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## MORAL FOUNDATIONS OF LIBERAL DEMOCRACY, SECULAR REASONS, AND LIBERAL NEUTRALITY TOWARD THE GOOD

ROBERT AUDI\*

A comprehensive political philosophy should provide an account of the normative basis of the form of government it favors. It should also show how the normative basis it articulates can justify a constitutional structure. In that light, it will support a range of standards not only for evaluating laws and public policies, but also for the ethics of citizenship on the part of individuals. The form of government in question here is liberal democracy, and my central questions are how it may best be seen to be morally grounded and how, given a plausible moral grounding, it may conceive the good of citizens. Must a liberal democracy be, for instance, neutral with respect to all goods other than those that must be maintained in order for citizens to be genuinely free and to have basic political equality? Or may it seek to promote human flourishing of various specific kinds?

These questions are not only of great theoretical interest. They also bear on many problems important in the current climate of nation-building, in which constitutions must be constructed, new laws framed, and sound standards of political conduct articulated and internalized. There is a particular urgency about achieving a sound conception of liberal democracy today. The rise of terrorism is forcing the democracies of the Western world—those commonly considered liberal by any plausible definition—to weigh civil liberties against considerations of safety and to try to balance the costs of military and police power against those of social welfare.

A single paper cannot fully answer any of these questions. What it can do is present one plausible way in which liberal democracy may be morally grounded and defend, on that basis,

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some major elements in a position on how such a form of government may grant a special place to a certain broad conception of human flourishing. I will begin with a sketch of a theory of normative foundations of liberal democracy and, building on that, present a conception of the limits of liberal neutrality and a related view of political obligation.

# I. AN APPROACH TO THE MORAL GROUNDING OF LIBERAL DEMOCRACY

There are many ways to provide a normative grounding for liberal democracy, and in earlier work I have detailed a number of them.<sup>1</sup> They have much in common, in part because of their common object: to justify democracy's two fundamental commitments. One commitment is to the freedom of citizens; the other is to their basic political equality, symbolized above all in the practice of according one person one vote. Kant put this dual commitment of liberal democracy even more strongly. He suggested that standards of freedom and equality are the *only* moral ones deserving a place in the constitutional structure of a morally sound political system: "It is a fundamental principle of moral politics that in uniting itself into a nation a people ought to subscribe to freedom and equality as the sole constituents of its concept of right, and this is not a principle of prudence, but is founded on duty."<sup>2</sup>

Given the two fundamental commitments—which we might call the libertarian and egalitarian commitments—it is plain that a liberal democracy must respect the autonomy and political rights of persons. A vote can represent a citizen's political will only if it is autonomous. This entails that it is not only uncoerced but also free of the kinds of manipulation and rights violations that would prevent its appropriately representing the values of the voter.

If democracy may be conceived as a government *of, by, and for* the people, none of this should be controversial. The 'for' here carries great weight. Conceiving a democracy as *for* the people suggests that, in a certain way, a democracy—and this certainly applies to a liberal democracy—is *individualist*. It does not view the political structure of society as subordinated to the good of a sovereign, to a class of society, or even to the glory of God, if

1. See, e.g., ROBERT AUDI, *RELIGIOUS COMMITMENT AND SECULAR REASON* (2000). This book is a basis for several points made in this paper [hereinafter AUDI, *RELIGIOUS COMMITMENT*].

2. IMMANUEL KANT, *To Perpetual Peace: A Philosophical Sketch*, in *PERPETUAL PEACE AND OTHER ESSAYS* 133 (Ted Humphrey trans., 1983).

that is conceived as incompatible with the earthly flourishing of people in society. Religious ideals and other normative standards may inspire a liberal democracy, but it must not subordinate the welfare of individuals to that of any privileged person(s), any deity, or, especially, any abstraction.

A liberal democracy may be called simply a free democracy, but 'liberal' adds something important. It is not here a political term that contrasts with 'conservative'. Rather, a liberal democracy is one that promotes liberty, as opposed to maintaining the minimum level of freedom required for autonomous voting by the populace. Beyond this, it characteristically encourages political participation and supports institutions, political and cultural, that foster both political participation and diffusion of power. These include a free press, a legal system that protects individuals and enforces contracts, and a system of public education. The term 'liberal democracy' is too contested and varied in usage to permit precise definition, but nearly any prominent conception will provide for the elements just noted.<sup>3</sup>

Kant's conception of a morally sound political system, as expressed in the quoted passage, is not only normative but also moral. One might think that a plausible normative grounding of liberal democracy would have to be *moral*. But, given the presupposition of certain shared ends among citizens, a rationale can be provided from an instrumentalist point of view.<sup>4</sup> I believe that instrumentalist theories of reasons for action are seriously deficient.<sup>5</sup> But even apart from that, my interest here is in a moral grounding. I have already cited Kant as a source of one such grounding, and there is no question that Kantian ethics has the resources to provide the basis of a moral argument for liberal democracy as the best form of government. The same holds for utilitarianism as developed by Mill and later utilitarians. Virtue ethicists can also frame an argument for this. So can proponents of a natural law perspective, and any of these approaches can be combined with a theology.

All of these approaches are theoretical in a sense in which not every moral approach need be. If we can identify a moral

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3. The most influential conception of liberal democracy to emerge in the second half of the twentieth century is that of John Rawls. See, e.g., JOHN RAWLS, *POLITICAL LIBERALISM* (1993); JOHN RAWLS, *THE LAW OF PEOPLES* (1999).

4. AUDI, *RELIGIOUS COMMITMENT*, *supra* note 1, at 3–30, indicates an instrumentalist rationale for liberal democracy.

5. See Robert Audi, *Prospects for a Naturalization of Practical Reason: Humean Instrumentalism and the Normative Authority of Desire*, 10 INT'L J. PHIL. STUD. 235 (2002) [hereinafter Audi, *Prospects for a Naturalization*], for a detailed critical assessment of instrumentalism.

position that appeals wholly or mainly to less controversial basic standards, this would be an advantage in providing a moral foundation for liberal democracy. If, in addition, its basic standards are largely common to the other plausible moral approaches, that would be an additional advantage. My own recent work in ethics has convinced me that such a *convergence strategy* is viable and that a version of intuitionism meets the criteria just stated. Even in the form in which W.D. Ross cast intuitionism in 1930,<sup>6</sup> it provides a set of basic everyday moral principles that can be—and commonly are—used as guides to moral conduct.

Ross proposed, as morally fundamental, a list of *prima facie* duties: duties of fidelity (promise-keeping, including honesty conceived as fidelity to one's word); reparation for one's wrongdoing, as where one repairs damage one did to someone's property; justice (particularly rectification of injustice, but also what we might call equitable distribution of benefits and burdens); gratitude; beneficence; self-improvement; and non-injury.<sup>7</sup> Let us first consider just the position consisting of the principles calling for fulfillment of these duties. I propose to leave aside the often associated controversial claim that the principles are self-evident. We then have something one might view less as a theory than as a kind of ethical common-sensism.

A great deal must be said to clarify and defend intuitionist ethics, and I have undertaken that task elsewhere.<sup>8</sup> Here I presuppose the revised and expanded intuitionist position defended there. It centers *both* on the Rossian principles just listed and on two others that go well with the ideals of liberal democracy. One states a *prima facie* obligation to enhance and preserve freedom; the other states a *prima facie* obligation to treat people respectfully in the manner of our actions, where this is roughly a matter of *how* we do what we do rather than of what actions we perform. The contrast may also be described as holding between *duties of matter*, which range over types of acts, and *duties of manner*, which call for morally appropriate ways of fulfilling the former duties. If, for instance, I must direct a student's research project, there are moral constraints on how I may do this: in communicating evaluations, in intoning my advice, even in controlling facial expressions. There are myriad ways to err here; there is also the possibility of an admirable style of interaction.

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6. See W.D. ROSS, *THE RIGHT AND THE GOOD* (Philip Stratton-Lake ed., 2002).

7. *Id.* at 21.

8. See ROBERT AUDI, *THE GOOD IN THE RIGHT: A THEORY OF INTUITION AND INTRINSIC VALUE* (2004) [hereinafter AUDI, *THE GOOD IN THE RIGHT*], which offers a full-scale intuitionist ethical theory.

The use to be made of these ten principles will depend chiefly on a broad interpretation of them in which they are widely accepted even by people who might justify them in ways quite different from those I myself employ. Given their broad scope and wide sociopolitical applicability, we may certainly hold that they are a good basis for framing two closely related kinds of evaluative criteria important in political philosophy. First, we need *establishment criteria*—standards that enable us to judge whether a *form* of government, such as democracy as opposed to benevolent monarchy, is desirable. Second, we need *performance criteria*: given an *actual* government, we need a way to evaluate its performance. If, for instance, an envisaged form of government would permit officials to be unjust (e.g., dictatorial) to citizens or to injure them, it is to that extent bad; if it would encourage beneficence and self-improvement among them, it is to that extent good. The same kinds of criteria apply to actual governments.

Since intuitionists stress benevolence, they can use some of the same arguments to support the desirability of liberal democracy that a utilitarian would take to favor liberal democracy as a form of government. Given the intuitionist stress on justice and on preservation and enhancement of liberty, they can use some arguments that Kantians (including contractarians) would offer in support of liberal democracy. Given the large role intuitionism accords to virtue, both in helping others and as a target of self-improvement, it can use some arguments that virtue ethics might offer.<sup>9</sup> In practice, even a good government is mixed, having some bad points as well as good ones. In appraising a government, intuitionists will consider its overall merits in the light of all the relevant facts available. There is no formula for a correct decision.<sup>10</sup>

My main concern here is not with framing a detailed case to show that, on moral grounds, liberal democracy meets sound establishment criteria; it is to sketch a plausible way in which this might be done from an intuitionist standpoint and then to

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9. In speaking of the desirability of a liberal democracy as a form of government, I am presupposing a populace sufficiently educated to be capable of informed self-government. It is difficult to specify the level of freedom and education required, and perhaps there can be conditions under which, if a certain kind of liberal democracy is instituted for a population falling short of this standard, progress leading to its satisfaction is a reasonable expectation. These matters must be left aside in this paper.

10. Ross, *supra* note 6, at 16–47, appeals to practical wisdom and argues that no alternative theory, such as utilitarianism or Kantianism, is in a position to do better.

explore the extent to which a democracy viewed as morally well-grounded in that way must be neutral with respect to the good. Performance criteria, then, are of more direct concern here than establishment criteria. I will assume that liberal democracy can be morally well-grounded on the basis of being most likely to enable individuals to fulfill the requirements of the intuitionist principles in question (at least given an adequately educated citizenry). The plausibility of this assumption should be supported by much of what is said in the remainder of this paper. In assessing the neutrality question, however, we need not assume an ideal case. I will offer a more detailed argument for my position.

One might object that if the proposed intuitive principles are common to all the plausible ethical theories, and particularly if they are in any sense self-evident, there should not be so much moral disagreement, including even disagreement on whether the principles themselves are true. Let me suggest a line of reply to this objection. Even if there should be persisting disagreement on the truth or status of the Rossian principles as general standards of conduct, there need not be disagreement, in particular cases of decision, about the basic moral force of the considerations cited in those principles. For instance, whether or not we accept the principles expressing a *prima facie* obligation to keep promises and to avoid injuring others, we might, both in deciding what to do ourselves and in criticizing others, take a person's promising to do something as constituting a moral reason to do it, or the fact that running through a crowd to catch a train would knock others down as a reason not to do that. I call such agreement *in* reasons for action *operative agreement*. This is a practical kind of agreement, which does not presuppose any discussion of reasons or even reflection on them. It does not require agreement *on* reasons, for instance on some principle to the effect that there are moral reasons to keep promises.

Agreement *in* reasons also does not require agreement on the magnitude of the *force* of the elements that constitute the reasons, relative to that of the force of other considerations. Consider the view that killing people by poisoning their water supply with pesticides is *worse* than—hence prohibited by a stronger moral reason than—not treating them for the typhoid that some of them have from polluted water already drunk. We can agree that both acts are wrong even if we differ about which is worse.

Agreement *on* reasons is a higher-order, theoretical kind of agreement. This kind of agreement also admits of degrees and comes in various kinds. We can agree that a factor, such as avoidance of lying to a friend who asks a slightly impertinent question, justifies this action, or even that it is a good reason for the action,

even if neither of us can formulate, or we cannot both accept, a principle that subsumes the case. In this way, a moral principle can be like a rule of linguistic usage: we can be guided by it without being able to formulate it, and we may, at least initially, reject a formulation that describes our own practice.

It is true that, as in linguistic matters, once we begin to discuss a case in detail, particularly if we disagree and reflect on the issue, we may ascend from citing reasons for our position to formulating principles that we think support us, or undermine those who disagree with us, or both. But the fact that those who agree *in* reasons can move quickly to disagreement *on* them—sometimes without noticing the different level of discourse—does not undermine the distinction I am making.

If we look at moral practice rather than moral theory, we can find the most important kind of consensus needed to support the intuitionism I propose in the role I give it here. It may at least be argued that the truth and non-inferential justifiability of the relevant principles best explains the high degree of consensus among people of very different backgrounds in wide segments of their everyday moral practice, and particularly in their spontaneous, intuitive moral judgments and morally relevant inferences, say from an act's being a negligent running over of a child to its being wrong. Police brutality is universally abhorred, normal persons everywhere want freedom of movement and of speech, and a right to vote seems to be wanted even by those who do not take the trouble to exercise it.

To be sure, even if the suggested intuitive principles are virtually universally accepted or at least universally *acceptable*, the obligations they express can conflict. You may be obligated to help one person just as you find that you must keep a promise to another. Such conflicts of duties—in this instance, between beneficence and fidelity—have led to the question whether there is any general theory available to help us in cases of conflicting intuitions. Here I suggest the possibility of deriving those moral principles from, or integrating them in terms of, something more general or both. Even if they are self-evident and hence are not in *need* of justification, they may admit of it.<sup>11</sup> We can *both* treat the intuitive principles (or similar ones) as a morally autonomous framework for judging a form of government and embed them in some way in a wider theory, such as a Kantian one. This is a strategy I have developed elsewhere;<sup>12</sup> here I simply point out

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11. See, e.g., Audi, *THE GOOD IN THE RIGHT*, *supra* note 8, at 40–79.

12. See *id.* at 80–120.

its availability. A moral grounding of liberal democracy does not depend on it.

If we do not pursue such a unifying strategy, is the intuitionist approach reduced to an eclectic position that has no distinctive character? I think not: the idea that the wide-ranging moral principles in question are intuitively knowable (or at least justifiably believable on the basis of reflection on their content) is defensible quite apart from any theory that unifies them. Indeed, unless there are some such principles, we would have too little basis for accepting a more general theory in the first place. If we did not find some kinds of behavior *prima facie* obligatory or impermissible, we would have too few definite intuitions to warrant accepting a general moral theory. Would we even be inclined to construct, say, a utilitarian or Kantian theory if we did not have intuitive paradigms of good and evil, right and wrong? I believe, then, that a carefully constructed intuitionist approach to political justification, with or without the help of a more general theory, is among the procedures we may reasonably use in attempting to ground liberal democracy. Any plausible intuitionist position will embody principles that tend to support according individuals the kind of extensive liberty and the basic political equality central for liberal democracy.

## II. THE RELIGIOUS NEUTRALITY OF LIBERAL DEMOCRACY

Like any of the normative positions—at least any of the non-theological ones—that provide for a plausible grounding of liberal democracy, intuitionism is (except in limited ways) religiously neutral. Negatively, it does not favor any particular theology or religious position; positively, however, it would imply the moral wrongness of certain extreme forms of religious conduct: any kind that, like ritual human sacrifice and ceremonial mutilation of children, violates intuitive standards for the protection of persons. This is the kind of limited neutrality that defenders of liberal democracy have generally considered appropriate. It provides for great diversity in styles of life, but prohibits (non-self-defensive) harms to other persons.

Even religious freedom, then, *may* be limited in some ways by a morally well-grounded and liberal democracy that is *appropriately* neutral in matters of religion. This point is probably not controversial, but there is disagreement concerning the degree to which a liberal democracy may *promote* the practice of religion as such, provided it does not prefer one religion over another.<sup>13</sup>

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13. See ROBERT AUDI & NICHOLAS WOLTERSTORFF, *RELIGION IN THE PUBLIC SQUARE: THE PLACE OF RELIGIOUS CONVICTIONS IN POLITICAL DEBATE* (1997), in

Suppose that a majority of the people want national observance of religious holidays or, say, compulsory religious education in the schools. Must this be objectionable? The observance might be as minor as closure of government offices. Moreover, one might provide for religious children to be instructed only in their own denominations and by people approved by authorities in those denominations, and, for the non-religious, one might provide religious education that, being simply *about* religion, is essentially secular.

Such educational programs have existed in democratic countries. They are not directly in conflict with a plausible requirement of separation of church and state, and, in any case, it is arguable that no such requirement is needed for a sound liberal democracy.<sup>14</sup> (In some forms, as in England, its rejection may have at most a slight effect on the realization of democratic ideals.) As to compulsory religious education in the schools, although it *may* be conducted in a way that expresses a state preference for the interests of religious citizens over those of non-religious citizens, it need not be. Religion is historically of immense importance; and it can be so important, not only in international relations, but also in the lives of so many citizens, that requiring certain kinds of non-confessional religious education can be defended as necessary for informed citizenship. The greater the interaction within a state between different religious groups, and the greater its involvement with countries that differ significantly in religion, the better the case for required religious education in the schools.

In religious education, however, and—even more important for this paper—in moral education, there can be at most a limited neutrality toward conceptions of the good: roughly, of human flourishing. Under the heading ‘conceptions of the good,’ I have in mind especially the standards for what elements make life worth living and should underlie people’s basic choices. Should a liberal democracy promote, for instance, such favorite candidates for major roles in the good life as friendship, knowledge, artistic expression, athletic skills, the beauty of the

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which the authors debate the kind of religious neutrality appropriate to liberal democracy.

14. The case of English monarchy is a good example of a candidate for a *prima facie* sound liberal democracy with only a limited separation of church and state. See also AUDI, *RELIGIOUS COMMITMENT*, *supra* note 1, at 98–99, for reasons to think that a voucher system is compatible with a liberal democracy; see also Wolterstorff’s contributions to AUDI & WOLTERSTORFF, *supra* note 13, for a different range of reasons for permitting state support of private religious education.

environment, physical and psychological health, and spirituality in general, even if not religion? John Rawls, among others, has argued that the liberal state should be neutral with respect to what he called "comprehensive" views of the good.<sup>15</sup> Although I do not believe he made at all precise what sort of conception this is, I will assume that a view of the good encompassing even the items just cited would count as comprehensive. I want now to explore this position in the light of the broad moral standards central for intuitionist ethics and commonly affirmed by many who hold other ethical theories or none at all.

### III. LIBERAL NEUTRALITY TOWARD THE GOOD

There is a wide range of views regarding the extent to which a liberal democracy may be committed to a large-scale conception of the good for human beings. One view is that no such conception is appropriate and that a religiously-based conception of the good is simply a special case of one. A less-restrictive view is that some presuppositions about the good may be commitments of a liberal democracy, but religious conceptions are not among them. It is true that there are theories, and general conceptions, of the good for human beings that are not an appropriate basis for the underlying structure of law in a liberal democracy, but the almost unrestricted exclusion of conceptions of the good favored by some neutralists is excessive.

To be sure, if one thinks of morality as an institution directed essentially toward preventing or reducing evils,<sup>16</sup> it is natural to suppose that the framing of laws, especially those defining the liberties and political powers of citizens, should share this goal. Such a view of morality may be one (or even the main) route to the libertarian version of liberalism. For libertarianism (as I interpret it), the overriding concern of government should be to protect people from *harm*. Liberty is limited, then, only by this aim, not by, for instance, the needs of the sick or unemployed, which are widely seen to necessitate substantial taxation of those who are financially well-off.

Suppose for the sake of argument that this negative conception of morality is correct at least as regards constitutional mat-

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15. RAWLS, *POLITICAL LIBERALISM*, *supra* note 3.

16. See, for example, BERNARD GERT, *MORALITY* (1998), for a plausible defense of this negative conception of morality. But see Robert Audi, *Rationality and Reasons in the Moral Philosophy of Bernard Gert*, in *RATIONALITY, RULES, AND IDEALS: CRITICAL ESSAYS ON BERNARD GERT'S MORAL THEORY* 73 (Walter Sinnott-Armstrong & Robert Audi eds., 2002), which critically discusses Gert's view and argues that his theory is not as negative as he makes it sound.

ters. We would still need an account of harms or of some even wider range of evils that can justify limitations on the freedom of citizens, for liberal democracy is clearly committed to supporting the maximal liberty citizens can exercise without certain harms (or a substantial likelihood of them).<sup>17</sup> Thus, even if a liberal state could be neutral toward the good, it could not be neutral toward the bad. It could not, then, be *value-neutral*.

There is, however, no sharp distinction, and perhaps no distinction in practice as opposed to principle, between a government's restricting liberty as a way to preventing harm and its doing so as a way of promoting some good. Consider education. Compulsory education is essential to prevent the harms attendant upon ignorance. But education is surely one kind of good, and it is in practice impossible to provide it a way that makes it effective in preventing harm yet is not inherently good. Even apart from that, can we reasonably design a required curriculum appropriate to a liberal democracy without making quite comprehensive presuppositions as to what counts as good human functioning, what skills are needed for good citizenship, and what is worth knowing for its own sake? Surely not. Indeed, early education is typically so deeply influential in the remainder of a person's life that we should consider very carefully what goes into the elementary school curriculum and, equally important, what values and attitudes it is likely to engender in students. In determining the content and manner of compulsory education, there may be a huge range of values, including positive ones, toward which it is virtually impossible (and not necessary) for the state to be neutral.

A strong neutralist might reply that government should promote human well-being, but characterize it in terms that are, as regards intrinsic goodness, value-neutral. This approach is represented by John Rawls's appeal to "primary goods," such as respect and economic security, which he takes every rational person to want but—given his commitment to a decision-theoretic concept of rationality—does not view as intrinsically good.<sup>18</sup> They are presumptively universal instrumental goods, being on everyone's route to desire satisfaction. However, Rawls posits nothing as worth desiring for its own sake, hence as an initial, basic constraint on rational decision.

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17. John Stuart Mill's famous harm principle is a prominent example of the kind of view in question. See JOHN STUART MILL, *ON LIBERTY* (Edward Alexander, ed., Broadview Literary Texts 1999) (1859).

18. JOHN RAWLS, *A THEORY OF JUSTICE* 79 (rev. ed. 1999). See also ROBERT AUDI, *MORAL KNOWLEDGE AND ETHICAL CHARACTER* 195–216 (1997), for an examination of the neutrality of the conception of rationality Rawls describes.

Using this kind of decision-theoretic strategy, welfare liberalism can claim to be as neutralist toward intrinsic goodness as libertarianism. In my view, that claim is at best a surface truth. Primary goods are functional equivalents of intrinsic goods, at least on the assumption that there is no need to argue about them as providing non-instrumental reasons for action. Moreover, in their name the state can do much the same things it can do in the name of intrinsic goods.<sup>19</sup>

Suppose, then, that we do not assume that there are some kinds of things that are intrinsically good. Suppose further that we tie the goods suitable as a basis for structuring a liberal democracy to human nature—at least in the sense that we assume there are some things every rational person wants (where rationality is understood in the content-neutral, instrumentalist sense). Given how much our desires can be influenced by fashion, circumstance, and demagoguery, and given the growing specter of a technology that can alter our very genes, one wants moral and political theories that, in an overall way, at least, can provide standards for judging human desires independently of what they happen to be in a particular cultural and sociopolitical setting.<sup>20</sup> We must not allow social justice to be at the mercy of the contingencies of desire. Even if we can trust nature, we cannot in general trust its manipulators.

On the intuitionist view I defend, freedom, justice, non-injury, and beneficence are taken to be basic sources of reasons for action and, indeed, for its restriction when it would conflict with them. Let me clarify one of these elements that is particularly pertinent to the question of the limits of liberal promotion of the good. In characterizing beneficence, Ross listed improvements in knowledge, pleasure, and virtue as its main aims. Any of these three and any of the other constitutive aims of the standards intuitionists affirm could be explicated at length, but for our purposes it suffices to say that there is a core of elements in each that are widely agreed to provide reasons for action and, in that sense, to have normative authority. Scarcely anyone would

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19. It should not be thought, however, that even an intuitionism committed to *a priori* principles determining reasons for action must posit intrinsic goods in the (G.E.) Moorean, apparently Platonic realist sense objectionable to certain moral theorists. An objectivist, rationalist moral epistemology can be minimal in its ontological commitments. See AUDI, *THE GOOD IN THE RIGHT*, *supra* note 8, at 40–79, for a defense of the view that intuitionism can be quite minimal in its ontological claims.

20. I am of course implicitly rejecting an instrumentalist conception of rational action and of practical reason in general. See Audi, *Prospects for a Naturalization*, *supra* note 5, for support of this position.

deny that, for instance, the fact that an action would enhance the enjoyment or, especially, reduce the suffering of others is a reason (though of course not necessarily an overriding reason) to do it. This applies to governmental action as well as to individual action.

If, as I think plausible, this point about the normative authority of considerations of beneficence is not only correct, but *a priori*, its footing is very solid indeed. Our justification for accepting the kind of beneficence principle in question need not depend on prior premises, even though such principles may be supported by them.<sup>21</sup> But here my concern is only to bring out that in governmental as well as individual actions, there is little disagreement on the point that reducing human suffering is a reason for action, in the normative sense entailing that such a reason can justify an action and *will* if there are no counter-reasons.

In resisting this line of thought, one might reply that, although any plausible theory of the basis of liberal democracy affirms at least two values as essential constituents in such a society, namely, liberty and basic political equality, the state should be neutral on every other value and particularly toward overall conceptions of the good. This reply is at best of limited force. For just as we need some account of the good to decide what burdens to impose on the freedom of students, we will need some account of the bad to determine limitations on the freedom of citizens in general. We need some kind of account or theory of the bad, especially of the kinds of harms or evils that warrant certain *restrictions* of liberty, as well as a theory of competence to vote in order to determine eligibility.

Particularly in relation to determining justified restrictions of liberty, it is plain that some things will be functionally intrinsic evils, but I suspect that some will also be functionally intrinsic goods. Recall compulsory education, which surely is a requirement for assuring competence to vote, especially at the legislative level. The educational requirements for competent judges are higher still. One may certainly seek to design a political structure in which the state is as nearly neutral as possible about the good, but even if (as Kant seemed to do in the passage quoted above) one affirms only the values of liberty and basic political

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21. See AUDI, *THE GOOD IN THE RIGHT*, *supra* note 8, at 80–120, for a case to establish that the possibility that the moral principles in question are both self-evident (hence *a priori*) and capable of being evidenced and unified by something more general.

equality as governing standards, there are drastic limits to how far this can go.

If there are limits, should we not stop with the most restricted conception of governmental commitment to the good that accords with these two constitutive values of liberal democracy? To answer this, we need at least two distinctions, which I will take in turn.

One distinction is between neutrality in matters of taste and plan of life and neutrality in matters of basic value and basic moral standards. The kinds of basic moral standards and fundamental values expressed by the intuitive moral principles I have introduced accommodate a wide range of tastes and plans of life. Indeed, governmental support for the kinds of values and moral principles in question enhances the potential for pluralism; it does not impose conformity.

The second distinction we need here is between structural neutrality—roughly, neutrality at the constitutional level—and policy neutrality. A liberal *state* need not, and I think should not, be neutral about such values as freedom, justice—distributive as well as retributive—education, and providing health care at some appropriate level, but it should be neutral (within the limits of protection of the population) about the aesthetic preferences of citizens in their own dwellings, their choice of friends, and their vacation preferences. This is a structural point, concerning the state and not a particular government within a state at a given time.

A liberal-democratic *government*, by contrast with a state and taken at a particular time and place, need not be neutral in matters on which the state should be: matters left open by a sound structure, such as the architectural style of government buildings or even the proportion of funds directed toward education as opposed to upkeep of national parks. Note, too, that governmental neutrality about something, such as who one's friends should be, does not imply neutrality about promoting the *conditions for enjoying* that kind of thing, in this case friendship, as a human good. Neutrality about what conduct constitutes the exercise of a freedom does not imply neutrality about the conditions for its preservation.

Overall, then, I do not see that the strong neutrality thesis—the view that a liberal democracy cannot presuppose any large-scale view of the good—is sustainable. Even the value commitments needed for determining the *scope* of liberty and the proper means of maintaining basic political equality seem to require recognition of some definite human goods as well as the evils that a

good government seeks to prevent. There are many ways in which a liberal-democratic government should be neutral, but the strong neutrality thesis goes beyond them. A well-founded liberal society requires a commitment to at least this: ideals of free democracy, in a sense implying one person, one vote; autonomy, in the sense of self-determination in a context of extensive liberty; respect for persons, implying at least equal treatment before the law and a legal system nurturing self-respect; and material (including psychological) well-being.

Am I, then, proposing a version of what is often called *perfectionism*, a theory that takes the democratic state to be properly structured so as to realize certain ideals of the good? The term 'perfectionism' is misleading in suggesting a *maximizing* standard. I am not proposing any such standard, and intuitionists have characteristically rejected maximization views in favor of the position that overall moral judgment (and, by implication, overall normative judgment in general) is a holistic matter and not fully appraisable in any quantitative fashion. There are elements in my view that could be claimed to imply that it is a "moderate perfectionism,"<sup>22</sup> but even this term is misleading. My emphasis has been on *certain* kinds of goods and evils that, within the moral limits set by the constitutive ideals of liberal democracy and the ten principles of obligation I have sketched, should guide a liberal democracy. The overall position is a version of liberalism and, perhaps in part for that reason, is at best misleadingly called a kind of perfectionism.

Granted, it is easy for any morally grounded liberalism to go too far, especially in interpreting psychological well-being. Someone might, for instance, argue for a requirement of religious observances by all citizens as part of a realization of our psychological and social good. This pattern is not entailed by any notion of psychological well-being compatible with the moral standards I have sketched as plausibly grounding liberal democracy; any notion that entailed it would be at odds at least with the religious neutrality standard governing the liberal state. Still,

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22. For a plausible version of a moderate perfectionism, see Joseph Chan, *Legitimacy, Unanimity, and Perfectionism*, 29 PHIL. & PUB. AFF. 5 (2000); for a detailed critique of this essay, see Thaddeus Metz, *Respect for Persons and Perfectionist Politics*, 30 PHIL. & PUB. AFF. 417 (2002). Although he supports some elements in a moderate perfectionism, Metz proposes an "open perfectionism" in which citizens are free to emigrate. This is an important freedom; but the right to it is not absolute, and a significant problem for any liberal democracy—and one that I cannot discuss here—is how to accord it. People with certain obligations within a state (as well as those guilty of certain crimes) should not be allowed unrestricted exercise of the right. The question is fruitfully compared with that of conditions for conscientious exemption from military service.

one can go beyond the minimal premises needed for guiding the achievement of justice alone without becoming committed to a theory of the good that is unduly restrictive. Compulsory education illustrates this point. One could take it to be a good, and certainly to be crucial for avoiding myriad evils, quite apart from a theory, as opposed to an intuitively plausible standard, of the good.

#### IV. POLITICAL OBLIGATION IN LIBERAL DEMOCRACIES

So far, I have been arguing that a wide range of substantive value commitments is compatible with the kind of neutrality appropriate to a liberal-democratic state. I have indicated, for some of those values, how they are implicit in the two constitutive ideals of liberal democracy. Other values I have taken to be supported by intuitively compelling moral principles. My focus has not been on citizens as such, but on the state. A full-scale theory of liberal democracy, however, should provide a basis for an account of political obligation. I take this to be not the obligation (if there is one) to establish government in the first place, but rather the *prima facie* obligation to obey the law once there is a government to enact laws, and, more generally, to cooperate in policies framed by government agencies. I cannot offer such an account here, but I can sketch the bearing on political obligation of the moral principles I have proposed as good grounds for liberal democracy.

One might think that if, as I have suggested, there are moral reasons to favor liberal democracy as a form of government, then there is no political obligation outside such a society. This would not follow. A benevolent monarchy could have and perhaps deserve greater loyalty among subjects than exists in most democracies. It could see to their welfare, respond to their complaints, and respect their freedom in selected political matters; this could be sufficient for at least some political obligation. I will, however, make two presuppositions: first, that given the moral reasons favoring liberal democracy, together with Hobbesian considerations about the nastiness of life outside a well-ordered human society, governments will inevitably arise among peoples; second, that, especially in liberal democracies, political obligation will have a basis not just in what the state does for citizens but also in how citizens are related to one another. How, in this light, should we account for obligation to a liberal-democratic government, and in particular to its laws?

One way to understand my inquiry is to ask whether the same kinds of grounds that legitimate governmental reasons for political action—above all for establishing laws and public poli-

cies—can legitimate reasons for action on the part of individuals, especially political actions such as voting for candidates for public office. There may be no one principle among the intuitive ones I have suggested that provides for an answer here, but taken together they seem to provide as good an answer as we are likely to find.

Consider first the duties of veracity and fidelity to promises, and, for clarity, make two assumptions. First, we are talking about a “just state,” in the sense of one that at least approximates fulfillment of the values appropriate to liberal democracy so far defended; and second, the obligations we must account for are *prima facie* rather than absolute. In establishing a liberal democratic form of government, founders will make mutual promises to abide by its constitution or laws. Once such a government is in place—the case of most interest here—some citizens will make similar promises.

We might also countenance implicit promises and, with perhaps equal intuitive plausibility, we might say that in our conduct in obeying the law, and in criticizing those who do not, we give rise to a legitimate expectation of obedience, one that carries a *prima facie* obligation to act accordingly. It is true that we can criticize conduct without promising to observe a standard prohibiting it; but to criticize it and not ourselves observe such a standard at least tends to bespeak *hypocrisy*. We are in the neighborhood of breaking a promise, even if not clearly doing it. The intuitive ideal of fidelity to one’s word goes beyond keeping promises and avoiding lies.

Beyond this, there is also the duty of justice: it is a clear injustice to benefit knowingly from the obedience of others while allowing them to be deceived in expecting a similar obedience on one’s own part. Disregard for the law also tends to harm others: it goes against the duty of beneficence even if it does not harm, but only potentially burdens, others, and it tends to limit, certainly not to preserve, the liberty of others.<sup>23</sup>

All this could be illustrated in many ways, and there are other ways in which the intuitive principles may imply political obligations. Rather than elaborate on this dimension of the problem, I want to recall a general point that supports the overall direction of the argument. Although I am prepared to defend

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23. Civil disobedience is not ruled out as morally impermissible by anything said here, in part because the obligation to obey the law is *prima facie*. There are also special categories of persons whose obligations toward the law are different from those of citizens in general. Lawyers are included. For an indication of the complexity of their political obligations, see W. Bradley Wendel, *Civil Disobedience*, 104 COLUM. L. REV. 363 (2004).

the epistemic autonomy of the intuitive principles—to argue that they commend themselves to reflection in a way that makes them acceptable without supporting premises—I also maintain that they *can* be defended by appeal to premises. These may be drawn from a variety of points of view: Kantian, utilitarian, virtue-ethical, and theological.

What so highly commends the principles for understanding liberal democracy is that the grounds of action they identify are, for virtually everyone who has no skeptical or other theoretical reason to disagree, plausible or indeed compelling. Even if they are not, as Ross held, self-evident (which is not to say *obvious*), they are eminently *reasonable*.<sup>24</sup> They articulate a basis for identifying reasons for action that have independent normative force; and the reasons have that force even when they are political, whether institutional, as in the case of reasons for governmental action, or individual, as in the case of citizens' reasons for acting in their political capacities.

Political obligations differ from obligations to individuals as such in that they may be owed to others *as* public officials or to others *as* citizens who have justified claims to one's fulfilling those obligations. This is not to say that political obligations are always wholly *impersonal*. They do go with politically definable roles, but we may know our governors personally. Political obligations may also overlap general moral ones: we may have special obligations of non-injury to fellow citizens, but we also have obligations not to harm people in general. The point is that the basis of political obligations essentially depends not just on moral considerations, but also on political relationships.

Political obligations are, however, like other obligations in admitting of conflict. A *prima facie* obligation to obey a law may conflict with an obligation to others as citizens. Perhaps we can see that obedience would harm them, as with serving in a brutal police force. Perhaps our obligation to preserve liberty for all citizens requires opposing a government and thus conflicts with our political obligation. This conflict is especially likely to come to the fore when, as in the present climate in much of the world, the threat of terrorism may lead to widening police powers and restricting the free movements of citizens. Can anything usefully general be said here about resolution of such problems?<sup>25</sup>

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24. Reasonableness is a stronger normative category than rationality. See ROBERT AUDI, *THE ARCHITECTURE OF REASON* 135–70 (2001), for a brief account of what constitutes reasonableness.

25. There is one area of tension in liberal democracy that I can only mention in passing. It concerns science policy, especially in government and major institutions. Terrorist threats—as well as the profit motive—may lead to insuffi-

A presupposition of my case for a moral foundation for liberal democracy is that the moral obligations are not only *inalienable*, but also ineliminable given the presence of their grounds. We therefore have them (even if they are overridden) under any conditions. We have them independently of the political system we are in, and we cannot renounce them. If the promissory grounds of my obligation to serve in the military are intact (e.g., I have been given no waiver), I have the obligation; and even if the obligation can be overridden (say, by gross injustice in the conduct of a war I am to fight in), I cannot simply renounce it, as someone to whom I have made a promise *can* free me from the obligation by indicating that the action is no longer needed (thereby eliminating the ground of the promise).

Moreover, at least insofar as political obligations can be morally grounded, we cannot take them to be always secondary to moral obligations. For instance, the obligation to serve in the military in a just war might override the obligation to keep a promise to join someone in a project. Political obligations may also conflict: a legislature may face a conflict between its obligation to uphold liberty and its need to do thorough and sometimes intrusive screening of applicants for pilot's licenses and passports.

Where there is a conflict between political obligations, the constitutive ideals of liberal democracy have a special place: considerations of liberty and basic political equality will be the strongest source of a case for non-fulfillment of a political obligation. A regime that represses its people's liberty does not merit one's loyalty. One that disproportionately gives power to a minority should be opposed and merits at most limited loyalty. One that restricts liberty for heightened security against threats from terrorists or criminals or even hostile foreign governments must be scrutinized and, in some cases, resisted.

It cannot be denied that the promotion of one democratic ideal, such as liberty or basic political equality, can conflict with the preservation or extent of another, such as security or economic freedom to spend money in support of political candidates. Here, as with non-political obligation, we may not say that one of the conflicting obligations or values automatically takes priority over the other. In political as in ethical matters gener-

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cient restrictions, e.g. in weapons development or genetic engineering; on the other hand, insufficient governmental neutrality can lead to unwarranted restrictions on medical research. For extensive discussion of the role of science and science policy in democratic societies, see PHILIP KITCHER, *SCIENCE, TRUTH, AND DEMOCRACY* (2001).

ally, practical wisdom is essential for resolution of such conflicts. The same holds where a religious obligation conflicts with a political one, say where one's religious opposition to assisted suicide conflicts with a legal duty to tolerate it. In a free society, however, one may oppose the law that generates the obligation. Here we encounter a question not of the state's obligation of neutrality, but of the individual citizen's.

In this domain, I propose a principle that reflects an appropriate religious neutrality while at the same time accommodating religious convictions. It is the *principle of secular rationale*. "In liberal democracies, citizens have a prima facie obligation not to advocate or support any law or public policy that restricts human conduct, unless they have, and are willing to offer, adequate secular reason for this advocacy or support."<sup>26</sup> This is supportable by the kinds of general moral considerations I have pointed to in grounding liberal democracy. These are secular in the sense that their justificatory authority does not depend on the existence of God—or on denying it—or on religious scriptures or the views of religious authorities as such. The principle requires neutrality in the limited sense that it calls for a religiously neutral reason for conduct that restricts the freedom of citizens, but it also respects religious liberty in, first, making the obligation it articulates only prima facie and, second, allowing religious considerations to play a significant role.

The notion of a prima facie obligation needs elaboration here. For one thing, prima facie obligation is by its very nature defeasible. But in this case we can say more: there is a moral right, and in liberal democracies there should be a legal right, not to adhere to this principle. Because I think it clearly possible to do something morally criticizable even when one has a right to do it, I have no hesitation in affirming this. I take rights to protect one from a certain kind of coercion, but not from moral criticism.<sup>27</sup> Morality asks far more of us than simply acting within our rights.

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26. See AUDI, RELIGIOUS COMMITMENT, *supra* note 1, at 86. Votes are included, of course, and the principle applies differently to people depending on their roles (e.g., as governmental officials or ordinary citizens) and on the degree of coercion involved. A prima facie obligation is of course defeasible.

27. See AUDI, RELIGIOUS COMMITMENT, *supra* note 1, at 59–78, which argues this point, and indeed the stronger point that even certain duties (such as beneficence) can be violated within one's rights; see also ROBERT AUDI, *Wrongs Within Rights*, 15 PHIL. ISSUES (forthcoming October 2005).

I have argued in great detail elsewhere<sup>28</sup> for the appropriateness of this and related principles of political obligation in relation to religion and politics. My present concern is mainly to point out that even this fairly strong neutrality principle is consistent with a quite rich view of the good. Religious well-being can even be taken to be an important element in human flourishing. It may be central in the flourishing of many even if, for some, human flourishing of a different kind is possible on the basis of other elements.

Indeed, the principle of secular rationale is quite consistent with a plausible counterpart that is addressed not to citizens in general but to citizens whose religions have (as do, for instance, Christianity, Judaism, and Islam) ethical standards that apply to large segments of sociopolitical conduct. This *principle of religious rationale* says: "In liberal democracies, such religious citizens have a prima facie obligation not to advocate or support any law or public policy that restricts human conduct, unless they have, and are willing to offer, adequate religiously acceptable reason for this advocacy or support,"<sup>29</sup> where the criteria of adequacy are objective in the same way as in the case of the principle of secular rationale, but the criteria of religious acceptability are internal to the religion in question and may or may not be objectively adequate, depending on the character of that religion.

What is ruled out by the principle of secular rationale is not this and similar principles, but only taking religiously grounded reasons as a basis of coercion or other limitations of liberty *without* adequate independent support from adequate reasons grounded, as are those essential to the intuitionist framework I have sketched, in secular considerations. We can support laws and policies that facilitate religious freedom and religious association, for instance, without doing so for religious reasons. Just as, without a taste for painting, one can regard the enjoyment of paintings as a good for those who value them, one can, without being religious, regard people's religious activities as an element of human good for them. The application of the principle of secular rationale, then, can be guided by universally applicable moral principles that articulate a framework of values and obligations ascertainable by the use of reason.<sup>30</sup>

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28. See AUDI, RELIGIOUS COMMITMENT, *supra* note 1. But see Wolterstorff's contribution to AUDI & WOLTERSTORFF, *supra* note 13, for a contrasting view.

29. See Robert Audi, *Religiously Grounded Morality and the Integration of Religious and Political Conduct*, 36 WAKE FOREST L. REV. 251 (2001), which states this principle and provides a preliminary defense of it.

30. It might seem that (perhaps on grounds of equal treatment) fairness toward religious citizens would require that *non-religious* citizens have and be

## CONCLUSION

To draw together the main strands of this paper, I have argued that liberal democracy can be justified from the moral point of view and that this can be best seen by setting aside ambitious theories of the good or the right and pursuing what I have called a convergence strategy: going to the core intuitive principles apparently common to all our best ethical theories. These principles do require religious neutrality on the part of a liberal democracy—though not indifference to religion—but do not require neutrality toward the good. Indeed, they require a rich enough notion of the good to provide a rationale for reasonable compulsory education, for a humane (beneficent) health care system, and for promotion of liberty and of rational political participation.

To be sure, both liberal neutrality and views of the good permissibly taken by a liberal state may differ at constitutional, judiciary, and legislative levels (the judiciary operates, of course, on many levels). The lower the level, the less the obligation of neutrality, other things being equal. There is also a limited obligation of neutrality on the part of individual citizens in a liberal democracy: they may properly promote religious flourishing, but they should not, without adequate secular reason, such as may be implicit in the intuitive principles that can ground liberal democracy in the first place, restrict the liberty of fellow citizens. This moderate limitation does nothing to undermine the point that liberal democracy can not only countenance, but depends on, recognition of a plurality of considerations as constituting reasons for action, and that it can be a realization of a rich and tolerant conception of the good.

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willing to offer adequate religious reasons for the same range of conduct as is covered by the principle of secular rationale. Philip L. Quinn suggests this objection, though he does not think either the latter principle or the proposed one acceptable. Philip L. Quinn, *Religion and Politics, Fear and Duty*, in *PHILOSOPHY OF RELIGION FOR A NEW CENTURY* 307 (Jeremiah Hackett & Jerald Wallulis eds., 2004). But it is a mistake to assume epistemic parity here. The kinds of secular reasons in question—above all, moral, evidential, logical, and instrumental ones—are such that it is appropriate to expect all rational persons to recognize them, at least at the level of agreement *in* reasons and in responding to them in guiding their everyday thought and action. Indeed, these reasons are such that, apart from a normal responsiveness to them—the possession of *natural reason*, in one terminology—people need medical or remedial assistance. I might add that secular reasons of the kinds in question seem common to all the major religions, which is one reason why, for religious people, the secular rationale principle is not unduly burdensome.