

CHAPTER 8

VOLUNTARISM AND LIBERALISM

"The only proper response to liberal political philosophy is more philosophy." -- Bruce A. Ackerman (1980, 370)

Assume for a moment not only that Leibniz's critique of voluntarism is sound, but that liberalism is an individualistic version of voluntarism. It would follow that, just as communitarian and theological voluntarism relativistically endorse, respectively, the contradictory values of different communities, and those of God at different moments; and just as the endorsement of contradictory values either (a) renders the decisions of God or those of community members incoherent; or (b) entails that God, or the members of a community, have no free will; then liberalism, too, must be relativistic and, to the extent that the individual has free will, incoherent.

In this chapter, I will try to sustain the view that the mainstream of contemporary liberalism is, indeed, analogous to theological and communitarian voluntarism. In Chapter 7 I suggested a *prima facie* analogy between theological and communitarian voluntarism on the one hand, and liberalism on the other, by agreeing with Taylor

that in liberal theory, the individual seems to take the place of God (and of the community, in Taylor's alternative) in determining the good. After considering how the metaethics of Rawls, Dworkin, and Kymlicka bear out this analogy, I will anticipate several objections to it drawn from the work of Bruce Ackerman, Jeremy Waldron, and Rawls's Political Liberalism. If the analogy stands, it will vindicate the communitarian perception that liberal views of the good make the good arbitrary and heteronomous, but without implying an equally voluntaristic communitarian alternative that would reproduce the same problem.

Rawlsian Voluntarism

Sandel (1982, 161, and passim) called attention to Rawlsian "voluntarism" 20 years ago. "So long as they are not unjust," Sandel (*ibid.*, 152, emphasis added) wrote of Rawls's view, "our conceptions of the good carry weight, whatever they are, simply in virtue of our having chosen them. We are 'self-originating sources of valid claims'" (quoting Rawls 1980, 543).

Rawlsian voluntarism explains why the original position takes the form it does. The veil of ignorance screens out the contractors' conceptions of the good because, as equally self-validating claims made (outside the original position) by freely choosing individuals, all of these conceptions of the good are equally valid, so none of them should take priority over the others. Instead, the right of each individual to determine her own good takes priority over any individual's

conception of the good. The first principle of justice protects this right in its non-material dimensions (such as freedom of conscience). The difference principle distributes primary goods--means to any ends, "undifferen-tiated as to worth" (Sandel 1982, 166)--so as to ensure that individuals have as many resources as possible with which to pursue whatever ends they determine to be good.

This determination cannot be performed by an antecedent criterion of a putatively universal good, or there would be no a priori presumption against paternalism, and the veil of ignorance would not have to screen out "controversial" conceptions of the good. If each individual's determination of the good presupposed an antecedent universal truth-claim for that good, there would be no reason to rule out the imposition of the true universal good on all individuals, regardless of whether they freely chose that good: those who chose other goods would simply be seen to have chosen incorrectly, and they might, in principle, be coerced to follow the correct path. But this would threaten the dignity and authority of the individual, just as a universal criterion of the good anterior to God's will at any moment would threaten His dignity and authority. So, ironically, in the name of the individual's dignity and authority, Rawls pictures the individual's choice of ends as "tinged with contingency and arbitrariness" (Sandel 1982, 156). The determination of the individual's good, and thus of her plan of life, is mechanical, not (as Leibniz would say) "moral": once we eliminate choices that conflict with the principles of justice,

we must simply choose. 'We may narrow the scope of purely preferential choice, but we cannot eliminate it altogether....We eventually reach a point where we just have to decide which plan we most prefer without further guidance from principle.'" (Ibid., 158, quoting Rawls 1971, 552, 551.)

Rawls (1971, 557) continues: "The person himself must make this decision, taking into account the full range of his inclinations and desires, present and future." To which Sandel (1982, 162) trenchantly replies that

a choice that is a choice 'in the sense that' it "often rests on" (is determined by?) my existing wants and desires is a choice only in a peculiar sense of the word. For assuming with Rawls that the wants and desires on which my choice "rests" are not themselves chosen but are the products of circumstance, ("We do not choose now what to desire now" [Rawls 1971, 415]), such a "choice" would involve less a voluntary act than a factual accounting of what these wants and desires really are. And once I succeed in ascertaining, by "direct self-knowledge," this piece of psychological information, there would be nothing left for me to choose....

(Ibid.)

Such a "decision" decides nothing except how accurately the agent has perceived something already there, in this case the shape and intensity of his pre-existing desires....

Thus, Sandel (ibid., 165) points out, Rawls conflates "choice with necessity." Rawls sets out to defend the integrity of the autonomous individual; he structures the original position to produce principles of justice that will protect each individual's choice of ends and provide the means to pursue them; yet it turns out that this choice of ends is not a choice, but is "heteronomous throughout" (ibid., 164). According to Sandel, this contingency in the determination of the good (2) undermines (although Sandel does not say precisely how) the purpose of the priority of the right--the protection of equal individual freedom--just as the groundlessness of the choice of principles of justice (2') alleged by Nozick, according to Sandel, undermines equal freedom in the form of the difference principle. What, then, has gone wrong with Rawls's argument?

In Sandel's view, what has gone wrong in the determination of the good (outside the original position) is that Rawls posits an individual who is independent of her ends--just as what goes wrong in the determination of the right (inside the original position) is that Rawls posits an individual who is independent of the source of those ends: the other members of her constitutive community. However, the only real connection between Sandel's critique of Rawls's account of the

choice of the good and his critique of Rawls's account of the choice of the right is that Sandel--without argument--equates the good with one's communally constituted identity, so that the solution to both forms of "arbitrariness"--heteronomy in the choice of the good, and groundlessness in the choice of the principles of justice--is communitarianism (~1). Sandel's communitarianism replaces the "groundless" choice of the principles of justice with the coming-to-awareness of an "intersubjective being," one that escapes Kantian metaphysics; one that collectively owns individuals' assets; and one that replaces the contractors' nonconsensual contract with cognizance of a collective identity. This collective identity, in turn, provides an objective (~2) account of the good that therefore better grounds the difference principle (~3)--if we follow Sandel and conflate intersubjectivity with objectivity.

But this conflation produces a collective version of heteronomy in Sandel's alternative to Rawls, since it entails endorsing whatever ends are given in one's communally constituted identity. Sandel simply replaces individualist heteronomy with a communitarian version of the same, as he backhandedly acknowledges in conceding that when I act in accordance with the "more or less enduring qualities of character" that are made possible by my understanding of myself "as the particular perso[n] I am--as membe[r] of this family or community or nation or people, as beare[r] of this history, as so[n or] daughte[r] of that revolution, as citize[n] of this republic,"

my choice of ends is not arbitrary in the same way.

In consulting my preferences, I have not only to weigh their intensity but also assess their suitability to the person I (already) am. I ask, as I deliberate, not only what I really want but who I really am, and this last question takes me beyond an attention to my desires alone to reflect on my identity itself.... Although there may be a certain ultimate contingency in my having wound up the person I am--only theology can say for sure--it makes a moral difference nonetheless that, being the person I am, I affirm these ends rather than those, turn this way rather than that. (Sandel 1982, 180, 179, 180.)

While privileging one's socially constituted identity might enable one to distinguish first- from second-order desires, however, this would not really reduce one's heteronomy. As Sandel writes of Rawls,

Even if a Rawlsian agent were capable of forming desires for certain other desires, his agency would not in any meaningful sense be restored. For he would have no grounds, apart from the mere fact of his second-order desire, on which to justify or defend the desirability of one sort of desire over another.... The resulting conception of the good could no more be said to be chosen than one arising from first-order

desires alone. (Ibid., 163, 164.)

The same is true of Sandel's conception of the good, and the reason is fairly obvious: he has replaced the heteronomously arbitrary determination of one's good by one's individual "identity" with its heteronomously arbitrary determination by one's collective "identity." Both forms of identity are given. Both answer the question of what is good by transforming it into a question of who should decide what is good--the individual or the community? As such, both make the good posterior to the acting agent: first comes one's given identity, then comes the corresponding "choice." (Indeed, nothing bars a Rawlsian liberal from acknowledging the socially constitutive nature of individual identity, and Rawls makes just such an acknowledgement in Political Liberalism [1993, 31]. Likewise, there is no reason in principle for constrained communitarians not to go all the way over to nonconsequentialist liberalism and acknowledge that in the liberal communities they favor, the communally constituted end may be individualistic.) As posterior to "choice," no given identity can reach outside its particularity to stake a claim for validity that would persuade anyone not already wedded to that identity. The whole point of "identities" is that they are particularistic, and so cannot be grounded on putatively universal criteria of the good that are anterior to choice. "Identity" is just a flattering term for heteronomy--that is to say, for determination not by a freely embraced truth-claim, but by sociological or psychological contingencies.

If Sandel's alternative to Rawlsian liberalism is as "thoroughly

heteronomous" as the latter in its "determination" of the good by the "identity" of some locus of moral authority, then the problem in Rawlsian liberalism is unlikely to be, as Sandel assumes, its abstraction from communally constituted ends. If communitarianism isn't the solution, individualism probably isn't the problem.

What, then, has really gone wrong in Rawls?

The Intrinsic Worthlessness of Freedom

My suggestion is that the problem is metaethical, not metaphysical. It does not lie in Rawlsian subjectivity, so the answer is not intersubjectivity--which produces as much subjectivism (in the sense of relativism) as Rawlsian individualism. The source of Rawlsian subjectivism is not that he pictures the individual as capable of standing back from her ends so as to assess their worth. That is merely a description of an individual with free will. Where Rawls goes wrong in is in valorizing this description, rather than simply accepting it as (arguably) a fact.

More precisely, Rawls errs in valuing individual freedom to determine the good--i.e., freedom of action. By thereby conferring moral authority on the individual's choice of the good, Rawls puts himself in precisely the position Ockham is in when he confers moral authority on God's choice of the good. As with theological voluntarism, Rawlsian voluntarism precludes a transcendent, independent (of the agent's will), putatively (universally) valid conception of the

good, and this means that each individual's conception of the good is either, somehow, equally valid, even when they contradict each other; or (the option Rawls chooses) that none of them are valid: all of them are mere preferences, undifferentiated as to worth. This entitles Rawls to exclude knowledge of conceptions of the good from the original position: such conceptions are as morally arbitrary as the assets with which one happens to be born. "That we have one conception of the good rather than another is not relevant from a moral standpoint. In acquiring it we are influenced by the same sort of contingencies that lead us to rule out a knowledge of our sex and class" (Rawls 1975, 537).

To summarize: if the individual's determination of the good were (in Leibnizian terminology) "moral," it would presuppose claims to universal validity for individuals' criteria of the good, claims that might entitle an individual (were her claim valid) to restrict the freedom of action of other individuals who had chosen to be governed by bad (invalid) criteria of the good. To avoid this outcome, individual determination of the good has to be (by the principle of sufficient reason) mechanical, not moral. Hence the heteronomy of both purely preferential "choice" and of Sandel's alternative--which, in its pure-communitarian moment, confers to each particular community the right to determine the good.

Treating individual freedom to determine the good as itself valuable, then, presupposes a voluntarist understanding of the good, entailing a view of action as, necessarily, determined by incorrigible contingencies rather than moral necessity. By valuing individual

freedom of action, Rawls paradoxically strips the individual of free will. The implication of this line of reasoning is that, to the extent that our wills are free, freedom of action cannot be a good thing in itself. For the moral determination of free wills by an antecedent criterion of the good may justify correcting the actions of those agents who have inadvertently governed their actions according to invalid truth-claims about the good. The assertion that, nonetheless, an agent's freedom (of will or of action) is an end in itself implies the absence of a truth-claim that might, if false, justify curtailing the agent's freedom. And without such a truth-claim, which would morally determine the agent's action, the latter must, by the principle of sufficient reason, be determined mechanically.

Obviously, if freedom of action is not valuable in itself, then there is nothing undesirable about portraying the will that determines such action as mechanically determined. But to the extent that, as a matter of fact, we do have free will, the idea that we should be free to act in any way we choose (consistent with others' equal freedom)--the voluntarist idea that undergirds the priority of the right over the good--is unfaithful to reality. For the precondition of free will is that its exercise is but a means to a putatively valid end, the posited good; the presupposition of freely acting according to the choices of a free will is that such action is good if it is instrumental to a good end anterior to the will, but bad if instrumental to a bad end. If free action instrumental to a bad end were not itself bad, then there would be no reason for the agent to prefer action directed toward a good end to action directed otherwise, the motivating function of

criteria of the good would be short-circuited, and a free agent would be unable to act.

Were actions directed toward any (just) end good merely by virtue of being free--the implication of both principles of justice--a free agent would have no way of justifying such actions relative to the others she might have taken, since none of them would be preferable on the basis of being instrumental to a universally valid end. (If one of them were preferable on such a basis, then why shouldn't knowledge of this basis be made available to the contractors in the original position?) The only alternative basis of action is unfree. Thus, for Rawls, rather than being preferable, an end is simply preferred.

Sandel seems to think that his critique of the heteronomy of Rawls's view of the good (2), which is all that sustains the seeming objectivity (~2) of Sandel's alternative (~1), is linked to his critique of Rawlsian arbitrariness in the choice of the principles of right (2'). I argued in Chapter 2 that there is no such link. Without such a link, Sandel's communitarian account of the good becomes just as heteronomous as Rawls's, leaving only a strategic reason to favor Sandel's alternative: if one accepts Nozickian arguments about the incoherence of the subjects in the original position (~2''), then Sandel's alternative might "rescue" the difference principle (~3). But the purpose of such a rescue mission is to ground equal freedom--the goal of the difference principle--more firmly than Rawls is able to do. In short, Sandel eschews the priority of the right over the good so as better to ground...the priority of the right over the good. This may explain why Sandel believes there is a link between his critique of

Rawls's understanding of the good and his critique of Rawls's derivation of the right. The reason an intersubjective being's identity is supposed to constitute the good is that--properly constrained--the good constituted by such a being just is the right: the right of the individual to determine the good. This right is protected by the difference principle rescued by communitarianism. The rescue consists in depicting the right as the content of our intersubjective identity rather than as the product of a contract among disembodied individuals.

For Sandel, as for Taylor, MacIntyre, and Walzer, the right and the good are interchangeable: the only good is the right. This accounts for the emptiness of communitarianism. In its pure form, it is an arbitrary grant of authority to communities with potentially contradictory ends; thus it cannot specify that one of these ends is good; thus there is no account of the good to be found in the communitarians' writings. But in its constrained form, communitarianism grants authority only to those communities that uphold the arbitrary liberal grant of authority to individuals with potentially contradictory ends. Consequently, just as voluntarist liberals cannot specify one end as good, constrained communitarians cannot, either. Constrained communitarians are voluntarist liberals, and voluntarist liberalism is as empty as voluntarist communitarianism.

_____ Rawls comes close to being what I will call a "straightforward" voluntarist liberal. Straightforward voluntarist liberals would hold that whatever the individual wills is, ipso facto, good. Clearly this doctrine would be vulnerable to Leibniz's critique. It would be

relativistic in requiring us to judge different individuals' incommensurable values as being, somehow, equally valid. This requirement particularizes each individual's good, such that it is, somehow, merely good "for her." ("Undergraduate relativism" is often dismissed as a simplistic misunderstanding of contemporary liberalism. If my argument is correct, however, undergraduate relativism is really an accurate distillation of the message of contemporary liberalism. Likewise, the tendency of liberal cultures to reduce ultimate ends to matters of taste manifests not some mysterious superficiality, but an instinctive grasp of the logic of the institutions and the supporting culture under which they live.)

By particularizing the good, straightforward voluntarist liberalism does violence to the presupposition entailed by free will. Without recourse to universal truth claims that would enable the individual to select one good among all the competitors, the straightforward voluntarist-liberal individual cannot motivate her actions (nor can philosophical observers of such individuals motivate their approving or disapproving judgment of those actions). Therefore, by the principle of sufficient reason, such individuals (and philosophers) must be mechanically, not morally determined. If straightforward voluntarist liberalism is true, then whatever an individual decides to view as good becomes good solely by virtue of that decision. Anterior to that decision, an individual would find herself in the impossible position of non-action epitomized by Buridan's Ass. From this position, a free choice would be impossible. The only way the decision itself could take place is heteronomously.

The term straightforward voluntarist liberalism denotes an ideal type, as does the term pure communitarianism. As pure communitarianism represents a logical implication of really existing communitarian theories, straightforward voluntarist liberalism represents a logical implication of (many) really existing liberal theories. No communitarians make the unvarnished claim that whatever the community values is, ipso facto, good, yet this claim is implied by the alethic implication of their critiques of individualist metaphysics. Similarly, few liberals straightforwardly contend that whatever the individual wills becomes good by virtue of being willed. But this doesn't diminish the applicability of the ideal type to most forms of contemporary liberalism.

For example, even though Rawls does not expressly claim that an individual's choice of an end renders the end good, that is the clear implication of the individual determination of the good made possible by his principles of justice. The good, in Rawls's understanding of it, is incompatible with an antecedent claim of its universal goodness, since such a claim might warrant its paternalistic imposition on individuals who did not choose that good. If not anterior to the "choice" of the action, however, the good must be posterior to it. In everything but name, then, the individual's choice of the good is what makes it good, and this sets up both the subjectivism--the relativism among contradictory individual ends--and the heteronomy--the incompatibility of individual action with free will--that Sandel condemns.

The reason for Rawlsian incoherence and heteronomy, however, is

not Rawlsian individualism, but Rawlsian voluntarism. (Because Sandel conflates voluntarism with individualism, his critique of Rawls's voluntarism issues in an equally incoherent account of the good and an equally heteronomous understanding of action.) Much the same can be said of any form of liberalism that upholds the right over the good on nonconsequentialist grounds.

Consequentialist liberals are exempt from Leibnizian critique because the end against which they justify equal freedom is held to be valuable independent of its mere valuation. When a psychological utilitarian (as opposed to a preference utilitarian) concludes, on the basis of empirical evidence about what will lead to happiness, that individuals should be left free to pursue whatever conceptions of the good they choose, even conceptions other than happiness, he is making this concession to individual freedom only instrumentally. If the evidence were to go the other way, so that happiness would be served by paternalism, then individual freedom could be overridden. But nonconsequentialist liberals, who "exclude in principle moral paternalism and the use of coercion to prevent moral harm" (George 1993, 167, emphasis added), must derive that principle, in effect, from the goodness of what individuals choose. Otherwise, there would be no a priori reason to rule out interference with such choices.

The distinction between consequentialist and nonconsequentialist rationales for liberal conclusions suggests that treating freedom--the freedom of the individual, or the community, or God to determine the good--as intrinsically valuable is equivalent to treating the decision of the moral authority in question as definitive of the good. If the

freedom of, say, the individual to determine the good is taken to be unconditionally valuable and thus "inviolab[le]" (Rawls 1971, 3), this has to be because that freedom has overriding intrinsic value (Carter 1995, 826). Rather than being instrumentally valuable and thus violable in principle, when the sovereign individual's freedom of action is taken to be an overriding end in itself, such that its value cannot be outweighed by the intrinsic badness of the ends it may serve (although it can be outweighed by the wrongness of violating other sovereign agents' equally valuable freedom), then it has to be the individual--not any antecedent criterion of the good--who "determines" the good, regardless of whether this determination is explicitly seen as posterior to validation by the individual's will. Leibniz's critique of voluntarism, then, doubles as a critique of the intrinsic value of any agent's freedom.¹ This is why Leibnizian metaethics is important, despite the fact, as we saw in Chapter 7, that in many respects it merely redescribes voluntarist metaethics. The one crucial difference that follows from seeing the free will as antecedently determined by a final cause, despite our awareness (at moments other than the moment of choice) of its antecedent determination by efficient (mechanical) causes, is that this understanding of the will rules out one, and only one, of the many possible final causes that might be considered ultimate ends: freedom.

The Emptiness of Voluntarist Liberalism

"Straightforward voluntarist liberalism" and "pure communitarianism" are both ideal types that capture the allegedly incoherent implications of the doctrines in question, implications that are usually obscured by various features of actual liberal and communitarian theories. Despite this similarity between the two ideal types, there is the following important difference--apart from the obvious differences between any form of communitarianism and any form of liberalism. As we saw in Part I, the way that really existing communitarians distance themselves from the relativistic core of their doctrine is by adding caveats that contradict it; hence the locution constrained communitarianism to describe the theories of MacIntyre, Sandel, Taylor, and Walzer. Hence also the many pages that were required to probe the political intentions, and the philosophical effects, of these authors' tortured relationship with pure communitarianism. Because the communitarians intend their metaphysics more firmly to ground the primary liberal value--equal freedom--they invariably find it necessary to distance themselves from the inegalitarian, oppressive communities that would be sanctioned by pure communitarianism. Really existing communitarianism, therefore, marks a repudiation of the logical implication of the pure doctrine: intercommunal relativism. (That logical implication flows directly from the communitarian writers' claim that their ontologies and epistemologies are not only politically convenient, but true.)

Really existing liberals, by contrast, do not face any tension between their metaphysics and their politics. This will allow my discussion of them to be much briefer. Nonconsequentialist liberals'

departures from straightforward liberalism, unlike communitarian theorists' contradictions of pure communitarianism, are only apparent. Unstraightforward liberals remain "pure," for pure liberalism, unlike pure communitarianism, does achieve the political goal, equal freedom, that liberals share with really existing communitarians. My argument is not that liberalism is only apparently neutral among ends. It is, instead, that in being genuinely neutral among individuals' ends, it achieves a uniquely empty end: freedom. The emptiness of the overriding (nonconsequentialist) liberal end can be encapsulated by saying that freedom cannot be an end in itself since, as the freedom to choose among ends, it cannot culminate in itself; it must lead elsewhere. Freedom is the second-order ability to pursue first-order ends (such as truth, beauty, or happiness): although one can strive to increase one's freedom, once one has achieved it, it consists simply in the ability to pursue some other goal. This is why nonconsequentialist liberalism is as void of a substantive conception of the good as pure communitarianism is. The one ethical consequence of Leibnizian metaethics is the conclusion that freedom cannot be good in itself, as it is itself the ability to choose, and to pursue, the good. Its goodness is parasitic on the goodness of the ends to which it is instrumental.

Because nonconsequentialist liberals implicitly if not expressly favor the unvarnished end, (equal) freedom, of ideal-typical individualist voluntarism, it would be misleading, in discussing nonconsequentialist liberals, to follow my practice in discussing communitarians and label as "pure" the ideal-typical voluntarism from

which they sometimes verbally deviate. Their deviations from the ideal type are just as voluntaristic as the ideal type itself.

Nonconsequentialist liberals' departures from straightforward individualist voluntarism do not repudiate the essence of voluntarism. But that is the impression these departures may create.

Ronald Dworkin, for instance, may seem to be a consequentialist liberal, since he forswears the idea that liberty--individual freedom in the choice of ends--is an end in itself. But his alternative, "equality," is equality of freedom. (As Amartya Sen [1992, ch. 1] notes, one must always ask, "Equality of what?") What it means "for the government to treat its citizens as equals," Dworkin (1984, 63, 64) writes, "is, I think, the same...[as] what it means for the government to treat all its citizens as free, or as independent or with equal dignity." "Since the citizens of a society differ in their conception [of the good life], the government does not treat them as equals if it prefers one conception to another." In other words, each individual is to be equally free to determine her own good, regardless of the consequences when measured against a yardstick provided by any one of those goods. The liberal "takes the protection of certain individual choices as fundamental, and not properly subordinated to any goal or duty or combination of these" (Dworkin 1977, 177). Liberal theories "presuppose and protect the value of individual thought and choice" (ibid., 172). Dworkin's position is that freedom is not intrinsically valuable, but is instrumental to whatever individuals choose. But choice is freedom. For our purposes (as opposed to the purposes of his polemic against libertarians), Dworkin draws a distinction that makes

no difference.

Kymlicka (1990, 209) makes a more profound point, one that not only follows Rawls in seeming to renounce straightforward voluntarism, but more substantially repudiates freedom as an end in itself than Dworkin does.

Liberals do not say that we should have the freedom to select our projects for its own sake, because freedom is the most valuable thing in the world. Rather, our projects and tasks are the most important things in our lives, and it is because they are so important that we should be free to revise them, should we come to believe that they are not worthwhile.² (Cf. Rawls 1971, sec. 81; Rawls 1993, 30-31.)

One could couch Kymlicka's argument as a direct challenge to my use of Leibniz against nonconsequentialist liberalism, by reformulating it as follows. The reason it may be desirable to leave an individual unconstrained is that, unlike God, nobody who might coerce that individual is infallible. To force her to pursue an end that seems valuable to a potential coercer may prevent her from doing what is good, even by the lights of the potential coercer if the ends of the latter come to be revised. The presupposition of the coercer's free

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will at T may be that A is universally good, and may therefore warrant

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being imposed on others. But if at T she concludes that B is good, the corollary of this conclusion is the truth-claim that she was wrong at

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T . Therefore, to be consistent with Leibniz's metaethics, fallible

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agents at T should recognize the possibility that they may come to revise their conceptions of the good as requiring action A, such that

they should allow people the freedom at T to do B--which may actually be good, despite the current convictions of the potential coercer that it is bad.

The problem with this line of thought is that it turns a prudent fallibilism into a paralyzing skepticism that would prevent free action

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at either T or T . Recognizing one's fallibility is desirable, and in light of this recognition, it would be equally desirable, were it possible, to postpone making a definite judgment about the good--preferably forever (or as long as we remain fallible). In the face of the doubt communitarians work so hard to extinguish, inaction would be better than action. But deferring judgment about the good is not possible--ever. We must act all the time (even when we refuse to "act" in the narrow sense), and our actions, to the extent that they are free, presuppose the goodness of the ends to which they are directed.

Now if the operative criterion of goodness is putatively good enough for me to use it to govern my actions, why should it not govern not yours as well? (To privilege "your" freedom of action as being

free from "my" criterion of the good begs the question by particularizing the good to each individual.) If I truly believed that in the future, I would likely conclude that a different criterion is superior to the one I now think best, then I would no longer think the current criterion best. The desire to be free to revise one's ends is no different, in principle, than the desire to leave others free to pursue ends different from "mine" right now. Were I really to believe that the ends favored by others, or those I might favor in the future, are as good or better than my currently held ends, I would be unable to motivate action according to the latter--or the latter (my current ends) would be transformed into the former (my future ends, or others' current ends). But inaction--Leibniz's "indifference of equipoise"--is not an option.

None of this is to deny the great appeal of something like Kymlicka's position. More than the curious notion that the "dignity" of the individual is served by treating her as if her conception of the good warrants respect (e.g., Rawls 1971, 178), even when one judges that individual's conception as erroneous--a form of "respect," one might think, that is appropriate only to a child who cannot be held responsible for her errors (that is, appropriate to a determined, not a free, will)³--doubt about what is good is surely what propels many of us in the direction of nonconsequentialist liberalism. But what Leibniz makes clear is that, to the extent that we see ourselves as possessing free will, we literally cannot let such doubt turn into relativism about the good, as satisfying as that would be. If we must choose, then as free agents we must believe the criterion of our choice

superior to all the competitors.

This rules out not only value relativism, whether among different agents' opinions about the good or among a given agent's opinions about the good at different moments; it also rules out three other responses to doubt: value skepticism, value pluralism, and nihilism. All three would leave a free agent unable to motivate her actions. This is, I take it, clear enough in the case of nihilism. As for pluralism, it may seem, if we start at the level of the intrinsic appeal of particular goods rather than at the level of metaethics, that as Robert George (1993, 192) puts it, "there are many basic human goods that provide irreducible, incommensurable reasons for action." But when we choose one good over another, we cannot possibly think the two equally valuable, or else how could we choose between them?

Skepticism is a more difficult case. In the remainder of this chapter, I will take Bruce Ackerman's value skepticism as exemplary, first placing it in a schema of possible responses to my argument thus far, and then showing that it suffers the same defects as straightforward voluntarist liberalism. Then I will turn to Jeremy Waldron's value objectivism in order to rebut one of the strongest reasons for thinking that contemporary liberalism is not, at bottom, "voluntaristic." Finally, I will suggest some of the philosophical, institutional, and research consequences that follow from the Leibnizian critique of liberal voluntarism.

Is Liberalism Really Voluntaristic?

Perhaps the most obvious objection to the analogy between communitarian and liberal voluntarism is that while most liberals do place supreme importance on individuals' freedom to pursue goods of their own choosing, they do not do this because they endorse the obviously relativistic notion that whatever the individual values thereby becomes valuable. Instead, one might contend, (I) most liberals are neither voluntarists nor relativists about the good: they are either, on the one hand, (IA) moral non-cognitivists or skeptics about the good, who deny that we can know that anything, including what the individual wills, is objectively good; or else they are (IB) moral cognitivists or what might better be called "objectivists" about the good, who affirm the existence of an objective good that is independent of individual will, but that individuals have a "right" to ignore. Either way, liberals do not hold that the individual's will literally produces the good. And, even more crucially, (II) regardless of their views about the good, all liberals treat the right as objectively valid--valid, that is to say, independently of its endorsement by any individual will.

Thus (according to this objection), while liberals might at first seem to court voluntarism, hence relativism, by valuing each individual's right to pursue ends of her own choosing, for the most part it turns out that, on closer inspection, the priority of the right over the good does not entail voluntarism. Whether they are skeptics or objectivists about the good, most liberals do not seem to think that whatever individuals value is, ipso facto, good--as theological

voluntarists think that whatever God values is, ipso facto, good, and as (pure) communitarians think that whatever the community values is, ipso facto, good. And regardless of their attitude toward the good, the reason liberals of all stripes tend to prioritize the right over the good is that they believe that equal individual freedom is objectively right. Since they see equal freedom as right, no matter what individuals think about it, even liberals (such as James Buchanan and Gordon Tullock) who are voluntarists regarding the good cannot be said to be voluntaristic, hence relativistic, about the right. Indeed, not only do most liberals fail to rest their endorsement of equal freedom on the will of any individual; all liberals affirm that individuals who disagree with the value of equal freedom may be coerced into respecting the rights of other individuals. Even if individual will plays a role in the determination of the good for some nonconsequentialist liberals, it plays no role at all in the determination of the right. Even if Rawls, Dworkin, Kymlicka, and other liberals are voluntarists about the good, their commitment to the objectivity of the right rescues them from the charge of relativism and thus incoherence.

This two-part objection, if valid, neutralizes both my attempt to draw a parallel between liberalism and communitarianism and the communitarians' attempts to show that liberalism is relativistic.

I suspect that it is because liberals know that their doctrine is animated by a strongly felt moral imperative to achieve a just society of equal freedom for all (i.e., the right) that they tend to brush aside the communitarian charge of "arbitrariness" or relativism--as

opposed to the strategic considerations raised by communitarians, which have moved quite a few liberals to modify their metaphysics so as (they believe) more firmly to ground their politics. But I will contend that the strength of liberals' convictions about the right does not show that the right is not relativistic.

Let me further explore the two-part objection I have just outlined before turning to criticize it.

Ackerman's Social Justice in the Liberal State illustrates how a skeptical liberal approach to the good (IA) may be consistent with objectivism about the liberal right (II). He calls any claim to knowledge of the good "a privileged insight into the moral universe which is denied to the rest of us" (Ackerman 1980, 10). No political argument is legitimate, he contends, "if it requires the power holder to assert...that his conception of the good is better than that asserted by any of his fellow citizens" (ibid., 11).

Ackerman gives four arguments for this neutralist conclusion, two of which are not skeptical, at least on their face. I will examine those two arguments at the end of the chapter. The first of the remaining two arguments posits the goodness of autonomy. "A conception of the good," Ackerman (1980, 11) writes, may give "a central place to autonomous deliberation and deny that it is possible to force a person to be good." I will briefly discuss this view after treating Ackerman's main reason for political neutrality among conceptions of the good: the "skeptical argument."

According to this argument, "while everybody has an opinion about the good life, none can be known to be superior to any other" (1980,

11). This argument is crucial to Ackerman because it allows him to strike at "the vital nerve of the philosopher-king myth--that some among us may not only believe, but may justly claim to know, that they have grasped the true good for all humankind" (ibid., 365, emphases original). Having established a skeptical case for neutralism about the good, however, Ackerman does not display any skepticism about the justness of a liberal society "in which each participant is guaranteed the right to live his own life regardless of what his neighbors may think of him" (ibid., 376). If his skepticism about the good is warranted, then objectivism about the right of individuals to pursue goods of their choosing follows, he believes, as a logical consequence.

The other approach that is consistent with liberal objectivism about the right (II) is liberal objectivism about the good (IB). This view is captured in the familiar notion that liberalism, far from denying that there are knowable objective goods and bads, merely affirms that people have a right to do what is knowable as objectively bad (e.g., Dworkin 1977, 188-89). As Jeremy Waldron (1981, 64) puts it, in the liberal view⁴ things that are "morally wrong" may nonetheless be things "that the agent has a moral right to do."

Waldron's terminology is a bit confusing. If he is to uphold the crucial liberal distinction between the right and the good, as both he and Ackerman do, then Waldron is defending a right to do what is, in the liberal lexicon, usually called "bad," not "wrong." For the only thing that is wrong, in the liberal view, is for an agent to violate another individual's equal freedom--which all liberals, including Waldron, deny that any agent has a right to do. Waldron is

discussing, then, not "a right to do wrong" in the strict liberal sense, which would mean a right to violate others' rights--a right that would make nonsense out of the notion of rights--but a right to do things that are fully consistent with others' rights but that are, nonetheless, objectively bad. Where the skeptical liberal would say that there is no such thing as a knowable objective bad, and that the only individual action that can be known to be objectively undesirable is one that violates another's rights--that is, an action that is objectively "wrong"--what Waldron is saying, to employ the usual liberal terminology, is that some individual actions that are not objectively wrong, because they do not violate anyone's rights, are nevertheless objectively "bad."

Liberal moral objectivists, then, not only believe, as liberal moral skeptics do, that the distinction between the good and the right preserves nonrelative truth in the realm of the right; they also believe that this distinction is consistent with nonrelative truth in the realm of the good.

Thus, one could object to my analogy between communitarianism and liberalism by contending that liberal moral objectivism does not reduce the good to whatever individuals will. And in any case, neither morally objectivist liberals (IB) nor skeptical ones (IA) reduce what is right to whatever individuals will (II).

Let me first consider the claim for the objective status of "the right," the overarching claim made by both skeptical and objectivist liberals--putting off, for a moment, consideration of what difference, if any, it makes if one regards "the right" as consisting of rights to

do what is objectively, or only subjectively, bad.

The Right as a Truth Claim

Does the objective status of the right in liberal theory mean that liberalism should not be seen as relativistic? In answering this question, the distinction between objectivism and strength of conviction is vital. An affirmative answer to the question may all too easily seem plausible if we conflate relativism with wishy-washiness. The mark of a moral objectivist, however, is not dogmatism. The burning passion with which liberals affirm their belief in the dignity of the equally free individual constitutes no rebuttal to the possibility that relativism might infect the content of this belief, as opposed to the manner in which it is held. Theological voluntarists, after all, can be quite passionate about their theologically relativistic doctrine (just think of Martin Luther). The question is not whether liberals are devout--even dogmatic--in their commitment to equal freedom. One can be as confident about a relativistic as an objectivistic doctrine.

That liberals may, in fact, be ardent champions of a relativistic doctrine can be seen by considering how ineffectual it would be for communitarian or theological voluntarists to defend themselves against the charge of promoting relativism by appealing to their own versions of the objectivity of "the right." This is my answer to the notion that liberal objectivism regarding the right is an adequate defense of

liberalism against the charge of voluntarist relativism. I will elaborate the point by analogizing this liberal defense with the defense that might be made by communitarians in appealing to their own version of the right.

Against the accusation of Part I, that (pure) communitarianism reduces the good to the relativistic "will" of the community, a communitarian might point out that she is devoted to the rightness--the objective justice--of deferring to the moral authority of each community. According to pure communitarianism, each community has, in effect, the right to pursue whatever good it values. The legitimacy of this right in no way depends on the will of any or all of these communities, any more than the legitimacy of individual rights, according to liberals, depends on the will of any or all individuals; so it hardly seems voluntaristic. And just as the liberal view of the right (which usually manifests itself in a schema of individual rights) prohibits individuals from trying to impose their conceptions of the good on each other, in violation of their rights, the (pure-) communitarian view of the right can be seen as producing community rights that prevent communities from trying to impose their conceptions of the good on each other. Thus, pure communitarians can be seen as upholding a doctrine of community rights that is as objectivistic as the liberal defense of rights seems to be.

According to this communitarian analogue to the liberal "right," the imperialistic tendencies that might be part of a given community's conception of the good would not license that community to impose its conception on other communities. This is evident when we remember that

paternalistic tendencies are part of the identity of some individuals, but that liberal assertions of the objectivity of the right do not allow such individuals to impose their conceptions of the good on others. By the same token, then, communitarians should not be deterred from banning intercommunal coercion by virtue of respect for the imperialistic "identities" of some communities. Communal sovereignty is the communitarian version of the liberal sovereignty of the individual.

One possible objection to such a defense of communitarianism against charges of relativism is that the really existing communitarians themselves seem to display imperialistic tendencies that would violate the communitarian analogue of "the right." Sandel and Walzer, as we saw, appear to justify incursions by the American liberal community against subcommunities of American racists or libertarians. But this is only because of where these writers draw the boundaries around the community in question--"America." No matter how arbitrary such boundary-drawing inevitably must be, the fact remains that once the boundaries are somehow set, a pure communitarian must allow for the legitimacy of each community's enforcement of its conception of the good within those borders. So Sandel's and Walzer's apparent imperialism actually is inconsistent neither with pure communitarianism, nor with its strictures against the propensities some communities might have to overstep their borders.

However, another respect in which really existing communitarians may seem to reject "the right" of each community to pursue its own conception of the good turns out to be more substantial. When they

depart from pure communitarianism, all four of the communitarian theorists imperialistically deny the legitimacy of communities that abrogate equal freedom. In After Virtue, MacIntyre denies "community" status to communities that fail to deter interpersonal manipulation by inculcating a common conception of the good through training in social "practices"; and even among such communities, he denies legitimacy to those that fail to uphold natural law and the distributive tenets of desert. In subsequent works, he tries to demonstrate the inferiority of communities that adhere to the liberal tradition that, in his view, fosters emotivist manipulation. Walzer deviates from his pure-communitarian anti-imperialism by making concessions to universal, internationally applicable "minimal" standards of justice that could be forcibly imposed on communities that do not accept them. Taylor insists that legitimate nation-states must be republican, delegitimizing nonrepublican forms of nationalist community. And all four theorists allow for individual dissent from communal values, implicitly denying legitimacy to communities that would prohibit such dissent. These caveats, which are designed (as it were) to preserve equal individual freedom by constraining pure communitarianism, all interfere with the postulated communitarian "right" of the community over the individual.

Why do the really existing communitarians prefer to insert patently imperialistic caveats into their doctrines instead of sticking with "the right" of the community? I argued in Part I that it is because the communitarians are less interested in fending off the charge of relativism than in fending off the charge of illiberal

relativism. Asserting the objective status of "the right" of the community would legitimate oppressive and inegalitarian communities. This would defeat the political purpose of the communitarians' rejection of individualist metaphysics. So instead of strictly adhering to their own version of "the right," the communitarians insert provisos that are inconsistent with their otherwise-pure doctrine.

But the pure doctrine that follows from their anti-individualism would uphold "the rights" of each community against imperialism on the part of the other communities. Inasmuch as communitarianism is intended not only as a strategic defense against the degeneration of liberal individualism into libertarianism (Sandel, Taylor, Walzer), or into bureaucratic manipulation (MacIntyre), but as a truth-claim about communitarian ontology or epistemology, the really existing communitarians' anti-"right" caveats are anti-communitarian.

The pure-communitarian position is that each community is the authoritative source of the good within its borders. Thus, pure communitarians are indeed entitled to try to defend themselves against charges of relativism by emphasizing that they view each community's moral sovereignty as a matter of absolute right--just as liberals are entitled to try to defend themselves against similar charges by underscoring the claim that each individual's moral sovereignty is a matter of objective right.

Now I will try to show why this line of communitarian argument (and, by analogy, the parallel line of liberal argument) is invalid.

The problem with the communitarian argument is that the moral sovereignty of each community is the very thing that leads to

communitarian relativism in the first place. It is precisely because each community is "objectively" free to pursue its own good that endorsing communitarianism means endorsing the contradictory values of different communities. An insistence on the justice of each community's "right" to sovereignty over the good of its members not only fails to mitigate communitarian relativism; it is what produces that relativism. Therefore, calling communal sovereignty over the good "the right" and suggesting that it is therefore nonrelativistic would be nothing more than a verbal maneuver--the creation of a misleading label for the same doctrine that, sans label, clearly is relativistic.

Similarly, the liberal, in endorsing the right of each individual to pursue his own good, endorses the contradictory goods of different individuals. The relativistic content of liberalism is no more diminished by declaring that it is "objectively right" for each individual to be able to do as she wills than the relativistic content of communitarianism is diminished by declaring the similar right of each community. For this reason, the objective status of "the right" is perfectly consistent with the charge that liberalism is relativistic.

The liberal may respond by pointing out that liberals do not believe in the objective rightness of being able to do as one wills; they believe that one may do as one wills only so long as one does not thereby interfere with the equal freedom of others to do as they will. Equal freedom may require, for example, that property be redistributed from the rich to the poor so they can pursue ends of their choosing. This would constrain the freedom of the rich. In this and other ways,

"the principles of justice set limits to permissible ways of life....The priority of right...limits [citizens'] freedom to advance certain ways of life" (Rawls 1993, 209).

At the same time that the limits liberals set on permissible ways of life might be thought to undermine the claim that liberalism is relativistic, these limits might appear to challenge the claim that liberalism is voluntaristic. The justice of defending individuals from violations of their freedom, and the justice of diminishing the freedom of some in the interest of enhancing that of others, do not depend on the willing assent to underlying liberal precepts on the part of those who would like to invade the boundaries of other individuals' freedom, or assent from those who would like to possess more of the means of freedom than others possess. The will of the would-be murderer, theocrat, or plutocrat is justly frustrated in a liberal society, because the objective requirements of justice often demand trumping unjust individual desires and conceptions of the good.

However, exactly this line of reasoning could be used by either communitarian or theological voluntarists in defense of their doctrine--and to no more effect than the initial "objective-right" reply to the charge of communitarian relativism. Here I will switch to developing this thought as a theological voluntarist might, while noting that precisely the same kind of argument could be developed by a pure communitarian.

Theological voluntarism requires that God be precluded from making His will at any moment valid for all time. For if He could make his will at one moment valid at other moments, He would be infringing

on the sovereignty of His will at those moments. Theological voluntarism means treating each moment of God's will as if it were, in effect, a separate, sovereign community whose rightful authority would be undermined by subservience to other moments of His will. This is why the voluntarist must be willing to embrace, say, the Ten

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Commandments at T and the Ten Anti-Commandments at T if, at T, God decides to "revise His conception of the good" by exercising his ordained power to overturn the Decalogue.

The "right" implicit in theological voluntarism, hence theological relativism, is precisely the equal right of God's will at each moment to be sovereign over the good. And this intertemporal egalitarianism limits God's freedom at each moment, just as liberal egalitarianism limits the freedom of each individual. Moreover, the objective goodness of the equal right of God at each moment cannot itself stem from a divine ordinance, since such an ordinance would violate the very prohibition against any transtemporal constraint on God's sovereignty that it would enunciate. In short, the objective rightness of God's will at each moment cannot stem from God's will itself, without contradicting theological voluntarism. In this sense, the theological voluntarist may depict her apotheosis of God's ordained power not only as overriding but as transcending, at the level of the right, the voluntarism sanctioned by her own doctrine at the level of

the good--just as the liberal may portray her apotheosis of equal individual rights as overriding and transcending the will of the individual at the level of the good.

But the putative transcendence of theological voluntarism achieved by limiting God's will at any given moment, so as to preserve the equal validity of His will at all other moments, simply redescribes the sovereignty of God. That is, it is nothing but a restatement of voluntarism (and thus intertemporal relativism), because "the right" has absolutely no content apart from God's voluntaristic authority at each moment over "the good." Nonvoluntarism at the level of the right is simply the mirror image of voluntarism at the level of the good; it adds nothing and changes nothing. Similarly, the communitarian theory of the right proposed above does nothing but enforce the boundaries between sovereign communities; it therefore does not change communitarian voluntarism or relativism in the least: it merely redescribes them. And by the same token, the liberal theory of the right simply re-expresses the sovereignty of the individual.

The notion that the sovereignty of God at each moment requires His "right" to be free of binding dictates on His conception of the good is a voluntaristic conception of the good. The notion that each community requires noninterference on the part of other communities, so that each community has the "right" to pursue its own conception of the good, is also a voluntaristic conception of the good. Likewise, the fact that equal individual freedom requires the prohibition of individual actions that would violate other individuals' "right" to pursue goods of their own choosing is the very fact that (I contend)

makes contemporary liberalism voluntaristic, hence relativistic, to begin with.

If confusion between relativism and lack of moral fervor is partly responsible for the notion that the liberal doctrine of "the right" is not relativistic, this notion may also be buttressed by the view that relativism means "anything goes." Since antinomianism is not a fair description of liberalism, this may seem to insulate it from the charge of relativism. But any form of relativism means that anything goes except what violates relativism. The enforcement of the sovereignty of God's will at each moment, the sovereign rights of each community, or the sovereign rights of each individual is necessary if theological, communitarian, or individualist relativism are not to be violated by God's imperialistic will at some particular moment; or by an imperialistic community; or by a paternalistic individual, who would impose her opinion of the objective good on other individuals. The enforcement of the boundaries of moral sovereignty by voluntarist theology or communitarianism or liberalism is what constitutes the voluntarism that produces these theories' relativism. Calling this boundary enforcement "objectively right" does not diminish these doctrines' relativism; on the contrary, it is what establishes it.

It might be worth noting at this point why Richard Rorty is not included in this essay. Unlike the other communitarians, whose politically motivated particularism he shares, he makes no claim for the objectivity or rightness of what "we North Atlantic liberals" believe. This does not spare him the incoherence, the arbitrary boundary-drawing, or the bad faith toward free will inherent in

communitarianism. But by declining to defend the universal applicability--the truth-value--of his position, Rorty obviates the need for constraining provisos, since it is only his community that he defends in the first place. There is no tension between his particularistic defense of his own community and a universalistic defense of all communities; therefore, his communitarianism lacks the dynamic that requires Sandel, Taylor, Walzer, and MacIntyre to "structure" their communitarianism with a multitude of caveats. All there is to Rorty's communitarianism is a hyper-complacent declaration of allegiance to what he, as a Red Diaper baby, was raised to believe (e.g., Rorty 1998); he therefore reaches (~3) without the rigamarole of rebutting individualism or defending communitarianism. This puts him in a different species--postmodernism--than the one with which I am concerned here. But the genus--incoherent relativism motivated by political complacency--is the same.

In liberal thought, as in non-postmodern communitarianism, the idea of the objectivity of the right merely puts a nonrelativistic face on the relativism inherent in the conception of the good entailed by its segregation from the right. The reason liberal theorists must draw this dichotomy in the first place is that otherwise, they would have no vocabulary with which to defend the subjective arbitrariness of the individual choice of the good except one that would, itself, be obviously subjective and arbitrary. The diremption of the right from the good--the creation of a separate "domain" or "sphere" of the interpersonal, an "ethical," or the "political" domain in which one has objectively valid claims to do as one wishes in the other domain, that

of "personal morality"--both creates and obscures liberal relativism, which is nothing but the effect of enforcing as intrinsically right each individual's ability to do as she wills in the private sphere.

The separation of the sphere of the right from that of the good is a distinction that makes no difference in assessing the relativism of liberal views of the good. The right/good dichotomy amounts to a declaration of the objective rightness of subjective arbitrariness, as long as each subject's arbitrary determination of the good does not lead to actions that violate the boundaries demarcating other arbitrary subjects' authority. It is as if a straightforward relativist were to add, to her claim that there is no objective truth, "And that is the objective truth." Individualist voluntarism remains relativistic even if one believes in it absolutely, and therefore if one zealously and coercively defends the borders it establishes between sovereign individuals.

Can Skeptics Be Relativists?

The preceding section is intended to establish that the liberal view of the right does not, any more than the fervor with which this purported truth is asserted, contradict my claim that nonconsequentialist liberalism is voluntaristic and relativistic. The priority of the right establishes only that liberalism is not voluntaristic or relativistic about itself.

Now I will try to show that defending the objective and inherent

justice of the domain of the right does effectively relativize the values pursued in the domain of the good, even when liberals proclaim that the private conceptions of the good thereby defended are objectively bad, or cannot be known to be equally, hence relativistically, good.

Neither of the two main subsets of objective-right liberals that I have identified--objectivists about the good and skeptics about it--seem, at least at first glance, to be either voluntaristic or relativistic about the good. Moral objectivists expressly deny that whatever the individual wills is (therefore) good. And moral skeptics, far from affirming that whatever the individual wills is good, deny the very possibility of knowing the good. Yet, I will contend, liberal moral skepticism and objectivism make no more of a dent in liberal "voluntarist" relativism than does liberal objectivism about "the right."

Consider, first, liberal skepticism. Moral skeptics may not explicitly accord any axiological role to the will; but liberal moral skeptics implicitly do. This can be seen by asking why it should follow, from the alleged inaccessibility of knowledge of the good, that, as liberal moral skeptics hold, people should be able to pursue whatever goods they want to pursue (as long, of course, as this pursuit respects the equal rights of other people). If there is a good, but knowledge of it is inaccessible, individuals' free pursuit of their conceptions of the good may, after all, produce nothing but badness. Why, then, should we let people pursue these conceptions?

Perhaps the reason is that while nobody can know that she has

access to the good, she might accidentally hit on the good anyway. But the same reasoning would apply to a paternalistic state that interfered with individuals' pursuit of conflicting goods: such a state, too, might end up enforcing the good, for all we know. Conversely, while it is true that a paternalistic state might, by accident, enforce the bad, any given individual would, other things being equal, be just as likely as any given state to pursue the bad accidentally.

In the face of this problem, other things cannot be equal. Antipaternalism can appear to follow from moral skepticism only if we have some basis for antipaternalism on other grounds. This basis cannot be an individual right to do as one pleases, even if it is bad, without the putative argument from moral skepticism about what is good and bad (IA) collapsing into the argument from the "right to do wrong"-i.e., the right to do what is bad (IB).

How is it, then, that Ackerman is able to proceed from moral skepticism to liberalism, rather than ending up with a draw between the possibility that individuals will err about the good and the possibility that paternalistic states will do so?

The answer is that he has an independent basis for antipaternalism: an egalitarian assumption that presupposes a metaethics that is voluntaristic, and therefore relativistic, in everything but name.

The second sentence of Social Justice in the Liberal State contains this egalitarian assumption. "Each of us," Ackerman writes, "must control his body and the world around it" (Ackerman 1980, 3). Communitarians would call this an "individualistic" starting point, and

they would be right to suspect that in beginning here, Ackerman makes a move that inadvertently produces value subjectivism. But the source of Ackerman's subjectivism is not his ontological individualism; we know this because we have seen, in Part I, that the alternative, communitarian ontology would be just as relativistic. The problem is not Ackerman's metaphysics, but his metaethics.

Why does Ackerman assume that what is good should be seen as a matter of who has moral authority over the individual--she herself versus someone else (the philosopher-king--or perhaps God, or the community)? This assumption is bound to produce not only a dichotomy between the good and the right, but a relativization of the good vis-a-vis the authority of the agent who possesses "the right" to decide what is good. Ackerman's assumption requires the individual to be under the authority of some agent (even if only herself) who has the right to determine the good, whatever the content of the good this agent chooses. (The nonvoluntarist alternative would be to see the individual as being under the antecedent authority of the [putative] good itself, whatever the identity of the agent who chooses it.)

The contest between liberals and communitarians presupposes this metaethics of the right; the contestants dispute only who has the right to choose the good, the individual or the community. This is why, despite deploring the liberal subordination of the good to the right, the communitarians themselves (even in their "pure" moments) are just as procedural, neutral, and empty regarding the good as liberals. The communitarians never articulate a concrete conception of the good, not only because any such conception would defeat the liberal aim of

constrained communitarianism, but because it would fly in the face of the pure-communitarian community's moral authority to determine the good. Ackerman's version of neutralism among concrete conceptions of the good simply shifts the locus of moral authority downward, from the community to the individual.

While a communitarian would criticize Ackerman's individualism, then, I will focus on his devotion to the individual's equal authority, or right, to determine the good--that is, her equal freedom.

Ackerman's opening sentence is: "So long as we live, there can be no escape from the struggle for power" (1980, 3). Without disputing the ubiquity of power, I would like to suggest that by assuming that this is the best starting point for political philosophy, thereby reducing justice to a matter of who should have power--power over the individual's actions, hence over her way of life, hence over the version of the good she pursues--Ackerman builds into the foundation of his system the voluntarist premise that the good toward which a given individual's actions are directed is legitimately determined by the moral authority of some subject who has control over the individual. This subject is the one who should win the power struggle Ackerman sees as essential to the human condition. Ackerman's second sentence tells us which subject should win this struggle: the individual. She should be free to decide for herself what is good. Thus, while Ackerman accords no special role to "the will" as such, it turns out to be the decision, and thus the will, of some agent (in Ackerman's theory, the equal individual) that determines the good (for her).

It is important to remember, as in Chapter 7's discussion of

communitarian voluntarism in the absence of a literal community "will," that the operative voluntarist will need not be a psychological faculty that may deliberate, or may experience akrasia, or may feel regret. No such characteristics of empirical wills are present in the original voluntarist "will," that of God. What characterizes God's will as a logical category is the freedom to decide what is good, unconstrained by criteria whose objectivity would antecede or transcend His will from moment to moment. Since Ackerman's equal individual effectively enjoys the same freedom, we may say that Ackerman gives equal moral authority over the good to individuals' wills, just as Ockham does to God's will from moment to moment.

Ackerman does not claim that whatever the individual wills becomes good, ipso facto. His skepticism about the good prevents him from making any such assertion. But the effect of his skepticism about the good, when conjoined with his egalitarian assumption and its voluntarist presupposition, is to entitle each individual to act in exactly the same manner as a voluntarist deity. It is as if Ockham were to confer on God "the right" to decide what He wills from moment to moment, but deny that God's will at each moment can be known to be good. The effect of the fictional Ockham's skepticism is precisely the same as that of the real Ockham's voluntarism, except that it leaves us wondering: Why, if God's will at any given moment is not known to be good, should God have the right to make (and enforce) the decisions of that will in its domain (the universe at that moment)? The answer is voluntarism, which equalizes the moral authority of God's will from moment to moment. Likewise with the individual: if knowledge of the

good is inaccessible to her, why should her will reign supreme in her domain--the private sphere? The answer is egalitarianism, which equalizes the moral authority of each individual will to control her own private sphere.

Individual freedom from other individuals' criteria of the good is the goal of Ackerman's central principle, the principle of neutrality. This is the principle that equalizes individual freedom. Neutralism ensures that the authority of each individual extends only to "his body and the world around it"; like God at various moments of time, or different communities within their borders, the individual's sovereignty must not infringe upon that of her equals. The various individuals' conceptions of the good are to be respected within their proper boundaries, but the result is indistinguishable from individualist voluntarism, and the effect is either to relativize or to replace with mechanical compulsions the "goods" pursued in the private sphere.

Ackerman blocks the possibility that he frees each individual will to determine itself according to its own antecedent criterion of the good by denying the possibility of objective knowledge of the good. If such knowledge were possible, the individual, free of constraints imposed in the name of the good by others, could yet believe that her own, self-imposed conception of the good is true (even if it were, in reality, false). Whatever she thought truly good would determine her actions, anterior to her will. This would, in principle, warrant conferring on her a disproportionate amount of power for her to use against those who failed to recognize the (putative) good. But if, as

Ackerman holds, objective knowledge of the good is impossible, there is no reason one person should have more power than another, although, as I have already suggested, skepticism alone provides no reason one person should not have more power than another. Skepticism would mean, however, that no individual could even putatively govern her actions by an antecedent criterion of the objective good. The egalitarian gives Ackerman a barrier against the interpersonal imposition of putative goods, but this means that the right would trump such goods were skepticism to be overcome. Why should the right trump the imposition of any particular good, if not because each putative good is being particularized--that is, judged equally valid: value relativism?

Perhaps there could be a disjunction between what individual citizens think about the good--namely, that knowledge of it is accessible--and what political philosophers think--namely, that it isn't. But if either individual citizens or philosophers accepted the possibility of objective knowledge of the good, they would have no reason, in principle, not to want to distribute resources to conform to their conceptions of the good. Since this would violate neutrality, value skepticism is essential in maintaining the liberalness, the equal freedom, enjoyed by all in Ackerman's ideal society. In the eyes of the value skeptic (whether she is a citizen or a philosopher assessing the legitimacy of citizens' actions), the citizen, in gaining freedom from coercively imposed conceptions of the good, cannot be held to achieve "moral" determination--the determination of her actions by an anterior criterion of the (putatively objective) good. For if such criteria were thought objectively valid enough to determine the

superiority of one's ends over the alternatives, there would be no a priori reason not to impose those ends against others.

As we saw in Chapter 7, the only real difference between a voluntarist conception of the good, which sees the good as "posterior" to the will, and a nonvoluntarist conception, which places it "anterior" to the will, is that anteriority--the priority of the good over the right--requires that we conceive of the agent's action as determined by what is thought to be the universal, will-transcending, objective (i.e., true) goodness of an action. In this conception, anyone who approves of action A (whether the actor or the philosophical observer), based on criterion A', must have concluded, however tentatively, fallibilistically, and perhaps inarticulately, that an agent acting under criteria {B', or C', ... n'} would be pursuing what is objectively bad, under the (relevant) circumstances (relevant according to A'). This conclusion opens the door to paternalism, at least in principle (depending on the good in question and on the contingent matter of how best to achieve it). In contrast, a voluntarist does not see an authoritative agent's end as objectively (i.e., antecedently) true, so she can find no justification for imposing it on equally authoritative agents--whose wills subjectively (i.e., posterior to their decisions) determine the good. This is analogous to the position we are in if we couple skepticism with egalitarian individualism.

As Ackerman recognizes, "it is impossible to justify the selection of a common yardstick for comparing" the uses to which resources might be put "without labeling as deviant some conceptions of

the good affirmed by my fellows" (1980, 54). To avoid such labeling-- to avoid calling some conceptions of the good invalid--Ackermanian liberals must be moral skeptics. If none of us can possibly know the objective good, we will not treat some of our fellows' judgments as objectively bad--as long as our skepticism is coupled with an egalitarian presumption against paternalism. (Otherwise, we might be willing to gamble that a paternalistic state would hit on the true good.) But if we do not think we can possibly know the good well enough to let our perceptions of it govern others' actions, then we ourselves cannot be governed even by putative knowledge of the good. One cannot think one knows what one thinks it is impossible to know.

How, in that case, will our lives be governed? How, in other words, are we to view the ends we pursue? Ackerman does not say; his is, after all, a book of political philosophy, a topic that, as a pure liberal, he isolates from general practical philosophy (reflecting the division of the right from the good, the public from the private). But we do know that we cannot think of our ends as objectively good. How, then, can we justify our decision to allow some particular ends, but not all the others in the universe of equally noncognitivist ends, to govern our actions?

The axiological determination of individuals in Ackerman's society is precluded, and so is their "metaphysical" (logical) determination: the only logical necessity is that they choose some end or another, but this gives them little guidance (although, I will argue, it gives them some) about which putative ends to choose. The only remaining alternative is mechanical determination. If we see the

decision as imposed on us by some internal force (external forces having been obliterated by "the right"), as in Rawls's "purely preferential choice," then we can motivate actions that are consistent with those forces. This is the only way we can make a "choice" of the good if we are skeptics about the objectivity of the good.

Like straightforward voluntarism, then, moral skepticism provides an incoherent understanding of the good for any being with free will.

Ackerman (1980, 57) writes--not in response to this argument, but nonetheless apropos of it--that "each of us is prepared to say that our own image of self-fulfillment has some value." This would seem directly to contradict Ackerman's skepticism about the good. Ackerman makes this concession in order to answer the question of why resources ("manna") should be considered objectively valuable if there can be no knowledge of objective value. But that question is just a small instance of a larger problem: the contradiction between, on the one hand, Ackerman's deployment of value skepticism as an account of the good that is both consistent with the right (by virtue of the egalitarian assumption) and not straightforwardly relativistic (by virtue of his allowance that the objective good may exist, even though knowledge of it does not); and, on the other hand, a free agent's need to believe that actions of which she approves are directed toward a knowable (putative) good.

Ackerman might want to solve this problem by admitting that individuals cannot be skeptics as they go about living their lives and making decisions. Then he might restrict their skepticism about the good to the moments when they step back from their own lives and the

perceptions that govern them--i.e., their own conceptions of the good-- to consider what is just for society as a whole. In our capacity, as it were, as political philosophers trying to do justice to people's conflicting (and equally valid) conceptions of the good, perhaps we should realize that while we cannot, in our capacity as private agents with lives to live, do without our putative conceptions of the objectively good, such conceptions are, in fact, merely subjective.

But how could a free agent who thinks that her private conception of the good is objective cohabit, in the same mind, with a morally skeptical philosopher who believes that her private self is deluded about this? How could such a bipolar agent act, in her private capacity? Splitting the world into the domains of public and private does not ameliorate the incoherence that occurs when they come into contact with each other. And they come into contact with each other at all times: valuing the freedom of the individual to do whatever she thinks good (consistent with the equal freedom of other individuals), but not in the service of any particular end that is itself valued as objectively good (such as the greatest happiness of the greatest number), is equivalent to valuing the contradictory subjective goods of private individuals. But this public posture of equal validation toward contradictory ends is incompatible with the rational pursuit of any one of these ends by a free agent.

Instead of dichotomizing each individual into a private and a public self, we might fall back on dichotomizing society into a group of people who live entirely in the private domain of the good, and another group--political philosophers--who monopolize the public domain

of the right. In this bipolar society, the political philosophers, as skeptics, would view the masses as an agnostic views believers. The "believers," deluded as they are about the objective status of their conceptions of the good, would presumably, from time to time, try to break through the interpersonal boundaries imposed on them by the liberal political philosophers. The latter would, for their part, be committed by their egalitarianism to resist the masses' efforts to overturn neutralism about the good.

The problem with this not-very-far-fetched scenario is not that it involves violating the freedom of the masses: freedom, after all, is what the liberal political philosophers would be defending by stopping the masses from trying to enforce their conceptions of the good. (The freedom the philosophers would thereby violate is merely the freedom to impinge on people's equal freedom.) The real problem is that the rule of liberal philosopher-kings does not achieve a genuine reconciliation between the objective right and skepticism about the good. If one is to accept the objectivity of "the right" of each subject freely to determine her good, one must, as a subject, repudiate the universality of one's own conception of the (putatively) good--either through skepticism, depriving oneself of a motive for action; or through straightforward individualistic voluntarism, renouncing one's free will.

By the same token, if the philosopher is to be a subject herself, and not somehow to float above the fray of competing conceptions of the good, she must, with every decision she makes, contradict the skepticism about the good that (according to Ackerman's argument) makes

her a liberal. In her capacity as a morally skeptical liberal, on the other hand, she cannot possibly motivate her attachment to any conception of the good--if she has free will. Skeptical liberalism renders incoherent the lives of the very individuals whose integrity is so important to liberals. Individuals/philosophers who were convinced of the objectivity of their criteria of the good might, as Rawls would say, "unreasonably" demand that other individuals should adhere to those criteria.

As we would expect from the critique in the last section of the "objectivity" of "the right," then, liberal skepticism is illusory. If individuals have the right to determine their own good, they cannot approach this determination skeptically. They can only do so, at best, deterministically. Skepticism does not provide an account of the good that is consistent with both the free will of the agent in determining the good and the priority of the right over the good.

The Right to Do "Wrong"

Morally objectivist liberals, such as Waldron, repudiate value skepticism. Their version of dualistic morality distinguishes between the personal and the political not on the basis of skepticism about the good versus nonskepticism about the right, but on the grounds that while, in the personal sphere, it is intrinsically undesirable to do what is objectively bad, in the political sphere it is intrinsically undesirable to force someone to do what is good. For different

reasons, then, the political conclusion is the same for the objectivist as for the skeptical liberal: the right inherently takes priority over the good.

Morally objectivist liberalism collapses into straightforward voluntarist liberalism as soon as we examine what becomes of the putatively objective good once it is subordinated to the right. Waldron (1981, 63) gives the example of the badness (as noted earlier, he calls it "wrongness") of joining a racist organization that one nonetheless, according to mainstream liberalism, has an a priori right to join. Such a right renders the label bad (or, in Waldron's usage, wrong) impotent. If badness means anything, it is that a bad action should not be done. But the priority of the right mandates that a right-holder should be able to do whatever falls within the scope of her rights. By prohibiting coercive action against a bad action, a "right to do wrong" establishes a form of rightness that trumps the badness (or "wrongness") of the action should the right-holder take advantage of her right, rendering that badness a dead letter. If she does not take advantage of her right, why should she have it?

In short: if one should not do something, why should one be free to do it? The objective-good liberal accepts that bad actions should not happen. Why, then, should we rule out in advance one of the ways of preventing these actions from happening: coercive sanctions against the bad action?

One answer--not the one offered by most contemporary liberal theorists--is that some greater good may be served by letting people do bad things. The key to understanding why this approach is not popular

among contemporary political theorists is probably the word may. To justify freedom on the basis of the good effects it will probably produce is to invite objections from those who dispute not only the value, but the likelihood, of those effects. It is, therefore, to introduce an element of contingency into the otherwise-absolute conclusions of political philosophy, and it is to demand of political philosophers that they incorporate into their theories what Rawls (1993, 317) calls "conjectural calculations concerning the greatest net balance of social interests." This would not only jeopardize liberal conclusions, but require that defensible liberal theories be informed by empirical knowledge of the actual tendency of liberal social arrangements to achieve some greater good. It would, in effect, demand that liberal philosophers become social scientists.

"Greater-good" or consequentialist liberalism would hold that, as a matter of policy, or even of constitutional doctrine, people might be entitled, not to an intrinsically valid right to do what is bad, but to a contingent power to do as they wish, even if it is bad--but if, and only if, letting them do what is bad seems likely to be instrumental to a greater good, such as civil peace. Thus, in a consequentialist-liberal view, one would not really have a "right" to do what is "wrong"; one would, instead, be treated as if one had such a right, because such treatment is thought conducive to the good. As William Galston (1983, 323) puts it,

Interference is ruled out, but not because individuals are rights-bearers. Just the reverse. Individuals are

said to have rights because interference is deemed inappropriate for exogenous reasons.

Instrumentalist defenses of individual liberty would produce "a right to do wrong" only in this weak sense of "right." They would thus avoid the prima facie contradiction between claiming that something should not be done and claiming that we should not act to stop it from being done. A weak right to do wrong would not overturn the presumption against doing a bad action, a presumption that is established by its badness. It would merely recognize that contingent circumstances may make the elimination of all bads impossible, or improbable.

The point may be illustrated as follows. A hospital may not have resources sufficient to save everyone in a disaster, so it establishes triage procedures. These procedures do not overturn the presumption that it is bad to allow anyone in the hospital to die. The hospital does everything possible, under the circumstances, to ensure that nobody dies; but the circumstances make this ideal unattainable. Saving all lives remains "the good" in the very real sense that the agents in question attempt to achieve it, as much as possible. But the staff is given the "right" to take the bad action of letting some patients die because that seems to be the best way to achieve as much of the good as the circumstances allow.

Contemporary liberal theorists, however, usually contend that we have "a right to do wrong" in the strong sense of "right." This need not mean that they think the "right to do wrong" is indefeasible, but

it does mean that they think it cannot be defeated by the undesirability of the actions it protects. What, then, are we to make of that undesirability?

Even when, contrary to the triage example, agents are able to bring about the ideal of stopping the undesirable action, a strong "right to do wrong" renders the coercive attainment of this ideal undesirable in itself. In what sense, then, is it really an ideal? It remains true that one hopes that the right-holder will decline to exercise her right. But if exercising her right is truly undesirable, why should her right to do what is undesirable be enforced against those who would stop her from exercising it? A strong "right to do wrong," in short, begs the question of why one should be able to do what one should not do. Waldron's perception of this prima facie problem is what prompts his exploration of "A Right to Do Wrong."

Although the terminology Waldron uses in his paper and in its title departs from mainstream liberal usage in calling "wrong" what contemporary liberals usually call "bad," Waldron's terminology is in line with ordinary language; and in this case, ordinary language clarifies more than it obscures. "Right" and "wrong" are, in ordinary usage, antonyms. A (strong-sense) "right" to do "wrong" is therefore paradoxical on its face, reflecting the contradiction between saying that something should not be done (no matter what any anyone thinks about the matter--hence the objectivity of the good) and saying, in effect, that it should be done--if the right-holder wills it. This contradiction, which gives rise to Waldron's reflections, is obscured when we employ the usual liberal terminology, which would transform

Waldron's problematique into a not-so-problematic-sounding "right to do bad."

In wrestling with the paradox inherent in "a right to to wrong," Waldron, in effect, takes note of the paradoxical nature of the liberal dualism that distinguishes between the wrong and the bad. If we were to abandon this distinction, and thus the distinction between the right and the good, it would become acceptable once again for us to follow ordinary usage and call bad actions "wrong." At that point we might be struck, as Waldron is, by the fact that the mainstream liberal departure from ordinary language, in positing a right to do "bad," drains "badness" of meaning by allowing that something that is supposedly bad (ordinarily, "wrong") should be done anyway, merely by virtue of an individual's decision to do it (sanctified by her "right"). In short, in the absence of the wrong/bad distinction, the voluntaristic nature of liberal rights would become apparent. Once this happened, we would be led to challenge a strong "right to do what is wrong," for one could exercise such a right only by willing what should not be done. If one holds that something should not be done, it is indeed paradoxical to hold that by virtue of an individual's decision to do it, it should be done.

Of course, morally objectivist but nonconsequentialist liberals would not want to put it that way. They would maintain that the bad action remains one that should not be done; one's right to do it merely means that it is even more bad, or bad in a different sense ("wrong"), for other people, or the state, to interfere with the action than it would be to for the agent to take the action. It is not the bad action

or the will to take it that is rendered good by the right to do bad; it is the freedom to will the bad action.

But this way of putting it is merely a different version of the verbal maneuver involved in dubbing "the right" as (objectively) valid. "The right" is, in liberal theory, the equal individual freedom to pursue ends of one's choosing. To say that this freedom is intrinsically valuable is to say nothing more than that "the right" is intrinsically valuable. And this is to say nothing more than that the subjective, criterionless determination of the good by the individual is intrinsically valuable. That leaves the individual in the same position as the theologically voluntarist God, or the pure-communitarian community, or Buridan's Ass: unable to choose the good coherently-- unless she is mechanically determined.

By the same token, Ackerman's widely accepted second argument for neutrality, the argument from autonomy, says nothing more than that freedom is intrinsically valuable--even, as we saw in Chapter 4, when autonomy is conceived as "positive," deliberative freedom. The only thing that would make deliberation non-arbitrary is a criterion of the good that anteceded deliberation. But such a criterion would, in principle, justify not autonomy but paternalism.

Waldron's central insight is that it seems contradictory to say that one has (in dualist liberal terminology) a right to do what is bad, in that it is paradoxical to say (in ordinary terminology) that "the action in question is morally wrong, but nevertheless it is an action that the agent has a moral right to do" (Waldron 1981, 64). "If an action appears arbitrary or capricious" to an observer of the

action, Waldron notes, it "is not made to appear one iota more reasonable or defensible" if, when questioned about the action by the observer, the agent replies, "'I had a right to do it; I was exercising my right'" (ibid., 73).

In making this point, Waldron is, in effect, describing the motivational dilemma facing the individual (or the philosophical observer of the individual) under voluntarist liberalism. If the individual (or the philosopher) sees an action as bad, she is motivated to take (or to recommend) some alternative action. Now suppose that the individual (or the philosopher) suddenly realizes that the individual has a "right" to take the bad action. If this right does not alter the underlying (putative) badness of the action, it is superfluous. If one cannot justify taking an action in the absence of a right to take it, then the addition of such a right cannot make the action any more justifiable (as long as one continues to accept that the action is objectively bad). And if one cannot justify taking an action, then why should one have a right to take it?

Only if the right-holder's decision to exercise the right does away with the underlying badness of the action would she be able to justify her exercise of the right. But in that case, moral objectivism has been abandoned in favor of individualist voluntarism. It would then appear that whatever the individual wills is, ipso facto, good, so long as what the individual wills does not violate the equal rights of other individuals.

The badness (or goodness) of the action would then depend on the right-holding individual's choice. Two different individuals who make

opposite choices would, somehow, both be right: subjective relativism. And any given individual, or a philosopher observing her, would be unable to motivate the choice of whether or not to exercise the right, since either choice would be "self-authenticating" (Rawls 1993, 32)--making a free agent's decision whether or not to exercise the right incoherent. Only if there is no choice--only if the action is mechanically determined--could it be motivated (through a bad-faith denial of the agent's freedom of the will).

Nonetheless, Waldron (1981, 81) concludes that there is "a right to do wrong." For such a right protects "individual choices [that] are seen as crucial to personal integrity." Unless there is a right to do what is wrong/bad, then on all the important questions, individuals could be forced to do what is good, leaving only "the banalities and trivia of human life," which are neither good nor bad, as matters of free decision (ibid., 83). Without a right to do wrong/bad, one would be free to decide what flavor of ice cream to eat or whether to avoid stepping on cracks in the sidewalk, but only because these are questions of indifference. All the important actions could, in principle, be made compulsory, and this would deprive those who took them of personal integrity.

Galston has pointed out that Waldron's defense of a right to do bad is not really an argument for this right; it is merely an explication of the liberal theory of rights, according to which important personal decisions should not, in principle, be compulsory. It is true that if one accepts the liberal theory of rights, because one is convinced that making important personal decisions compulsory

would deprive the actors of personal integrity, then a right to do bad follows as a matter of course. But what is missing from Waldron's article is any reason to think that the liberal theory of rights "should be taken seriously" (Galston 1983, 323).

Galston means to challenge the primacy, in Waldron's account, of "integrity and self-constitution." But one may also challenge the equation of integrity and self-constitution.⁵ Our mechanical (and coercive) underdetermination leaves us no choice but self-constitution. Self-constitution is a necessary product of free will; the possession of free will logically dictates that we must motivate our choices "morally." Since our underdetermination produces self-constitution automatically, it is difficult to see why self-constitution should command the admiration or respect associated with the term "integrity."

Self-constitution is a fact about beings with free will, no more respectable or even desirable than our mortality or our extension in space. The self-constitution Waldron deems important enough to justify the "right to do wrong" is a foregone conclusion about every free agent, something that is neither under her control nor even, necessarily, good. It becomes good only if she uses her power of self-constitution to do something good: that is the chief lesson of Leibniz's metaethics. Whether or not a free agent does good may be, as a matter of fact, under her control; but surely doing good, not merely being capable of doing so by virtue of being self-constituted, is what displays integrity and should command respect. To equate self-constitution with integrity means according respect to something that is neither earned nor desirable: the ability to do either good or bad.

But as Leibniz shows, the fact that this ability is not desirable in itself, independent of how it is used, is a presupposition of its own exercise. If free will were equally respectable regardless of how it were used, one would be unable to decide how to use it.

In his rejoinder to Galston, Waldron (1983, 326) writes that

On the liberal view, it makes a difference how the conception of the good has been adopted. If an individual's conduct has been forced or cajoled into conformity with a conception of the good, then coercion or deception has been driven to the heart of that individual's self-constitution as a moral being; his life has no meaning except a coerced or deceived meaning. It makes no difference to this worry whether the conception of the good in question is a worthy or an unworthy one: the point is that the victim of the enforcement of any moral ideal has had coercion driven into the heart of his moral life.

Waldron thus attempts to shore up his explication of the (mainstream contemporary) liberal theory of rights with an explication of the (mainstream contemporary) liberal theory of freedom. In response, we can go Galston a step further and ask why we should take this theory of freedom seriously. If something is bad, why shouldn't the freedom to do it, in principle, be denied?

Waldron's argument comes down to saying that coercively enforced conceptions of the good are wrong merely because they are coercively enforced. In short, he takes it for granted that coercing the good is intrinsically wrong. Conversely, freedom to pursue ends of one's own choosing must be right in principle: right, that is, not because the particular ends one has chosen are good, or because the freedom to pursue ends that are bad is, under unfortunate circumstances, instrumental to some greater intrinsic good; but right in itself, independently of the consequences. Only if freedom to pursue goods of one's own choosing is intrinsically valuable is there an a-priori right to be uncoerced in this pursuit, such that one's use of the resulting freedom to do bad is justified.

To place intrinsic value on the freedom to pursue individuals' conceptions of the good, however, is, again, to do no more than restate the (mainstream, contemporary) liberal theory of the priority of the right: "the right" of liberal theory just is individuals' freedom to pursue their conceptions of the good. So Waldron's defense of a right to do wrong/bad does not, after all, provide an account of the good that goes beyond the unsuccessful liberal claim, previously discussed in this chapter, for the objectivity of the right.

The priority of the right grants freedom to the individual to decide what is good (as long as she stays within the borders of her sovereign authority, which are mapped by her equal rights). This produces inter-individual relativism by effacing any objective meaning of "bad." An objective definition of the bad--which would be something along the lines of: "what should not be done, regardless of what anyone

thinks"--is directly contradicted by the notion that one should be free to do something that is called "objectively bad" merely by virtue of choosing to do it (by exercising one's "right to do wrong"). To say that an individual should be free to do A, such that others should not do whatever they can do stop A if the individual chooses to do it--and such that the right to do it is not superfluous, because the individual may legitimately choose to exercise it--is to render the caveat, "even though A remains objectively bad," meaningless. In everything but name, then, the marriage of moral objectivism (IB) with the priority of the right (II) neutralizes the former, replacing an objective conception of the good with subjectivist relativism by particularizing the otherwise-universalist concept of "badness," making it a matter of individual determination.

While Waldron (1983, 85) does show that "a right to do wrong...is actually required by the way in which rights function in [liberal] moral theory and the basis on which we [liberals] argue for them," he concedes that "even after these arguments have been given, the sense of paradox is likely to linger." "In real life," as he points out (*ibid.*, 87), the assertion of a right to do A

is most often uttered by someone who intends to do A and is responding to moves by other people to prevent his carrying out that intention. There is something odd about having the intention to do A and sincerely believing that A is wrong

--i.e., "bad." In other words, one would not do something if she didn't think it were good. Now if it is in fact good, not just good in the individual's subjective opinion, then her "right" to do it need not be seen as independent from its goodness. There need be no blanket grant of authority to her to do whatever she wants to do in this situation, regardless of whether it is good or not. Her only (strong) right can be the right to do what is good. But if what she wants to do is, in fact, not good, her invocation of a right to do it revives the paradox with which Waldron began.

Suppose that, in contrast to Waldron's example, action A is, in fact, the best action in the situation in question. That is, the objectively true antecedent criterion of choice, A', dictates that in

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situation S, A should be done. Suppose further that the only form of mechanical limitation the individual faces is a coercive legal constraint⁶ against being able to do A. Thus, the only actions available to her--{B, C, ... n}--are bad, compared to A. Under these circumstances, coercion is, indeed, a bad thing. Its badness, however, does not mean that any intrinsic goodness attaches to freedom from

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coercion. This can be seen by comparing S to S , where everything remains the same but the individual is coercively constrained to take the best action, A . In this case, if she does A , she does what is best; yet, by virtue of having all other options, $\{B, C, \dots n\}$, closed off by coercion, her freedom of action is diminished in comparison to

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S . If she accurately perceives the goodness of A , however, she will want to do A anyway, so being forced to do it will make absolutely no difference. In fact, she will not even be forced to do A , any more than most of us are "forced" to refrain from murdering each other: we would refrain even if murder were not illegal.

Only if the agent believes that A is not the best choice will she

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have reason to think that S is a worse situation than S , because in S

she will be constrained from doing what she perceives to be good. But her perception is, by stipulation, erroneous. If she were to become aware of her axiological mistake, she would no longer think that being forced to do A is worse than being free to do not-A; and then she would no longer have to be forced to do A.

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Now suppose that in S₂ she regains, in addition to the freedom she

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has in S₂ to do A, the freedom she had in S₁ to do {B, C, ... n}. She

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is no longer coerced, as she was in S₁ if she did not want to do A. Yet since A is still the best thing to do, her newfound freedom is of no consequence. To see this, consider first the possibility that she recognizes the goodness of action A. In that event, she will still do

exactly what she would have done in $S : A$. Her newfound ability to do $\{B, C, \dots n\}$ is superfluous;⁷ her right will not be exercised. Now consider the possibility that she misperceives one of the newly available options, B , to be superior to A . This would incline her to exercise her right to do B , and to value the freedom to do it. But the putative value of this freedom would be based on her mistaken perception of the value of B . It would, therefore, be illusory. Were she aware of her axiological mistake, she would no longer value this freedom.

The newfound freedom of S , as compared to S , would be valuable only if it actually had the effect of giving her a better option than A . The value of freedom is, then, entirely dependent on the value of the options one is free to take: it is, in short, entirely instrumental. But this means that coercion that closes off bad options is not intrinsically bad.

The situation facing a free agent demands that she do one thing rather than all the others. When the agent assesses the options

against each other, she must, in effect, engage in a series of pairwise rankings that determine which of the paired options is more and which is less choiceworthy. That is all that goodness or badness can mean, in a metaethical sense (that is, without specifying the content of the good or the bad). That we, as free agents, must make such rankings is what calls into existence one "good" or another. Our need for the good/bad distinction does not depend, contingently, on whether we think we can discover objective "foundations" for the good. Rather, our conviction of our free will calls such foundations into existence, since without them, we would be in the position of moral skeptics, nihilists, pluralists, or relativists: unable to motivate free actions. The presupposition of free will is moral objectivism or universalism: the conviction that it is better than the other options. As free agents, we have no alternative but to believe in the objectivity (i.e., the truth) of our antecedent criteria of the good, since we literally cannot avoid making choices that can be "motivated" only by putatively true criteria.

Of course, if we are mechanically determined, then we do avoid such choices. We simply take what actions we have no choice but to take, and our assessments of the good either play no role or are attributed to forces beyond our control. To the extent that our actions are attributed to free will, however, each action we take is, at least implicitly, a claim for the desirability of what we do (its goodness) and the relative undesirability of the things we do not do (their badness). Such a claim would not meet its motivational purpose if it did not entail that what we do should be done, and what we do

not, should not. Why else would a free agent do B rather than A, if not because she thought B is in some sense better to do than A?

But if something should (putatively) be done, the freedom to do something else is superfluous at best, pernicious at worst. It is superfluous if it allows someone who knows what is truly good to do things she will not do because she knows they are truly bad. It is (in principle) pernicious if it allows someone who is mistaken about what is good to go ahead and do something that is actually bad.

Because he recognizes this, Waldron notices the paradox in saying that one has "a right to do wrong." But he fails to notice that the same paradox infects the freedom to do bad on which he rests his defense of the supposed right. A (strong) "right to do wrong" is nothing more than an affirmation of the intrinsic value of the freedom to do bad. This amounts to a repudiation of moral objectivism. We deprive "badness" of any meaning (even "Boo!") if we say that someone should do something that is bad. But unless the freedom to do bad is superfluous, that is what we are saying when we affirm the justness of this freedom.

Waldron suggests that the paradox is an illusion caused by a defect in our understanding of the will. The appearance of something strange about tolerating the bad stems, he contends, from the notion that this toleration manifests akrasia. But, Waldron contends, "I am weak willed only to the extent that I perform actions myself that I believe to be wrong," since "to stop myself from performing wrong actions, no special act of prevention is required" (1980, 75, emphasis original). "But," he continues, "to stop others from performing wrong

acts," I must coerce them, and this violates their integrity (ibid.). The appearance of paradox in "a right to do wrong" is a result, then, of our failing to take seriously enough the difference "between self and other" (ibid., 74-75). Once we take this difference seriously, it becomes "obvious" that "the wrongness of [an] act does not by itself entail the moral permissibility of interfering with it" (ibid., 74).

Waldron (1980, 74) adduces a number of reasons for this conclusion. These reasons can be divided into two classes, intrinsic and instrumentalist, which support, respectively, a strong and a weak "right to do wrong." In the second class is the fact that interfering with bad actions "may put the interferer at risk; it may involve the expenditure of public money or the use of other scarce resources such as police manpower; it may enhance or tarnish the reputation of the police;" and "it may even, as the Christian ethic argues, distract that interferer from the task of his own self-improvement or be the occasion for a sinful act of moral self-indulgence." None of these reasons, as Galston (1989, 321) notes, establish an a-priori presumption against interfering. At most, they establish that sometimes, people should be allowed to get away with doing what is bad, because unfortunately, we are in a triage situation: we do not have supplies of money, firepower, reputation, or self-discipline adequate to ensure success in forcing people to do what is good. Such circumstances no more establish that people have a strong right to do wrong than the inability of the police to devote sufficient resources to solving (let alone preventing) every murder gives murderers the right to kill people.

The only one of Waldron's arguments that might establish a strong

"right to do wrong" is the previously mentioned claim that personal integrity is incompatible with coercion. This claim, however, does not resolve the paradox of "a right to do wrong"; it simply makes it invisible. To perceive the paradox, Waldron focused our attention on the diremption between the reasoning that would lead to a judgment that some action is bad, and the reasoning that would lead to the judgment that it could legitimately be done anyway, as a matter of right. But as soon as the priority of the right (II) is affirmed through the argument from personal integrity, the objectivism about the good (IB) that makes "a right to do wrong" seem paradoxical is obliterated. For if doing what is bad is permissible, and is not superfluous, then what is bad cannot really be bad in anything but a verbal sense: otherwise, either one would not want to do it, or one would be mistaken in the conception of the good that made the freedom to do it seem valuable. If one were mistaken in one's conception of the good, however--as a moral objectivist would hold is possible--then it would be undesirable to take actions dictated by that conception, and coercion that prevented such actions would be, ceteris paribus, desirable. Thus, moral objectivism should neutralize the priority of the right, rather than vice versa.

A third alternative would be to treat the important decisions that Waldron thinks must be uncoerced as somehow falling between the good and the bad: that is, to treat them as if they were matters as indifferent as deciding which flavor of ice cream to eat or whether to step on the cracks in the sidewalk. In a surprising twist, it is Galston (1989, 323), not Waldron, who defends this possibility,

contending that "compelling standards of right and wrong [i.e., good and bad] do not exist" in certain situations. This contention is designed to preserve strong liberal rights without accepting the paradoxical conclusion that they are "rights to do wrong."

But as Waldron (1989, 327) notes in response,

even where the choices are difficult, they are to be made, not as blind leaps in the dark, but on the basis of what seems to each chooser the balance of reasons. For example, someone who opts for religious commitment, A rather than not-A, does so because he at least is convinced that there are better reasons for choosing A than there are for choosing not-A. (If he did not believe this, how did he make the choice? Toss a coin?)⁸ However complicated and delicate this choice may have been, still, at the end of the day, he disagrees with anyone who thinks there are better reasons for choosing not-A. He may concede that the other is a reasonable person of good will, but he thinks nevertheless that that person has got it wrong.

In Leibnizian terms, a free agent must motivate her choice through the conviction that the corresponding criterion of the good is true. But if freedom had intrinsic value, any of the uses to which freedom could be put would be good, and whatever criterion of the good is consistent with the use to which freedom is put--the criterion that matched the

individual's will--would become true. This would bar antecedent motivation by means of the putative truth of a criterion of the good; the good would become posterior to the choice.

Waldron's alternative is as unsound as Galston's: if freedom is not intrinsically good, coercion cannot be intrinsically bad. The only remaining alternative, then, is to allow the good priority over the right--in principle--by abandoning strong liberal rights.

Is "Reasonableness" a Way Out?

This chapter is intended to reveal the far-reaching consequences of the single ethical implication of Leibniz's metaethics. These consequences are not entirely subsumed by the conclusion that Leibniz allows us to criticize mainstream contemporary liberal theory as "voluntaristic," important as that conclusion would be. For an implication of the analysis is that any theories that treat the good skeptically or pluralistically, or that treat freedom as intrinsically valuable, are essentially voluntaristic, hence invalid.

This conclusion stems from the problem situation facing any being with free will. Such a being must be motivated by the putative antecedent validity of her criterion of the good. The difference between a free agent and a mechanically determined one--who merely acts as if she wer motivated by the objective validity of her criterion of the good--is that the free agent must, in effect, lodge a truth-claim for the criterion that motivates her action. This means that in

motivating her action, she must repudiate the truth-value of all competing criteria, if she is to be faithful to the logic of her situation. (One may, of course, hold all sorts of beliefs--such as a belief in value skepticism, pluralism, relativism, or nihilism--that are unfaithful to this logic, and thus are inconsistent with what must motivate one's actions. Thus, one may believe in relativism despite the fact that relativism cannot explain why, if one is a free agent, one would take one action rather than another.)

The situation facing a free agent, then, is inconsistent with anything but value monism. On the one side, a free agent cannot motivate her actions if she thinks that fewer than one criterion of value--i.e., no criteria of value--are really good. Free will, therefore, is inconsistent with nihilism (defined as the belief that no values are objectively true). On the other side, she cannot motivate her actions if she thinks that more than one value is really and equally good. Therefore, free will is inconsistent with what I have been calling value relativism--the particularization of the good to whatever is willed by an individual, or a community, or a deity at a given moment; and, as noted, with value-skepticism and value-pluralism (that is, with the belief that more than one value is dispositive in given circumstances, whether because plural values are seen as equally good or as equally unknowable as good).

My argument for the inescapability of monism does not follow from any claim that one value or another is the one true good. If it did, it would be an axiological or "ethical" claim (in the broad, nonliberal sense of the term, pertaining to the content of principles of both "the

good" and "the right")--not a metaethical one. It would depend on the truth of a putative end, such as happiness, instead of stemming from the problem situation facing all free agents, regardless of which ends are truly good. Leibniz's metaethical claim is actually the reverse of an axiological one. Although his sympathy for Platonism seems to have kept him from recognizing this,⁹ his exploration of the logic of God's will does not rely, as did the Cambridge Platonists' arguments against theological voluntarism, on the preexistent validity of particular eternal Ideas of the Good. Instead, Leibniz's metaethics produces some such Ideas by logical necessity. (The only thing in Leibniz's system that assures that the particular Ideas governing God's behavior must be the ones that are true is the dogmatic assumption that God, unlike other free agents, is infallible in His perception of the Good.)

This is why, as we saw in Chapter 7, Leibniz's critique of voluntarism is not vulnerable to the charge of begging the question, as is not only the Cambridge Platonists' critique of theological voluntarism, but many contemporary liberals' critiques of communitarianism. Leibniz is not saying that since some particular value, A, has been discovered to be good, God must consistently pursue A, rendering the voluntarist picture of God's intertemporal inconstancy false. This would beg the question against the voluntarists, since they contend that it is up to God (or the community, or the individual) to decide, at any moment, whether A or B or C ... n is good. Instead, Leibniz's point is that free agents must discover (or, as I said in Chapter 7, "posit") that some value or another is truly good. For only the (putative) discovery of one such value could motivate what is

incumbent upon all free agents at each moment of freedom: their decision to take one action, from among the many possibilities open to them.

Beyond ruling out any metaethics of nihilism, skepticism, relativism, or pluralism, Leibniz's critique of voluntarism does not tell us what actually is good. One must simply posit one value rather than another as truly good. As noted, this procedure is identical to voluntarism, except that in positing one's value as antecedently good rather than seeing its putative goodness as posterior to one's choice, one recognizes that one is making a truth-claim that, if correct, supersedes competing truth-claims. In other words, if I believe A is the best action in a given circumstance, then I claim that A' is the good, such that B', C', ... n' must not be. Thus, I open the door to imposing A' on others, in principle; and, by the same token, I sanction the imposition of a different criterion of the good on me if A' is, in fact, bad.

The upshot of this difference between antivoluntarism and voluntarism is that, while we cannot determine, on the basis of antivoluntarist metaethics, what is the good, we can determine what is not: freedom. Seeing freedom as intrinsically valuable is equivalent to seeing whatever value is freely chosen as true, but since this would sanction the truth of A' and ~A', it is self-contradictory. As a result of the contradiction, an agent whose freedom is judged intrinsically valuable would be unable to motivate its use. Positing the goodness of A' requires positing the badness of ~A', such that ~A is "wrong"; hence, one can have no "right" to do it.

To place intrinsic value on freedom--i.e., on the (strong) right to do bad--is to describe in ethical terms what is actually a metaethics of voluntarism. This is why an ethic of freedom cannot coherently motivate action without collapsing into determinism. The basic problem is that in saying that individual freedom, i.e., the individual's right to determine the good, is intrinsically valuable, the freedom-loving philosopher is simply relabeling as intrinsically valuable the equal moral authority granted every individual by liberal voluntarism.

Since voluntarism is clearly inconsistent with value objectivism, Waldron cannot square his objectivism with the intrinsic value of freedom, leaving intact the paradox that his objectivism prompted him to notice. If freedom were intrinsically valuable, different individuals' freely chosen conflicting intrinsic values would have to be equally valuable; otherwise, it could not be considered bad, in principle, to block some of the actions based on those values.

It might seem that Rawls's version of liberalism is not voluntaristic, in that the criterion of "reasonableness" advanced in Political Liberalism drastically restricts the number of plural values that are legitimate in a democratic society, leading some commentators to worry that Rawls is a monist in the guise of a tolerant advocate of "overlapping consensus."

I have argued above, however, that liberal value skepticism and liberal value objectivism collapse into individualist voluntarism. In other words, the good is indistinguishable from the right when the good is determined by the authority of an agent or agents, instead of

antecedent their agency. But in limiting the comprehensive moral, religious, or philosophical doctrines that can serve as public justifications in a democratic society, Rawls (1993, 193) might appear to go in the other direction, collapsing the right into the good by circumscribing the "permissible" conceptions of the good. From a Leibnizian perspective this would seem to be at least a step in the right direction, since it reduces the plurality of tolerated values to the relatively small circle of conceptions of the good that are uncomprehensive and "reasonable" enough to participate in the "overlapping consensus." For this reason, Rawls has been understood to threaten the right/good, public/private dualism I have been criticizing (e.g., Charney 1998).

Rawls acknowledges that one cannot coherently motivate, on one side of these dichotomies, a commitment to strong liberal rights at the same time that one accepts, on the other side, doctrines of the good that condemn as bad what liberal rights permit. The central question of Political Liberalism is, therefore, "How can we affirm our comprehensive doctrine and yet hold that it would not be reasonable to use state power to gain everyone's allegiance to it?" (Rawls 1993, 139). Were Rawls to answer that we cannot square this circle, he would be a value monist. Merely to ask this question, however, is at least to try to come to grips with the incoherence Leibniz has helped us identify. In this respect Rawls is like Waldron.

To illustrate what is at issue, consider Rawls's discussion of someone who believes that "the religious salvation of those holding a particular religion, or indeed the salvation of a whole people" depends

on practices that can be enforced coercively (1993, 152). Such a believer will have no reason, a priori, to refrain from coercively imposing these practices on others. Therefore, the truth of the believer's comprehensive doctrine cannot coexist with the truth of the priority of the right--that is, with a prioritization of the right that is taken to legitimate strong liberal rights. If people's salvation does, in fact, demand coercive measures, then the priority of the right can be justified only, if at all, as being instrumental to some greater good than salvation.

Conversely, Rawls recognizes that when we in liberal societies uphold the (strong) priority of the right over the coercive inclinations of a believer in a particular path to salvation, we "do not believe the doctrine believers here assert, and this is shown by what we do." At this point Rawls's difference with Waldron emerges. If toleration were to be seen as instantiating a "right to do wrong," Rawls realizes, tolerationists would be unable to motivate their tolerationism. Something that is wrong, or bad, should not, in principle, be tolerated: that is what it means for something to be bad. Thus, when "we" (strong liberals) enforce religious toleration, we demonstrate (if we understand the implications of what we are doing) that we do not accept the truth of the doctrine that drives a religious believer to treat (some of) the tolerated practices as bad/wrong. In enforcing religious liberty, we "imply that we believe the concern for salvation does not require anything incompatible with that liberty" (ibid., 153). Thus, we do not think toleration enforces a right to do what is bad.

Although Rawls quickly emphasizes that "we refrain" from claiming that the overlapping consensus in favor of individual freedom is "true," such that beliefs that would violate individual freedom are false, this is only because he thinks that such a claim "is unnecessary and may interfere with the practical aim of finding an agreed public basis of justification" (1993, 153). Tacitly, liberals must recognize that "the right" is congruent only with the good if it is to be coherently motivated. This is why Rawls excludes from the overlapping consensus around the right conceptions of the good that, in failing to endorse equal freedom a priori, he defines as "unreasonable." By distinguishing between the reasonable and the unreasonable, Rawls recognizes that the motivating criterion of the right must be compatible with the motivating criterion of the good, precluding a "right to do wrong."

But Rawls does not want to abandon the priority of the right any more than Waldron does. Instead of affirming a monism of the good, therefore, Rawls ends up affirming a monism of the right.

A different response to the need for compatibility between the motivation of the right and that of the good would be to make the legitimacy of the right contingent on the conception of the good that one believes is true. Instead of calling "unreasonable" those conceptions of the good that failed to allow equal freedom in principle, one would call unreasonable conceptions of the right that allowed freedom to do the bad as a matter of principle, not of prudence. This tack would, at best, sustain only a weak priority of the right, and then only if it turned out that equal freedom produced

more good than bad. At worst (from a liberal perspective), this approach would not sustain the priority of the right at all. The religious believer discussed by Rawls, for instance, would judge the priority of the right to be even weakly legitimate only if she estimated the odds of winning a religious civil war to be low. Even then, warfare might be worth a try. The cost of not trying, after all, would be eternal damnation, against which suffering and death in this life can scarcely count at all.

Instead of subordinating the right to the good, then, Rawls chooses to subordinate the good to the right. Thus, he not only expressly rules out as "unreasonable" (Rawls 1993, 138)--and, therefore, tacitly treats as false--conceptions of the good such as those of "medieval Christianity," which held that "salvation required true belief as the Church taught it" (ibid., xxiii). The Reformation, too,

introduces [sic] into people's conceptions of their good a transcendent element not admitting of compromise. This element forces either mortal conflict moderated only by circumstance or exhaustion, or equal liberty of conscience and freedom of thought. Except on the basis of these last, firmly founded and publicly recognized, no reasonable political conception of justice is possible. (Ibid., xxvi.)

Rawls also deems unreasonable secular doctrines such as utilitarianism, which include "conceptions of what is of value in human life" (ibid.,

13) but which do not produce a strong right to equal freedom.

It is important to emphasize that compatibility with liberal policies or institutions--compatibility, that is to say, with weak liberal rights--is insufficient to qualify a doctrine as "reasonable" in Rawls's schema. While Rawls accepts that any given individual in a liberal society will, qua living agent, have to subordinate the right to her conception of the good in order to motivate her commitment to either the right or the good, the overlapping consensus around liberal policies or institutions produced by such conceptions of the good would be too broad. Such a consensus would not be "reasonable," because it would not be premised on mutual respect (Rawls 1993, 303 and passim). Mutual respect is violated by conceptions of the good that are incompatible with strong liberal rights.¹⁰ For a liberal society to display neutrality toward illiberal or weakly liberal conceptions of the good could lead, in principle, to its failure to enforce equal freedom and thus instantiate mutual respect. Only neutrality toward conceptions of the good that are compatible with strong liberal rights ensure this respect.

Mutual respect is mimicked, in the original position, by the veil of ignorance: if the contractors do not know which conception of the good they hold to be true, they will proceed as if they respect all conceptions of the good that are compatible with strong liberal rights. "Persons as citizens are moved by reasons of justice as such, but the parties as rational autonomous representatives are not" (Rawls 1993, 316). There are no citizens in the original position, only persons qua persons who know they will, outside the original position, pursue the

conceptions of the good that they think are true. Since this pursuit might involve coercing each other, the contractors must be artificially constrained to act as if they are citizens. Mutual respect is the overarching value that justifies the constraints of reasonableness-- "fairness"--that, coupled with the contractors' rational concern to advance some conception of the good, yield the principles of equal freedom that make up Rawls's theory of justice. "The reasonable, or persons' capacity for a sense of justice, which is their capacity to honor fair terms of social cooperation, is represented by the various restrictions to which the parties are subject in the original position and by the conditions imposed on their agreement" (ibid., 305).

The contractarianism of A Theory of Justice tends to obscure the fact that Rawls is not suggesting that whatever people agree upon is just. The key point is the veil of ignorance, not the contract. The veil screens out unreasonable conceptions of the good, no matter how much assent they would command in reality. The effect is to eliminate inegalitarian conceptions of the good. The inegalitarian desire of murderers to conclude a social contract legitimizing murder has no legitimacy; by depriving them, and other unreasonable contractors, of knowledge of their conceptions of the good, the veil imposes the constraint of respect for each person's equal sovereignty. (As for Dworkin, for Rawls justice is equality of freedom--or the closest thing to it that does not require leveling down as opposed to leveling up different degrees of freedom.) Not only murderers, however, but anyone whose conception of the good might, in principle, have to be imposed on others will find that, once the veil is lifted, her conception cannot

legally be implemented. In Political Liberalism, Rawls merely makes this explicit by distinguishing between reasonable and unreasonable conceptions of the good.

However, what is left after screening out both illiberal and weakly liberal conceptions of the good is not an overlapping consensus of conceptions of the good at all. What is left is a society of individuals with potentially contradictory conceptions of the good. With individuals' equal sovereignty strongly protected by Rawls's version of the right, he has produced the functional equivalent of pure individualistic voluntarism.

Since Rawls, like Waldron, recognizes that (free) agents must motivate their actions with claims about the (objective) good, he attempts to link the right to the good. But illiberal and weakly liberal views would link the good to the right by subordinating the right to the good. Mutual respect demands that the subordination go in the other direction. To subordinate the good to the right is to rule out any monistic conception of the good as unreasonable--except a monism of the right. But the right is uniquely empty as a conception of the good, because it is nothing but the freedom of equally sovereign individuals to determine the good.

The right, far from being a substantive good, is the very thing that relativizes the good by legitimating individuals' pursuit of contradictory conceptions of the good. These must somehow be seen as equally valid if mutual respect for their adherents is to be maintained. But axiological egalitarianism is self-contradictory; this produces the dilemma, incoherence versus determinism, that we have

found in Ackerman and Waldron. Rawls, however, avoids these results by screening out all substantive conceptions of the good, since any such conception would be "unreasonable." In place of the incoherence that, in the skeptical and "right-to-do-wrong" scenarios, plagues free agents' selection of one good from among all the possibilities, Rawls solves the problem of motivating the good, when it is subordinated to the right, by eliminating all substantive (i.e., "monistic") conceptions of the good.

While Rawls (1993, 61) claims that "many doctrines" are part of a reasonable consensus, it would appear that not only utilitarianism but many interpretations of Islam, Judaism, and Christianity would be ruled out. Even versions of Protestantism holding that justification is by faith, and that faith stems solely from the infusion of grace--with no participation by the faithful--should logically treat religious liberty as, at worst, irrelevant (since it cannot affect salvation one way or the other); and, at best (if its irrelevance could somehow be overcome), as instrumental to salvation, not as intrinsically valuable. (I am not suggesting that this is the way Protestantism is actually understood, of course.) Therefore, such doctrines would not justify the conviction that it is, in principle, unreasonable to enforce them coercively. It would be reasonable (in the minds of their adherents) to use political power to enforce such doctrines if political power could enforce them effectively. In short, even individualistic Protestantism of the sort expressed in Locke's Letter Concerning Toleration does not (contrary to Rawls 1993, 145n) logically produce a conception of the good that is compatible with strong liberal rights.

Nor does Mill's liberalism, as long as we do not follow Rawls (*ibid.*, 313) in divorcing his "simple principle" of liberty, which produces liberal policies and institutions, from the utilitarian arguments that Mill uses to justify it.

The only conceptions of the good that could participate in Rawls's overlapping consensus are those that allow us, as their adherents, "with perfect consistency [to] hold that it would be unreasonable to use political power to enforce our own comprehensive view, which we must, of course, affirm as either reasonable or true" (Rawls 1993, 138). The only conceivable way for us to hold this belief would be to consider freedom from the enforcement of a comprehensive view--"reasonableness" itself--to be intrinsically good. Such a "good," however, is nothing but a synonym for the right.

Thus, after eliminating Lockean notions of "free faith" (Rawls 1993, 145), and the arguments of On Liberty, and the view that "political values normally outweigh whatever nonpolitical values conflict with them" (*ibid.*, 146), we seem to be left only with Kantianism as a candidate for inclusion in the overlapping consensus (*ibid.*, 145). That Kant's view does not, in fact, produce a substantive conception of the good seems to me to be indicated by the notorious difficulty he has in wrenching concrete behavioral injunctions from it, except when it comes to proscribing interpersonal violations of sovereignty. But this is too large a topic to consider here.¹¹ Rather than going into Kantianism specifically, let me suggest in general terms that any "reasonable" conception of the good will necessarily suffer from the same incoherence I have traced from the

beginning of this essay.

No "politically liberal" individual, even after having cultivated the liberal virtues that make her an instinctive respecter of everyone else's sovereignty, could, without threatening the boundaries of others' sovereignty, govern her conduct in self-regarding matters by subordinating it to an antecedent criterion of the good. For any such conception would entail a truth-claim that would open the door to paternalism. Should I pursue happiness, or the development of my talents, or their dissolution? Should I seek truth, or beauty, or the widest variety of experience? Whichever answer I posit, I am implying that it is the best answer; otherwise, why would I posit it as good enough to govern my actions? But if it is the best answer, the true good, then there is no reason not to enforce it on others, as long as this could be expected to do more good than harm (where harm is not simply equated with coercion).

If this is true, as Leibniz's metaethics suggests, then no conception of the good that does not take freedom itself to be constitutive of goodness will survive the filter of "reasonableness." And those conceptions that do take freedom to be intrinsically good can say nothing about what to do with our lives--apart from respecting everyone else's right to do whatever they wish with theirs. One could, of course, out of such respect, completely organize one's life around the ideal of equal freedom by considering it to be not just a constraint to be obeyed, but a goal to be fostered. But in a world in which the ideal of equal freedom were actually achieved, devotion to this ideal would be unable to organize one's life, and this is the case

in a way that does not afflict other possible ideals. If truth, beauty, or happiness is the good, a perfect world does not deprive these ideals of their motivating function. Even if, in such a world, one is the ideal scientist or artist, or is completely happy, one still has a standard that can mediate any pair of options with which one's free will is confronted. Freedom is uniquely empty as an ideal, because it is simply the proliferation of options--and it is unable, of itself, to adjudge any of them better than the others.

My point is not that modern liberalism leaves modern man bereft of the security he craves. Almost the reverse is true: the mainstream of contemporary liberalism fails to fulfil the logical requirement that is thrust on us precisely when, as in the modern era, we come to understand that we are free of the security of given traditions, communities, and "identities." It is to the extent that we have free will that we cannot take freedom to be the good. If it were the good, we would, per impossibile, hover forever in Leibniz's "indifference of equipoise," unable to act, because action commits us to one option over all the others, temporarily leaving our free will behind in favor of a decision, an action. Taken seriously, the intrinsic value most liberal theorists now place on individual freedom would condemn the individual to the incoherent position of never leaving the moment of doubt prior to action, the moment when we are trying to "determine" what to do. By making freedom an end in itself in the form of "the right," contemporary liberalism fetishizes this moment and would, taken literally, render action impossible. In contrast, by focusing on the free agent's need to determine her actions with a criterion of the

good, Leibniz discloses what it is that allows us to act freely--free, that is, of mechanical determination. What allows a free agent to act is her putative recognition of a criterion of the good. But if the goodness of a certain value "determines" that one should act in pursuit of it, then the freedom to take actions justified by contradictory criteria of the good can have no value in itself. Freedom of the will has no value; it is simply a metaethical fact, called into being by our need to make choices. Freedom of action has value only if the actions we take with it are good ones.

Rawls's version of liberal voluntarism illustrates with particular clarity the impossibility of acting once the right is treated as the good. Rawls freezes the individual in the moment before action: this is, in effect, the moment when the veil of ignorance deprives us of putative knowledge of the good. After screening out all monisms but the monism of freedom because they are insufficiently respectful of equal freedom, the veil makes the determination of the good by "moral" criteria impossible, leaving no alternative but mechanical determination.

By subordinating the good to the right, Rawls fails to carry through his recognition of the motivational logic of free agents, which entails the priority of the good. Like Waldron, Rawls is caught between this logic and his commitment to mutual respect, which entails the strong priority of the right. The tension this creates accounts for Rawls's odd practice of coupling admissions that liberals tacitly repudiate the truth of illiberal conceptions of the good with demands that they refuse to admit this publicly.

The Priority of the Good

The first of Ackerman's two non-skeptical arguments for liberal neutrality is the Millian claim that "you can only learn anything true about the good when you are free to experiment in life without some authoritative teacher intervening whenever he thinks you're going wrong" (Ackerman 1980, 11). This directly contradicts Ackerman's value skepticism, and it is an empirical claim about the consequences of freedom for which Ackerman offers no empirical evidence. Nonetheless, it might be true. In that case, we would have a conditional, violable presumption in favor of equal individual freedom, pending empirical investigation. We would not, however, have an intrinsically valuable individual right to equal sovereignty over a private sphere.

Ackerman's other argument is also an empirical claim that could sustain only weak liberal rights, and then only if it were backed up with empirical evidence. This is the claim that a paternalistic state cannot succeed in promoting the good because "power corrupts": "People adept in gaining power are hardly known for their depth of moral insight" (ibid., 12).

This may also be true, but as an empirical argument, it should be explored, not stated as a conclusive consideration. It is at least possible that a state organized differently than the liberal and totalitarian ones with which we are familiar might be able to promote the good. On the other hand, it is a mistake to think that the

political pursuit of the good must rely on giving discretionary authority to some group of rulers whose mandate is both to discover and implement it (as Plato assumed). Individualist voluntarism should not be replaced by statist voluntarism: the will of the rulers can no more be considered automatically good than the will of the individual. This applies not only to the will of Platonic guardians, but to the will of our current titular and de facto rulers, the electorate and its parliamentary, bureaucratic, and juridical governors.

That power corrupts may tell us little or nothing about who should govern. Aristocracy may turn out to be less corrupt than democracy; it is an open question. To some extent Ackerman recognizes this: his is a brief for constraints on power, not for giving power to the people (although the same may not be said of his theory of Constitutional legitimacy, as laid out in We the People). Still, the constraints he recommends in Social Justice in the Liberal State transfer power to the individual, and it is just as plausible to argue that individuals "are hardly known for their depth of moral insight" when acting alone as they are when they are gathered together in masses, or in classes. Among the possibilities that demand empirical investigation, then, are that alternatives to democracy and to individual rights would be better suited to the promotion of the good.

However, if it turns out, as seems likely, that power corrupts across the board, then neither the rule of a few, the rule of the majority, nor the rule of each individual may be as satisfactory as a more direct "rule of the good." We need not confine our attention to various constitutional distributions of arbitrary authority once we

recognize that the only coherent purpose of authority is the pursuit of some good end. A more fruitful line of inquiry, then, might address the type of society, and the type of activities within a society, that will be most conducive to a putative good such as happiness. Such inquiries would probably have to draw on psychology, history, economics, literature, anthropology, and/or sociology, as well as empirical political science--depending on the good in question. The striking lack of interest among political theorists in such issues as whether capitalism, the welfare state, industrialism, consumerism, secularism, and pluralism positively or negatively affect people's psychological well-being, or the beauty of cultural creations, or the discovery of truths, may be one of the most unfortunate results of the hegemony of voluntarism, individualistic and communitarian, in contemporary political philosophy. The opportunity remains, however, for political theorists to bring some unity to the social sciences and humanities by crossing disciplinary boundaries in search of data germane to questions of the good.

Such an ambitious agenda was incipient in what are commonly taken to be the origins of liberal thought in the Wars of Religion. The Catholic politiques who helped pioneer the idea of toleration were forced, in effect, to accept what Rawls (1993, 304) calls "the plurality of conceptions of the good as a fact of modern life" (see Allen 1977, 373ff.). But, operating as they did within a monistic framework, they could not very well have joined Rawls in assuming that the only way to deal with this fact is to view it as desirable in itself. Some facts, after all, are bad, and many Catholics, as well as

Protestants, viewed the fact of pluralism negatively. Indeed, they had to, given their understanding of the good: they "accepted" the fact of pluralism in the sense that it was a reality they wanted to change, through civil war if necessary.

What, then, are we to make of Rawls's counsel that we accept the fact of pluralism as a reality to be defended, not altered? Making explicit what was implicit for the tolerationist politiques, Rawls repudiates the religious conception of the good to which even they were nominally committed. In countenancing toleration the politiques were--as Rawls recognizes modern liberals do--denying that the imperatives of salvation require adherence to a particular practice or creed. But they did not thereby endorse a monism of the right, according to which one has an intrinsically valuable freedom to live badly--and, therefore, according to which there is really no such thing as living badly. Instead, they tacitly valued civil peace over eternal salvation --which can make sense only if one discounts eternal salvation. They endorsed as being of overriding importance the secular consequences, such as peace and prosperity, that can (contingent on empirical evidence) be expected to result from toleration; consequences that are, one might think, instrumental to happiness or at least to the mitigation of suffering. Such, if any, are the goods once identified with the Enlightenment (see Hazard 1963; also Schmidt 1996 and Muller 1997), before it was conflated with Kantianism--goods that the West has to offer, but that honesty compels us to admit require tradeoffs.

Compared to politique and Enlightenment rationales for liberalism, it is true that voluntarist liberalism has the advantage of

absoluteness. Its justifications are a priori and therefore cannot be called into doubt, as consequentialist rationales can, by empirical disputation. But even granting this strategic advantage, voluntarist liberalism is philosophically incoherent. And faced with religious fundamentalisms that condemn as bad many of the things individuals can do with their freedom, voluntarism may not even have a political advantage.

I have argued that the incoherence of liberal voluntarism is gestured at by the communitarians, but that they fail to understand the source of the problem. By analyzing the paradoxical fact that their alternative suffers from the same problem, Part I used communitarianism as a mirror on liberalism. The result was an extended analogy, in Part II, between communitarian and liberal metaethics; an analogy that has, I hope, been illuminated by a second analogy: between communitarianism, liberalism, and theological voluntarism.

The analogy between communitarianism and liberalism extends beyond metaethics, however, to politics. This is not just true in the sense that communitarians are, at bottom, liberals in their determination to use communitarian voluntarism to defend individual freedom. Even more important is the readiness of so many liberals to coopt communitarianism. The explanation, in part, may be that the liberal goal, equal freedom, has become so unquestioned in Western high culture that it has become accurate to believe, as the optimistic communitarians do, that the values of our community are liberal, and may, therefore, provide a firmer political foundation for equal freedom than would appeals to universalistic principles--whether of right or of

good.

This pseudo-Hegelian belief manifests not only the hegemony of voluntarist liberalism but its complacency, of which the communitarians' complacency is but a subset. Until recently this complacency may have been warranted, but it is now nearly as difficult to take liberalism for granted politically as to justify it philosophically.

I suggest that we envision a different kind of political philosophy than the insular, a-priori variety to which we have become accustomed. It would be less political and more philosophical in the sense that it would revive the question of the good, but I expect little valuable theorizing to follow from this alone, since the good must ultimately be posited, not argued for.

A tendency in the other direction, therefore, would be more likely. The unifying role of political theory would be to ask the empirical disciplines how they can illuminate the issue of achieving some posited version of the good in the real world. Political philosophers would become less hermetic and more interdisciplinary, not for the sake of interdisciplinarity but for the sake of the good. Rather than taking for granted that some form of liberal institutions and policies must be good, we would have to defend--or attack--liberalism on contingent grounds that would open up other institutional options. Where the voluntarist "good" closes off, a priori, the question of what makes for a good life and a good society, consequentialist liberalism, and nonvoluntarist political theory, would have to grapple with just those questions. As they would tend to be

empirical questions, nonvoluntarist political theory would have to entertain a much broader set of possibilities that draw their rationales from a much wider knowledge of reality than that represented in contemporary debates about the locus of moral authority.

NOTES

1. One might respond that freedom of action is intrinsically valuable even if this value is not unconditional. It may be valuable, that is, independent of its consequences, but other intrinsic values may outweigh it. But to the extent that freedom has enough intrinsic value to outweigh end A but not end B, such that B is more valuable than A, the agent, in assessing a choice between acting to further A or B, would be compelled to choose B, rendering her freedom of action a dead letter. Were she to mistakenly choose action in pursuit of A, there would be no bar to coercing her to pursue B. For freedom of action to have enough intrinsic value to lead to liberal conclusions a priori, that value must be greater than all the possible values, {A, B, C...n}, among which free choice would be protected by liberals against coercion. For the intrinsic value of freedom to have any political implications, then, it must be of overriding importance relative to the ends that might be served by coercion.

2. I leave aside Kymlicka's next sentence, which links the quoted argument to Dworkin's claim that "our lives have to be led from the inside, in accordance with our beliefs about value" (Kymlicka 1990, 209). The status of this "have to" is difficult to make out. Clearly it cannot be an empirical claim; it is possible to be coerced in such a way that one's life is not led in accord with one's values. But as a normative claim it begs the question against the paternalist, who simply denies that our lives should be led in accord with bad values. So I take it that it is an empirical claim of a special sort: namely,

that paternalism will backfire, because (a) people "have to" live according to their own values if they are to be happy, or because (b) only living in agreement with the paternalist's values would achieve the purposes of paternalism. Claim (a) strikes me as highly dubious, given the possibility that coercive indoctrination or habituation may change one's values to those that make one happier, and the possibility that one's unhappiness at being forced to live a certain way (say, under the constraints of sharia) may be outweighed by the absence of a greater unhappiness one might experience living in, say, a consumerist society in which one's desires were constantly aroused and never satisfied. And in regard to both (a) and (b), the paternalist may impose certain behaviors coercively regardless of the happiness or the agreement of those he coerces--because God's law requires the imposition of certain behaviors, whatever the beliefs or the happiness of those on whom these behaviors are imposed; or because, say, a beautiful society is the end and individual happiness should be sacrificed to it if necessary.

3. The curious nature of the liberal understanding of integrity is a large topic in its own right. But even when the liberal language of "integrity" is absent, the paradoxical nature of the theory of the good presupposed by this language is just beneath the surface. Ackerman (1980, 57), for example, quite logically concludes that according to liberalism, each of us is entitled to resources because "we may present ourselves to one another as persons who have undertaken to put a positive value on their conception of the good," but this entitlement

goes through "without attempting to evaluate the merits of our competing life plans." Disregarding the impossibility of putting a positive value on a conception of the good if one is a moral skeptic, one wonders why the mere attempt to put a positive value on one's conception of the good should command resources, regardless of the success of this attempt. Ackerman's argument parallels Waldron's notion that even an individual who is doing something bad has more "integrity" than one who is forced to do something good. An individual with free will cannot possibly accept this view of her own integrity, since it would make it impossible for her to decide upon which conception of the good she should undertake to put a positive value.

4. Waldron does not characterize his view as a peculiarly liberal one; instead, he seems to regard it as inherent in "moral theory" itself (Waldron 1981, 85). But this conception of moral theory rests on the peculiarly liberal diremption of the right from the good.

5. See n3 above.

6. For the purpose of discussing Waldron, I will treat coercion as if it were a mechanical constraint, even though coercion may actually leave one free to take a forbidden action and then face a fine or other penalty, and then only if one is caught. But the discussion would be equally valid if my references to "coercion" were replaced by references to "mechanical determination," and if my references to "freedom" from coercion were replaced by references to "freedom of the

will."

7. Thomas Hurka (1987) disputes this argument, suggesting instead that we would always prefer to have more rather than fewer options. There is one sense in which this might well be true, because of our fallibility: we may think that it is always possible that one of the extra options might come in handy because, contrary to what we now believe, not A but Z is the best option. But the value of this extra freedom is instrumental to doing what is good; it has no intrinsic value. What Hurka believes, however, is that "to have ten options rather than just the best among them is to be able to say no rather than yes. It is to be able to say no nine times, and to be responsible for the fact that no was said" (ibid., 376).

I deny the suggestion that it is intrinsically valuable to be able to say no to the wrong things any more than is necessary to say yes to the right thing. Hurka's argument begs the question by assuming that we already accept the intrinsic value of the freedom to say no (which is, of course, also the freedom to say yes) to what is bad.

8. If one tosses a coin, one is, in effect, allowing oneself to be governed by whatever mechanical causes govern the coin. One freely wills this mechanical determination because one believes it to be better to deliver oneself over to fate than, in this circumstance, to will not a random decision procedure, but the decision itself. For example, one may value convenience enough to warrant randomness. As Thomas Gataker wrote in the early seventeenth century, "the Lot is not

used to determine who in truth hath right to [an office], but who for peace and quietnesse sake shall enjoy it" (quoted in Rescher 1959/60, 157). (Writ small, this passage contains the whole history of liberalism, which began as a tolerationist reaction against the Wars of Religion--a reaction in favor of civil peace--but soon enough came to treat toleration, and then an ever- (and still-)widening circle of other freedoms, not as means to such ends as civil peace, but as ends in themselves: "rights." As a result, all choices in the "private sphere" tend to be seen as akin to flipping a coin--that is, as mechanically determined--rather than as manifestations of a [potentially paternalistic] free will.) Similarly, one may (to use everyone's favorite example) choose a flavor of ice cream randomly if one thinks it best to have one or another flavor than none at all; or one may choose a flavor based on one's "taste" if one thinks it best, in selecting ice-cream flavors, to follow a hedonic calculus; or one may choose one flavor over the others if the rejected flavors are made in a way that violates the laws of kashrut, and one believes in following God's law.

9. Leibniz often used Platonic language. "It is thoroughly erroneous," he wrote, to think

that the eternal truths and the goodness of things depend on the divine will, since every volition presupposes a judgment of the understanding about goodness--unless someone by a change of names were

to transfer all judgment from the understanding to the will--though even then it could not be said that the will is the cause of the truths, since the judgment also is not. The reason of the truths lurks in the ideas of things, which are involved in the divine essence itself. (Quoted, Adams 1994, 190. Cf. Leibniz 1951, 327, sec. 335; *ibid.*, 428, sec. 21.)

It is true that Leibniz's view leads us to act as if truths are eternal; but I cannot see how the "existence" of eternal Platonic Ideas would make any more difference to their antecedent normative authority than would the existence of God. The following passage suggests that Leibniz was, similarly, speaking of "the ideas of things" metaphorically, or at least that he did so some of the time:

When we say that an intelligent substance is actuated by the goodness of its object, we do not assert that this object is necessarily a being existing outside the substance, and it is enough for us that it be conceivable: for its representation acts in the substance, or rather the substance acts upon itself, in so far as it is disposed and influenced by this representation (Leibniz 1951, 428, sec. 21).

10. Such commentators as Charney (1998) treat the limitation of mutual respect to "reasonable" conceptions of the good as if it were a

betrayal of Rawls's professed tolerationism. But this limitation is merely Rawls's way of enforcing the boundaries of individual sovereignty. It is akin to couching theological voluntarism as a doctrine of mutual respect for God's conceptions of the good at different temporal moments

--but only for those of His conceptions that do not purport to give God, at some particular moment, the authority to bind His will at other moments, which would be contrary to theological voluntarism.

Similarly, a pure communitarian might label as unreasonable communities whose "identities" are imperialistic--communities that would, if tolerated, defeat the "equal rights" of other communities. It may seem to violate liberal neutralism for liberals to be nonneutral toward illiberal actions, but such nonneutrality merely enforces liberal neutralism. The problem with liberalism is not that its neutralist ideal is unattainable or is violated by particular theorists, but that it is incoherent in its value-relativism.

11. So, too, is the question of Rawls's own reliance on Kant, and Kant's relationship to Leibniz (in whose work he was, of course, thoroughly steeped). It is startling, however, to read Kant's Leibnizian language--to take only one example, "The will is conceived as a power of determining oneself to action in accordance with the idea of certain laws. And such a power can be found only in rational beings" (Kant 1964, 95)--in conjunction with his anti-Leibnizian idolatry of the freedom of the will as an end in itself. I can only speculate at this point that Kant misread Leibniz, perhaps because he

also misread his hero, Rousseau, as a philosopher of freedom as an end
in itself.