing the authority of both city and master. Therefore, strive with as much spirit and struggle with as much effort as you can (if learning is an effort, and not a pleasure) in order that you may succeed, and not, instead, allow yourself to seem to have let yourself down, even though we have provided everything for you. (III.6)[154]

In this one passage we see the chain of unchosen obligations of Cicero's son, i.e., an obligation to educate himself in such a way that he can follow in his father's footsteps and therefore an obligation to his teachers and even the city of Athens itself. This is not to

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[154] Cicero (1991), p. 103.

say that all of our obligations are chosen; rather, it is merely to criticize Cicero and Aristotle for their inadequate recognition of the diversity of human flourishing and the value of flourishing diversity.

To return from this brief but useful digression to the nature of eudaimonia, according to the Aristotelian-liberal account presented here, human flourishing is objective. As noted in the previous chapter, desire plays an important role in eudaimonia and virtue. However, flourishing is "an object of desire because it is desirable and choice-worthy, not simply because it is desired or chosen."[155] Flourishing as the ultimate good must be understood in a biocentric context. It is both a way of *living* and, as we shall see, a *way* of living.[156] As Philippa Foot points out: "The structure of the derivation is the same whether we derive an evaluation of the roots of a particular tree or the action of a particular human being. The meaning of the words 'good' and 'bad' is not different when used in features of plants on the one hand and humans on the other, but is rather the same applied, in judgments of natural goodness and defect, in the case of all living things."[157] Flourishing is activity expressive and productive of the actualization of potentialities specific to the being's natural kind, including both its universal and its unique particular aspects. A human being is a rational animal, but he is also a rational animal with a particular set of physical and mental abilities and talents peculiar to himself as well as a unique social and historical context and his own personal choices. All of these are factors in an individual's own eudaimonia; more on this will be said in the discussion of the individualized nature of human flourishing, however. Rasmussen and Den Uyl remark:

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[155] Rasmussen and Den Uyl (2005), p. 127.
[156] On this formulation, see Rasmussen and Den Uyl (2005), p. 128.
[157] Foot (2001), p. 47.

"Ontologically considered, human flourishing is an activity, an actuality, and an end (or function) that is realized (or performed) through choice. Human flourishing is not the mere possession of needed goods and virtues."[158] It is a self-directed activity: flourishing, and all of the goods and virtues that constitute it, exist as such only through a person's own efforts. Finally, in a teleological theory, flourishing, as the ultimate end, "is thus ultimately the standard by which human desires, wishes, and choices, are evaluated."[159]

Human flourishing is an inclusive end, not a dominant or exclusive one. As Rasmussen and Den Uyl argue, human flourishing "is the ultimate end of human conduct, but it is not the only activity of inherent worth. It is not a 'dominant' end that reduces the value of everything else to that of a mere means to it."[160] It is plural and complex, not monistic and simple. To quote J. L. Akrill, it is "the most final end and is never sought for the sake of anything else, because it includes all final ends."[161] Human flourishing is inclusive in that it consists of basic or, to use Rasmussen and Den Uyl's term, "generic" goods and virtues. Goods such as those listed by Aristotle in *Rhetoric* 1362b10-28: for example, justice, knowledge, friendship, health, wealth, honor and so forth. Virtues such as justice, courage, temperance, generosity and so forth. These goods and virtues are final ends and intrinsically valuable; and they are expressions or constitutive of flourishing as well as partial realizations of it.[162] This is possible because flourishing is a "continuous process of living well," not a future good received at the end of one's life or a good that,

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[158] Rasmussen and Den Uyl (2005), p. 129.
[159] Ibid.
[160] Ibid.
[161] Akrill, "Aristotle on Eudaimonia," in Rorty (1980), p. 23.
[162] Rasmussen and Den Uyl (2005), p. 130. Cf. *NE* I.7 1097b1-7.

once achieved, is never lost;[163] hence, in part, Aristotle's pointed addendum, "in a complete life."[164]

As Cicero's four personae imply, but as he does not fully appreciate, human flourishing is highly

> individualized and diverse. It depends on *who* as well as *what* one is. Abstractly considered, we can speak of human flourishing and of basic or generic goods and virtues that help to define it. Yet, this does not make human flourishing in reality either abstract or universal. Concretely speaking, no two cases of human flourishing are the same, and they are not interchangeable....There are individuative as well as generic potentialities and this makes human fulfillment always something unique.[165]

An examination of human nature cannot reveal the proper weighting, balance, or proportion of the generic goods and virtues for each individual. Indeed, these goods and virtues do not exist as such except as concrete goods and virtues *for* particular individuals as they achieve and enjoy them through their own efforts in specific contexts. Human beings are not mere loci in which these goods and virtues qua universals are instantiated. These generic goods and virtues are "generalized abstractions of common needs and capacities and not independent realities in their own right."[166] Thus, human flourishing is not a one-size-fits-all standard, nor is its diversity limited to the level of particular communities, yet it is nevertheless the objective and ultimate standard of goodness but on an individual level. "This account of human flourishing is, then, a version of moral pluralism. There are many *summa bona*, because each individual's flourishing is the

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[163] Ibid., p. 131.
[164] *NE* I.7 1098a17-20 and I.9 1100a4-6.
[165] Rasmussen and Den Uyl (2005), p. 132.
[166] Ibid., p. 150.

summum bonum for him- or herself and because there is no single *summum bonum*

without unique form or apart from the lives of individual human beings."[167]

"Human flourishing is agent-relative; it is always and necessarily the good *for*

some person or other."[168] Agent-relative value is contrasted with its opposite: agent-

neutral value and the ethical impersonalism based on it. Rasmussen and Den Uyl say

"that an ethical theory is impersonal when all ultimately morally salient values, reasons,

and rankings are 'agent-neutral'; and they are agent-neutral when they do *not* involve as

part of their description an essential reference to the person for whom the value or reason

exists or the ranking is correct. One person can be substituted for any other."[169] Agent-

neutrality and ethical impersonalism are exceedingly common in modern ethical theories,

particularly of Kantian and utilitarian varieties. Aristotelian-liberals, however, reject as

wrongheaded the notion that particular and contingent facts such as individual, social and

cultural differences are ethically irrelevant; quite the opposite, such factors are vitally

important.

Rasmussen and Den Uyl observe that there are three possible confusions

regarding agent-relativity: 1) Agent-neutrality is often confused with objectivity, while

agent-relativity is often confused with subjectivity; but agent-relativity is compatible with

objectivity due to the fact that the good for Aristotelian and neo-Aristotelian philosophy

is objective because of "real potentialities, needs, and circumstances that characterize

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[167] Ibid., p. 134.
[168] Ibid.
[169] Ibid., p. 135.

both what and who a person is" and not merely because it is desired.[170] 2) It might be thought that because something is of value only to and for someone it must be of merely instrumental value, but this has already been shown not to be the case. 3) It might be thought that agent-relativity is merely a form of self-regarding-only egoism, but agent-relativity is not incompatible with other-regarding concern. Indeed, other-regarding concern in the form of the good of friendship and virtues such as justice and generosity are constitutive parts of human flourishing.

Human flourishing is self-directed. Self-direction is the exercise of rational agency. Human flourishing requires knowledge of its constituent goods and virtues and the practical wisdom necessary to choose the proper course of action in a given context. This depends on the individual agent to initiate and sustain over the course of his life the exercise of his rational capacities in order to achieve the intellectual insights and traits of character and to make the correct choices and the right actions that are necessary for his flourishing. This no one can do for him, for although the conclusions of thought "can be shared, the act of reasoning that is the exercise of self-direction cannot."[171] Self-direction is thus "the central necessary constituent or ingredient of human flourishing. It is that feature of human flourishing without which no other feature could be a constituent."[172]

Human flourishing is profoundly social. Rasmussen and Den Uyl identify four ways in which human beings are naturally social animals: 1) "Our maturation or flourishing requires a life with others." 2) "[H]aving other-concern is crucial to our maturation." 3) "Our origins are almost always social." 4) And here Aristotelian liberals

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[170] Ibid., pp. 136-137.
[171] Ibid., p. 140.
[172] Ibid.

go beyond Aristotle: "Human sociality can, if need be, extend beyond the polis and be cosmopolitan....human sociality is open-ended."[173] This fourth point is particularly important because it marks a major difference between Aristotelian liberals and Aristotle, and, to an even greater extent, between Aristotelian liberals and communitarians. An Aristotelian liberal will recognize not only that in order to flourish one can only do so "in some community or other," but also that "this does not mean that a given community's values will always be appropriate for an individual. Thus, one is not morally required simply to accept – indeed, one might be required to reject – the status quo. In such circumstances, one might need to [attempt to] refashion a community's values [by example and persuasion] or find a new community."[174] Rasmussen and Den Uyl argue that "the open-ended character of human sociality discloses the need for a perspective that is wide-ranging enough to explain how the possible relationships among persons who *as yet* share no common values and are strangers to each other can, nonetheless, be ethically compossible."[175] In this vein, one may look upon humanity as a whole insofar as its members do not engage in fundamentally anti-social behavior (i.e., the threat or use of initiatory physical force) as comprising a cosmopolis or Great Society within which are an uncountable number of different kinds and levels of overlapping communities: some of which we will belong to for life, some we will join, some we will leave, and all of which we will affect in often unintended ways to some degree with our dreams, choices, and actions.

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[173] Ibid., pp. 141-142.
[174] Ibid., p. 142.
[175] Ibid., p. 143. Emphasis mine.

Practical wisdom plays a central integrating role in human flourishing not only because there are many goods and virtues that constitute it and not only because there is no *a priori* weighting, ranking, or balancing of these goods and virtues but also because each person's flourishing is unique – given their unique talents, social context, interests, choices, and so forth.

> It is fundamentally erroneous to assume that abstract ethical principles *alone* can determine the proper course of conduct for any particular individual. Such ethical rationalism fails to grasp that ethics is practical and concerned with particular and contingent facts – facts that abstract ethical principles cannot explicitly capture. Such facts are crucial to determining what ought to be done. Thus, contrary to much modern and contemporary ethics, not all morally proper conduct need be something everybody should do.[176]

It might be thought, however, that this account of human flourishing is vitiated by serious underdetermination and irresolvable conflicts between the goods that constitute it. Rasmussen and Den Uyl point out in anticipatory reply that underdetermination

> is a flaw only if one assumes that the aim of moral theory is to dictate a set of specific and equally suited rules of conduct for every person regardless of his or her nexus.[177] But this is not necessary given that the human good is neither abstract nor agent-neutral. Practical wisdom deals with the contingent and the particular and can provide guidance regarding substantial matters, if we do not confuse it with theoretical reason or its features.[178]

Quite the contrary to being a flaw, this 'underdetermination' is actually a significant advantage "because it represents a theoretical openness to diversity."[179]

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[176] Ibid., p. 144.
[177] I.e., "the circumstances, talents, endowments, interests, beliefs, and histories that characterize [him or her as an] individual" (Ibid., p. 133).
[178] Ibid., p. 145.
[179] Ibid., p. 145-146.

Furthermore, not only does much of modern and contemporary ethics confuse agent-neutrality with objectivity but it also neglects the importance of the individual and practical wisdom to morality and flourishing and forgets that by its nature ethics is open-ended. It is thus no accident that so much of modern and contemporary ethical theory confuses ethics with law. "Law must be concerned with rules that are universal and necessary, because it is concerned with the question of establishing social conditions that must apply to everyone equally. Ethics, on the other hand, need not be so construed. Ethical principles need to be open to the particular and contingent circumstances of the lives of different individuals."[180]

Rasmussen and Den Uyl also have an anticipatory reply for the alleged problem of irresolvable conflict between a significant plurality of goods: "A plurality of inherent goods does not necessarily make them incompatible, if we do not confuse concrete with abstract considerations and if we recognize that it is by using practical wisdom, not rules, that potential conflicts are reconciled."[181] Considered abstractly, there is no logical incompatibility between the various goods of which flourishing is partly constituted. "Concretely considered, keeping them from becoming incompatible by discovering their proper weighting or balancing is an individual's central task. Yet, this is only an insuperable difficulty if we assume that the goods and virtues that compose human flourishing are equal among themselves and identical across individuals."[182]

"We need abstract [theoretical] knowledge of generic goods and virtues as well as practical wisdom's insight into the contingent and the particular" in order to live an

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[180] Ibid., p. 146 n. 79.
[181] Ibid., p. 145.
[182] Ibid., p. 150.

ethical and hence a flourishing life.[183] The generic goods and virtues serve to delimit what counts as flourishing, but within this range what counts as a particular good or virtue for a given individual will depend not only upon his universal human nature but also on objective and particular value-laden facts about him such as his talents, his historical/social context, his personal choices, and the specific circumstances he finds himself in at the moment of action. "[P]ractical reason properly used, which is the virtue of practical wisdom, is the intelligent management of one's life so that all the necessary goods and virtues are coherently achieved, maintained, and enjoyed in a manner that is appropriate for the individual human being."[184] The individual's task is not merely one of conflict avoidance, however, but also of integration: One must make the goods and virtues one's own, so to speak, "by an act of reason or insight, not by mere mechanical application of universal principles to concrete cases. It is not just that an individualistic perfectionism points to a wider variety of 'relevant differences' among agents....*It is rather that agenthood itself is the 'relevant difference'.*"[185]

We are now, finally, in a better position to examine with greater precision the Aristotelian-liberal theory of autonomy. It is well to begin with the political dimension of autonomy (liberty) for several reasons. First, political autonomy or liberty is traditionally the central concept in liberal political theory. Second, liberals, with the exception of the modern social democrat variety, rarely venture beyond it toward recognition of what I call social and personal autonomy, at least not as important aspects of political theory. And third, of the three fundamental dimensions of local individual autonomy, political

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[183] Ibid., p. 149.
[184] Ibid., p. 147.
[185] Ibid., p. 151.

autonomy is the clearest and most straightforward and the best understood (at least by classical liberals and libertarians). Political autonomy as I have defined it consists of being free from physical coercion. Although certain kinds of people are never at a loss for seeming justifications (new and old) for the violating of political autonomy, it is arguably almost universally and commonsensically understood that the act of coercing someone with the threat or use of physical force – such as by violence, murder, fraud and naked theft – imposes the aggressor's desires, interests, preferences, choices, actions, etc., on the victim without his consent. To the extent that this occurs the victim exists not for his own sake but for another's: his desires, interests, preferences, choices, actions, etc., are no longer truly his but are alien to him.

In her essay, "Aristotle's Function Argument: A Defense," Jennifer Whiting makes an apropos analogy to a malfunctioning heart controlled by a pacemaker:

> A heart which, owing to some deficiency in its natural capacities, cannot beat on its own but is made to beat by means of a pacemaker is not a healthy heart. For *it*, the heart, is not strictly performing its function. Similarly, a man who, owing to some deficiency in his natural capacities, cannot manage his own life but is managed by means of another's deliberating and ordering him is not *eudaimōn* – not even if he possesses the same goods and engages in the same first order activities as does a *eudaimōn* man. For *he*, the man, is not strictly speaking performing his function....Aristotle's claim that *eudaimonia* is an activity of the soul in accordance with virtue shows that he thinks that *eudaimonia consists in* exercising rational agency.[186]

Similarly, an otherwise normally functioning human being who is physically coerced is to that extent strictly speaking not performing his function; indeed, so much the worse compared to Whiting's example because he is otherwise healthy!

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[186] Whiting (1988), p. 43.

Drawing on the foregoing analysis of human flourishing, it is possible to clarify the nature and importance of political autonomy yet further. On the most fundamental level it is self-direction, or global individual autonomy, that is compromised by the threat or use of physical force. So both global autonomy and local political autonomy are compromised by the threat or use of physical force. As we have seen, self-direction is a necessary and the central condition and constitutive element of flourishing. Whatever a desire, an interest, a preference, a choice, an action, an entire life that is directed by another may be called it is not good, virtuous, or flourishing. Thus, if our goal is for persons to flourish then we must respect their political autonomy and refrain from initiating the threat or use of physical force against them. Now, since we too wish to live a flourishing life, and since we are not gods but men, it will not do to be a pacifist. We must rather take those actions, consonant with virtue, that are necessary for protecting our own political autonomy. Rasmussen and Den Uyl have argued that it follows from this that the basic, negative, natural right to liberty (or political autonomy) is the organizing principle of society necessary for protecting the possibility of self-direction and thus of all forms of human flourishing. The right to liberty proscribes the threat or use of *initiatory* physical force. The right to liberty, since it protects the possibility of self-direction, which is the central and fundamental feature common to all forms of human flourishing, does not bias the structure of the political/legal order in favor of any form of human flourishing. Rather, it secures the central, but not the only, necessary condition that makes human flourishing in all its forms possible. For this reason, Rasmussen and Den Uyl call the right to liberty a *meta*normative principle.[187]

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[187] See Rasmussen and Den Uyl (2005), particularly chapter 4.

While I think this argument is correct and certainly important, from the point of view of virtue ethics this point that the right to liberty is a metanormative principle is not the whole story or even the most important part, and certainly not the most fundamental part. David Gordon points out one deficiency of a primarily demand-side defense of rights, like that of Rasmussen and Den Uyl seems to be: "[I]t does not follow from the fact that others must respect your rights, if you are to flourish, that you have an obligation to respect their rights. You may well have such an obligation, but more than an appeal to the conditions of your own flourishing is needed to show this."[188] Arguing that the right to liberty is necessary for protecting the possibility of everyone's flourishing goes some distance in shoring up this deficiency, but it still seems too consequentialist, not quite Aristotelian enough. Since Rasmussen and Den Uyl argue that rights-respecting behavior does not directly contribute to human flourishing, respecting the rights of others seems to be of instrumental value only.[189] Why should I not violate your liberty for my own benefit, or the benefit of others, if I think I have a reasonable chance of getting away with it (with or without doing irreparable harm to societal order)? To answer this, we need an account of rights as interpersonal ethical principles the respecting of which is constitutive of all forms of flourishing worthy of the name.

The Rasmussen and Den Uyl account of rights as metanormative principles operates at the structural level of analysis, the level of political and legal theory. From the personal level of analysis, the level of ethical theory, we can draw on a supply side-demand side distinction to arrive at the realization that rights do not derive primarily from

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[188] Gordon (2003), p. 2.
[189] Rasmussen and Den Uyl (2005), pp. 90 and 91.

facts about the rights-bearer qua moral patient but rather derive primarily from facts

about the moral agent. Like the virtue ethics of Aristotle, Aristotelian-liberal virtue ethics

focuses on the moral agent; it offers a *supply-side* approach rather than a typically

modern *demand-side* approach to morality and rights. As Roderick Long explains:

"According to a demand-side ethics, the way that A should treat B is determined

primarily by facts about B, the *patient* of moral activity; but for a supply-side approach

like Virtue Ethics, the way that A should treat B is determined primarily by facts about A,

the *agent* of moral activity."[190] The central question of a eudaimonistic virtue ethics is not

"What consequences should I promote?" or "What rules should I follow?" but rather

"What kind of person should I be?" In other words, it is not that rights are first properties

of individuals and thereby produce obligations in others. On the contrary, it is rather our

prior obligations as human beings to live a life of reason from which rights are derived.

As Long argues,

> just as courage, generosity, and temperance are the virtues that define the
> appropriately human attitudes toward danger, giving, and bodily pleasures
> respectively, so the virtue of justice defines the appropriately human
> attitude toward violence. A maximally human life will give central place
> to the distinctively human faculty of *reason;* and one's life more fully
> expresses this faculty to the extent that one deals with others through
> *reason* and persuasion, rather than through violence and force. To choose
> cooperation over violence is to choose a human mode of existence over a
> bestial one. Hence the virtuous person will refrain from initiating coercion
> against others.[191]

There are more subtle forms of coercion than the threat or use of physical force.

There are also myriad other factors that can contribute to the loss of autonomy in its

social and personal dimensions. Under all but the most extreme circumstances, however,

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[190] Long (1994/95). Online version: no page numbers available, but it is a short essay.
[191] Long (1994/95).

a normally functioning human being possessing political autonomy has his capacity for self-directedness intact. This is not to say that he will always make good use of his rational faculty, but there is an important difference between being self-directed on the one hand and being practically wise and living a flourishing life on the other. Herein lies another difference that distinguishes political autonomy from social and personal autonomy. Social and personal autonomy are nevertheless important constitutive elements of a flourishing life, however.

To reiterate the definitions of social and personal autonomy given previously: I define social autonomy as freedom from social influences other than the threat or use of physical force that lead a person to deviate from his telos.[192] There are any number of social influences that can lead a person astray from the life appropriate for him. Some social influences are more pervasive and powerful than others. Some such influences are in and of themselves malignant, but others are for the most part neutral or benign. Among the more malignant are certain sorts of behaviors and institutions that discourage or actively seek to suppress rationality, individuality, self-responsibility, productivity, and other virtues. Cultures that encourage unquestioning obedience to authority and subordination of the individual to the collective are prime examples. Other problematic cultural institutions are paternalism, racism, and sexism. Many social influences are not malignant in and of themselves, however; they can serve to distract but they also offer themselves up as opportunities to discover our true telos. It is the task of the individual to develop practical wisdom and employ it to make the correct choices for himself.

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[192] Again, it is actually redundant to include the phrase "other than the threat or use of physical force" in this sentence for nothing is more *anti-social* than the initiation of behavior of this sort and organizations or institutions that conduct, legitimate, and support it.

Personal autonomy is internal freedom from deviant desires, severe addiction to drugs, and so forth that lead a person to deviate from his telos. That deviant desires are not autonomous is clear from what has already been said. They stand opposed to reason, to one's eudaimonia. They undermine one's autonomy in the aggregate. They are a part of who we are presently but alien to our telos. It also seems clear that being physically addicted to some substance undermines one's autonomy. Addiction puts one's desires in opposition to reason, but it does not necessarily compromise self-direction. It does, however, undermine how well one uses one's self-direction. On the other hand, an extremely severe addiction to a powerful drug might well be enough to compromise self-direction.

While it is important to distinguish political, social and personal autonomy conceptually, it is also important to recognize their deep interrelations. To the extent that political autonomy is violated social and personal autonomy are rendered impossible, for violations of political autonomy not only impose alien desires, etc., on the victim. They also compromise self-direction, which is a constitutive part of all three dimensions of local autonomy. Social heteronomy can promote personal heteronomy, and vice versa. Similarly, personal and social heteronomy can encourage violations of political autonomy. For example, a teenager could mistakenly seek fulfillment by joining a street gang and, in order to fit in, get hooked on drugs and then commit violent crimes in support of his gang and his habit. For a generational example, a verbally abusive relationship with one's father can be a contributing factor (although not an excuse!) in the son growing up to become an alcoholic who then visits the same abuse he suffered on his

own son. Personal heteronomy could easily lead to the verbal abuse becoming physical as well.

I will grant that in extreme cases of social and/or personal heteronomy in which self-direction may be compromised, that it *might* be the necessary and right thing to do to forcefully *but temporarily* intervene in order to restore the heteronomous person's capacity for self-direction. Because these are exceptional cases, involving highly complex issues, the proper course of action cannot be generalized or universalized into law. It is a personal moral decision not to be taken lightly – one that depends on the capabilities and other obligations of the one making the decision, on the likelihood of immediate and long-term success, and myriad other factors; and one that requires intimate knowledge of the heteronomous person in question, including whether the person would endorse the intervention after being restored to self-direction and some measure of local autonomy. Such a decision is not one that can be freely sanctioned by the law. There must be a presumption in favor of liberty in the legal system and the law must be restricted to protecting individual liberty, as a requirement of justice and in order to protect the possibility of self-direction. Should the concerned party choose to intervene, he must be prepared to pay the legal consequences if the one he intended to help ultimately rejects his efforts and chooses to press charges.[193] The paradigm case I have in mind here is that of a close friend or relative who becomes severely addicted to drugs, such as crystal meth. Up to a point it *might* be the necessary and right thing to do for that person's family and close friends to stage an intervention in an attempt to restore his or her capacity for

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[193] Or if an interested party presses charges on the heteronomous person's behalf in the event that the latter cannot.

self-direction and some measure of local autonomy, in order to give the drug addict a chance to reconsider his life and past actions.[194] In such a case I would say that the drug addict's *right* to liberty/political autonomy has not necessarily been violated, *if* there was good reason to believe that the intervention was something he or she would want *and if*, freed from the immediate grip of the drug, he or she actually endorses the intervention. In other words, the intervener(s) must have good reason to believe that the intervention is something that the heteronomous person would consent to and then hope that this supposition proves to be accurate.

To avoid possible misunderstanding, it is important to clarify what the argument of the previous paragraph does *not* mean or imply. I do not think that there is an inherent conflict between virtue and rights or between morality and the law. The actual demands of virtue and rights, of morality and the law (insofar as it is just), do not conflict. Ultimately, rights are ethical principles derived from the virtue of justice. On the other hand, there certainly can be apparent conflicts between virtue and rights, morality and the law. These can arise because of errors made by the involved parties – the principals, witnesses, lawyers, and judge(s) – whether because of bias, a deficiency in practical wisdom, a mistaken notion of the good and the right, a badly formed or applied law, a lack of all the relevant information, etc. If the law and the legal system are to be just and the possibility of self-direction protected, there must be a presumption in favor of liberty. It thus may happen that *particular* legal decisions will sometimes run counter to what virtue and rights actually demand in those cases.

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[194] Then again, it might turn out not to be the right thing to do.

There can be no conflict between the actual demands of justice and rights; and there is no conflict between morality and just laws. However, ethics and law have different natures and functions. Ethics is open-ended and must deal with the contingent and the particular in the lives of individuals; its demands are 'relative to us'. Law must be universal, applying to all equally, because it has the function of maintaining a political/legal order that is not biased in favor of any form of human flourishing by protecting the possibility of self-direction, the central and most fundamental necessary feature of all forms of human flourishing. Rights qua metanormative principles are the standard by which we judge whether the laws and legal system are just. In order to fulfill their function, the laws and legal system must have a presumption in favor of liberty and this will sometimes lead to a gap between particular legal decisions and the actual demands of virtue and rights qua interpersonal ethical principles.

Along the lines of distinguishing between ethics and the law, a few brief remarks can be made here about the notion of 'law as educative'. It certainly is, but this is not its primary function and its educative power is far more limited and indirect than Aristotle and many others have supposed. First, there is no necessary connection between the law and the promotion of ethical virtue. Second, correct behavior or orderly conduct is only one component of ethical virtue or moral excellence, and it is only the former that the law can promote directly.[195] Third, there is an important difference between legislative laws, those mountains of arbitrary and vague laws invented by statesmen in a generally corrupt monocentric system on the one hand and polycentric customary law, which can result from competitive institutions through a process of natural social evolution, on the

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[195] On these points, see Rasmussen and Den Uyl (2005), pp. 94-95.

other.[196] Finally, any law or public policy that goes beyond the protection of the right to liberty is contrary to the demands of justice and the nature of law, and biases the political/legal order in favor of some forms of human flourishing over others.

Clearly on the Aristotelian-liberal theory of autonomy sketched above there are epistemic difficulties inherent in evaluating the autonomy of particular persons, particularly for social and personal autonomy but even for political autonomy. We sometimes or often in the case of political autonomy, and usually in the case of social and personal autonomy, do not have all of the relevant information about a person, persons, or situation. Such epistemic difficulties are not unique to the Aristotelian-liberal theory of autonomy. Indeed, they are a natural part of life. The epistemic difficulties of evaluating particular cases of autonomy or heteronomy can only be mitigated, as social and personal autonomy can only be promoted, through effective teaching, habituation, and experience – i.e., through the development of practical wisdom and ethical virtue. It is important to reiterate that social and personal autonomy cannot be promoted at the systematic expense of political autonomy, for political autonomy is necessary for the very possibility of social and personal autonomy. Moreover, the threat or use of initiatory physical force is harmful of the agent's flourishing as well as the patient's.

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[196] On monocentric and polycentric law, see Bell (1991). On social evolution, see Hayek (1973) and Hamowy (2005).

Conclusion

Autonomy is a concept that has played an important role in Kantian moral philosophy, moral and analytic philosophy, the political philosophy of liberalism, and the liberal/communitarian debate. There are many dimensions of autonomy, however, and scholars have often not been clear which dimension they were utilizing. One task of this essay has been to distinguish clearly the different dimensions of autonomy. The taxonomy of autonomy delineated in chapter three should help to resolve theoretical confusions in the aforementioned traditions. Chief among these are the mistaken grounding of moral agency and moral responsibility in local autonomy rather than global autonomy; the failure to recognize the importance of *all three* dimensions of local autonomy – political, social, and personal – to human flourishing, particularly in the case of communitarians, left-liberal social democrats, and others; and, in the case of classical liberals and libertarians, a frequent but mistaken exclusion of social and personal autonomy from an important place in their political philosophy.

The main purpose of this essay has been to develop an Aristotelian-liberal theory of autonomy employing the taxonomy of autonomy delineated in chapter three as an alternative not only to the Kantian and major analytic theories of autonomy but also to the strictly Aristotelian theory of autonomy. Thus, chapter one set the stage by discussing the Kantian theory of autonomy and the major theories in the analytic tradition of philosophy. The Kantian theory was found wanting from the Aristotelian and Aristotelian-liberal point of view. The analytic theories were frequently found wanting by the standards of their own tradition because of inherent difficulties from which arise the

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Problem of Manipulation, the Regress-cum-Incompleteness Problem, and the *Ab Initio* Problem/Problem of Authority. From the Aristotelian and Aristotelian-liberal point of view, the analytic theories also suffer from a misguided and unnecessary striving to be morally content-neutral as well as a problematic grounding of autonomy in hierarchies of desire rather than in the exercise of reason and teleological eudaimonism.

The Aristotelian-liberal theory of autonomy itself avoids the three Problems that plague the analytic theories. The Problem of Manipulation is avoided with the clarification of the nature of self-direction and the political and social dimensions of local individual autonomy. Any kind of Dworkinian *ex cathedra* claim is also avoided by the grounding of self-direction and (local) autonomy in an understanding of human nature, including human teleology, eudaimonia and virtue. The Regress-cum-Incompleteness Problem is avoided because the question of a regress never arises in this theory, owing to the fact that autonomy consists in self-direction and human flourishing. The theory avoids the *Ab Initio* Problem/Problem of Authority by explaining self-direction and the development of local autonomy as well as the authority that reason and one's eudaimonia have for oneself.

Aristotle, although a precursor to modern liberalism, was not himself a liberal. He did not fully appreciate the individualized nature of human flourishing, and the nature and importance of individual liberty. He wrongly attributed to nature rather than cultural factors and mere prejudice on his part the alleged rational deficiency of women compared to that of men and of non-Greeks compared to Greeks. And his conflation of state and civil society, while perhaps unavoidable in his era, is no longer tenable; in light of liberal

theory and modern experiences the state as such, regardless of its constitution or the virtue of the rulers, must be seen as problematic. Nevertheless, a broadly and somewhat modernized Aristotelian philosophy provides a better foundation for liberalism, allowing it to avoid pitfalls common to Enlightenment philosophies and their contemporary successors. Moreover, Aristotelian liberalism, and an Aristotelian-liberal theory of autonomy, promise to transcend the liberal/communitarian debate. The charge of having an atomistic, asocial, and ahistorical view of man will not stick.

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