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Neutrality, autonomy, and power

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This paper critically examines Alan Patten's theory of neutrality of treatment. It argues that the theory assumes an inadequate conception of personal autonomy, which undermines its plausibility. However, I suggest that the theory can resolve the problem by developing and reinterpreting its conception of autonomy and introducing an additional strategy for addressing the power imbalances that result from the market-based interactions between individuals and their conceptions of the good.

Keywords: autonomy; Alan Patten; neutrality; power

Introduction

In his book *Equal Recognition*, Alan Patten outlines a theory of liberal neutrality he calls the neutrality of treatment (2014, pp. 104–149; henceforth *ER*). The theory implies two important claims: first, that liberal neutrality is grounded in the value of personal autonomy, and second, that the proper realization of the principle of liberal neutrality involves government's extension of neutral treatment to all individuals with different conceptions of the good. According to Patten, this theory of neutrality offers a better way to conceptualize the principle than the competing versions, which focus on effects and intentions.

In this article I wish to critically examine Patten's approach. In particular, I will focus on the following question: what conception of autonomy is at play in Patten's theory, and is that conception able to account for the ways in which personal commitments are constrained by hidden forms of social power and influence? Although Patten offers a compelling argument for neutrality of treatment, I think that there is a gap in the theory that needs to be addressed.

Personal autonomy: procedural or substantial?

Neither in the book, nor in the article that preceded it, does Patten provide us with sufficient details of his understanding of autonomy (see Patten, 2012, pp. 249–272). Though it bears an important function in his theory, it is merely

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implied rather than elaborated. Yet, establishing what kind of understanding of autonomy underpins this theoretical attempt is of crucial importance for assessing its overall plausibility. Therefore, we have to interpret our way around and see what theory of autonomy is at work in Patten's neutrality of treatment concept.

To see the rough sketches of his understanding of autonomy, we first need to determine what kind of importance he attaches to it within the broader benchmarks of his theory. One could conclude from his idea of the fair baseline that self-determination is important because it enables us to establish responsibility and a fair distribution of labor between institutions and individuals. According to the idea of the fair baseline, once the state satisfies the background conditions individuals are responsible for the relative success of their personal commitments. If a particular commitment is unsuccessful against a background of fair opportunity for self-determination, the institutions are not responsible for that, and the individual has no ground for a neutrality violation complaint (*ER*, p. 18).

The idea of the fair baseline is further specified by additional strategies, privatization, generic entanglement and evenhandedness. Their purpose is to satisfy certain needs for generic types of goods all individuals require, and to provide appropriate compensation to those left empty-handed by provisions benefiting others. But, the crucial aim of the baseline is to legitimate the varying rates of success that result from differences in the types of preferences of members of different conceptions of the good. This enables the state to focus on providing a minimum amount of conception-specific goods, leaving the rest of it to the 'market to determine what goods will be produced and how they will be allocated' (*ER*, p. 120). This means that the market, as a civil institution free of government involvement in provision and regulation, will determine the winners and the losers of the game between competing ways of life and conceptions of the good.

The combined role of these strategies is to satisfy the requirement of equal opportunity for self-determination. Because neutrality is anchored in the value of autonomy, the best way to make the state exercise of neutrality legitimate is to equalize everyone's opportunity to determine themselves, choose their ways of life and bear responsibility for their consequences, leaving everything else to the market in which individuals will freely pursue their conceptions of the good and distribute the associated costs and benefits.

This seems to imply a bifurcated conception of personal autonomy, divided between two main parts: the external elements, represented by the range of options, and internal elements, represented by the assumed ability of individuals to decide for themselves (*ER*, pp. 131–133). Though Patten does not say much more about it, I will take this as sufficient to indicate the rough outline of his understanding of personal autonomy, from which I will try to deduce a number of details.

First, in terms of the external elements, Patten's understanding seems to overlap with theories suggesting that autonomy is conditioned by external factors, for example Raz's famous view about the range of adequate options as crucially important for autonomy, which Patten uses in the book (*ER*, p. 132). On this basis, it is plausible to suggest that Patten thinks that elements external to individuals play an important role in understanding autonomy.

However, there are two different ways to conceptualize the role of external factors in a concept of autonomy. First, one may adopt a procedural approach, according to which external factors are procedurally relevant for personal autonomy because they enable individuals to be autonomous. Within this approach, personal autonomy is taken as a feature of individuals only, while external elements, such as the range of options, are merely conditions under which autonomy obtains (or does not). Second, one may adopt a substantive view, according to which external conditions are not only procedurally important, but constitute a substantial part of what personal autonomy is. Namely, substantive theorists believe that one cannot specify autonomy without reference to external elements, including types of personal commitments. For example, a voluntary decision to become a slave counts as autonomous under a procedural view as long as the individual had other options but still freely decided to become a slave. Under a substantive view, voluntary slaves could never be autonomous because such commitments are inimical to the meaning of personal autonomy.

The distinction between self-determination (as individual responsibility) and background options and choices (as institutional responsibility) suggests that Patten adopts the procedural understanding of autonomy. This distinction implies that the core of autonomy is solely under the control of individuals, while the state merely provides the instruments, including freedom and the adequate range of options. Patten believes that self-determination is the core of what personal autonomy is all about: our ability to determine our own conception of the good life. His approach is content-neutral toward personal commitments, implying that whatever individuals choose counts as autonomous regardless of its outcomes, provided that the background conditions do not interfere with their ability to so choose. This seems to be precisely the implication of the institutional frame Patten builds around his assumption of personal autonomy: the duty of the state is to provide the adequate options and refrain from interfering with individual self-determination. Neutrality of treatment, the fair baseline and the free opportunity for self-determination are built on these foundational assumptions about autonomy.

On this second, internal part, things are less clear. What does self-determination mean? Again, Patten gives no indication, so we have to rely on the most plausible interpretation of his views. A bifurcated procedural theory of autonomy is most likely to be based on a hierarchical conception of the self, according to which persons possess a second-order (internal) self that enables them to reflect on first-order preferences (for external options available) and

choose their own course of action (see Bratman, 2003, p. 157). Unless we think that the choosing self does not reflect upon the available options, and preferences based on them, before adopting one, this conclusion seems the most plausible one.

In the contemporary philosophical literature this idea has been primarily associated with Harry Frankfurt and Gerald Dworkin. Both of them have, at a certain point, entertained the idea that autonomy is related to the second-order desire, or the ability to assess first-order desires and impulses from a higher standpoint. This idea implies the following procedure: a person is autonomous if she has a desire to have that desire, or if she has a second-order desire about the first-order desire and wishes that the first order desire moves her to act. We are autonomous to the extent that we accept and endorse one particular desire and act upon it (Dworkin, 1988, pp. 3–21).

Although Patten does not explicitly endorse this (heavily criticized and largely abandoned) conception of autonomy, one could plausibly argue that his theory implies it. Recall that, according to him, an individual is autonomous if he adopts a conception of the good by choosing between the resources and options provided by the state. Since it is assumed that persons do not adopt any of these options directly, existence of the second-order reflecting self is the logically implied autonomy mechanism. Provided with a baseline for making a choice, individuals reflect upon the available options and choose preferred ones.

If this interpretation of Patten's conception of autonomy is correct, then this conception falls prey to an important objection. Namely, this objection suggests that autonomy's content-neutrality, implied by the procedural theory, makes it unable to account for autonomy-diminishing influences that fall through the cracks of the procedure, and to distinguish authentic from non-authentic individual commitments. In other words, how can we know that an individual's commitment to a particular option made against a procedure is authentically hers? One could say that we do not necessarily have to care about this; as long as external conditions are accounted for, whatever individuals decide is normatively irrelevant. But, that would be incongruent with the view that autonomy is intrinsically important. If we truly care about personal autonomy, we have every reason to care for authenticity of autonomous choices. Implying that any outcome of the reflection procedure is authentic is insufficient because other factors play a role in determining autonomous agency.

Therefore, assuming a procedural account of autonomy undermines the plausibility of Patten's theory. If self-determination were a feature of individuals by which they use the procedure of second-order reflection against first-order preferences to determine which of the available options to choose, then the theory building on this understanding would need to find a solution to this problem.

In order to avoid it, Patten could adopt the substantive view of autonomy, according to which the options individuals choose plays a constitutive role in

defining autonomy. This would mean that commitments persons adopt count as relevant factors in establishing the authentic character of their choices. It could help Patten defuse the criticism focused on the procedural character of the theory. Thinking substantively about autonomy means accounting for the nature of personal commitments and establishing a stronger link between personal, psychology and chosen options. Not all preferences count as autonomous because some violate the substantial meaning of autonomy, while others do not necessarily reflect what a person would authentically choose. Therefore, a substantive approach allows for a more robust understanding of authenticity, which helps us to account for possible autonomy-infringing external influences.

However, opting for this strategy would open Patten's theory to two challenges. First, the challenge that by requiring a particular substance of personal commitments, it poses overly demanding conditions on what counts as autonomous and risks turning into paternalism. Second, the challenge pertaining specifically to Patten's theory would argue that focusing on outcomes of autonomous decision-making rather than procedure, moves Patten's theory away from its intended emphasis on neutral treatment and brings it closer to neutrality of effects theory. Patten argues against neutrality conceptualized in terms of outcomes and effects because he finds such an approach too stringent. So, substantive theory of autonomy is not an option for him.

It seems we have come to an impasse. Assuming that Patten's approach reflects the procedural understanding of autonomy, we have reasons to believe that this understanding makes the neutrality of treatment theory a less-plausible alternative to the competing views. This, however, does not mean that no improvement is possible. I will review potential strategies for strengthening his account in the last section. Before I do that, I wish to discuss another source of problems for his approach.

Neutrality and configurations of power

In the previous section I argued that the procedural character of Patten's assumed theory of autonomy makes the argument regarding neutrality of treatment vulnerable to the charge that it is unable to account for autonomy-diminishing influences, which are not resolved by the fair baseline requirements outlined in the generic entanglement and evenhandedness strategies.

In order to provide this charge with more substance, in this section I will review possible influences that diminish personal autonomy. Instead of looking at direct and institutional constraints on free individual agency, I will focus more on hidden configurations of power that affect the way individuals conceptualize themselves, their notions of the good, and ultimately exercise their autonomy.

Namely, I want to argue that there is a whole range of different social configurations of power that is left unaccounted for by the procedural approach to

neutrality. These configurations usually involve inherited or deeply rooted forms of knowledge, communication and interaction that operate at formal and informal levels of society. If unaccounted for by the design of liberal institutional efforts to protect and promote personal autonomy, these forms can significantly constrain individual authenticity and autonomy in conceptualizing their notions of the good. I distinguish three forms of configurative power: epistemic, discursive, and structural.

Epistemic power

Epistemic power pertains to the existing systems of knowledge production, the content of socially available knowledge paradigms and their influence on how individuals conceptualize themselves and their notions of the good. An individual is able to become autonomous and to respond to her environment in a reflective and spontaneous way only if she is socialized within an epistemic configuration that recognizes and promotes autonomous action as the main social standard. This implies a social structure in which educational, scientific, and regulatory systems rely on the conception of an autonomous person as the main element of the social order. Accordingly, such a structure invests in creating conditions and resources for continuous development of individual autonomy, from compulsory educational programs for not-yet-autonomous individuals to voluntary means of autonomy development, such as non-formal education, public campaigns and information dissemination activities.

Patten's theory seems appropriate for regulating the latter through the generic entanglement and evenhandedness strategies. These are supplementary measures aimed at rectifying mistakes and shortcomings in the privatization strategy. For example, generic entanglement implies recognizing that certain provisions are crucial for all conceptions of the good – such as basic liberties and primary goods – which would justify state interventions directed at their promotion (*ER*, p. 119).

However, the generic entanglement and evenhandedness strategies only go so far in enabling individuals to determine their conceptions of the good without checking the interplay between various individuals and groups, and the effect of their unconstrained relations to each other's autonomy. As a result of the privatization strategy, which aims at leaving individuals with a private space (the market) in which to play out their preferences, the approach has no means of regulating the imbalance between more and less powerful agents, and the effect of this imbalance on less powerful ones. Patten does suggest that the state has a general responsibility to 'limit the negative externalities imposed by one person's or group's behavior on others' (*ER*, p. 120), but does not offer a more detailed argument about the ways these externalities limit individual autonomy and the strategies for addressing them.

The epistemic configuration of power is often at play in informal systems of knowledge production, exchange and dissemination, such as different

(cultural) forms of understanding and interpreting the human condition. Unlike the formal systems, which could aim at developing personal autonomy – such as secular education – the informal configurations of epistemic power are primarily oriented around goals of group and cultural continuity, although they may pronounce a general respect for individual autonomy. Think of certain religious groups who live in liberal polities and espouse a perfunctory respect for autonomy of their members, yet sustain narratives, customs and forms of child-rearing that indirectly work against the long-term (dispositional, rather than episodic) autonomy of their members. The question that needs to be posed is: to what extent are their preferences for religious ways of life authentic, and therefore, autonomous? Assuming that provisions within the fair baseline do not tackle associational (sub-state) practices, what gives us reason and assurance that commitments chosen from within these cultural positions are truly autonomous?

If we leave individual choice of conceptions of the good to the marketplace of ideas and prevent institutions from limiting their opportunities for self-determination, we have accounted for only one possible source of constraint on individual authenticity and autonomy. The other source, represented by various cultural norms of knowledge production and dissemination – such as traditional narratives, cultural and religious beliefs that are not unworthy of neutral treatment – is left completely free from regulation. This would not be a problem had these sources not been disproportionately more powerful than individual persons who live under them.

Discursive power

Discursive power is latent in prevailing modes of modern communication, including the availability of communicative channels, forms of communicative agency and the character of permissible discourses. It is configured by the ways in which public communication takes place, the social presence of media and its responsiveness to different social groups. It often finds expression in the frames of representation of social groups, which bind the scope of public discourse.

These configurations significantly affect the development of a capability for individual autonomy, and shape the character of individual conceptions of the good. Take for example the existing discourses about the human body, imposed on public sphere by market-driven forces, such as magazines, advertising and television. The dominant image of a desirable male and female body exerts discursive power over the ways persons conceptualize themselves and their values. Individuals cannot form authentic bodily self-perceptions and develop authentic notions of the good pertaining to the human body if there is a great asymmetry in the public configuration of discourses where the balance is skewed to benefit more powerful agents. This is not a question about the

‘worthiness’ of this (or any other) conception of the good, but the question of its authenticity to the person adopting it.

In such circumstances, the character of public discourse will be significantly limited and will allow for only a narrow range of permissible individual expression, crucially important for development of autonomy. The body image example is important because it indicates that permissiveness of public discourse is not necessarily dictated by state institutions, but by informal patterns of the market-based culture, speech and social interaction. If communicative agency is constrained by these patterns and interactions, it will not allow for spontaneous creation of information sources and exchange networks, and individuals will have difficulties shaping their authentic selves through development of alternative discourses.

Therefore, liberal institutions must make sure that there are no market constraints on the availability of alternative communicative channels, diverse communicative roles or permissible discourses, and also work actively toward their establishment. The exercise of neutrality against autonomous individuals needs to be conditioned by this requirement.

Structural power

Besides epistemic and discursive configurations of power, personal autonomy is also affected by other forms of social structure, such as deep-rooted structural inequalities, reflected through skewed architecture of different conceptions of the good. The concern for structural inequality surrounding conceptions of the good parallels similar efforts in social and political philosophy to theorize ways in which personal autonomy is limited, from Foucauldian emphases on structurally dispersed forms of power to critical republicanism, espoused by writers such as Cécile Laborde or Philip Pettit (see Foucault, 1980; Laborde, 2008, p. 168; Pettit, 2002). Similarly to feminist critics, republican philosophers have criticized liberal theories of neutrality and suggested we should worry about hidden forms of domination and look not only at state institutions but also at non-state actors and practices as sources that limit individual freedom and autonomy (see Mackenzie & Stoljar, 2000). This understanding builds on Pettit’s distinction between two classical models of domination, drawn from Roman law: *imperium*, the arbitrary power exercised by the state and its agents; and *dominium*, the arbitrary power exercised by private and collective persons in society. By suggesting that we should worry about relations of domination in individuals’ public and private lives, in formal and informal settings, Pettit joins other critics of liberalism in ‘expanding the scope of the political to the spheres long considered to be immune from public scrutiny, notably the family, the workplace and religious groups’ (Laborde, 2008, p. 151).

Complementing the concern with different forms of configurative power, the concern for structural domination implies that liberal institutions must

address the character of those spheres of social life that are usually off the liberal agenda. These include not only communal norms and rituals of minorities (from cultural groups to families) that may directly frame individual options, but also assumptions and background practices of the majority that are frequently outside the institutional purview, including most notably, the market.

Structural domination, however, does not necessarily have to be expressed in terms of *imperium* or *dominium*. It can be formed in a way less centered on definable subjects and objects (individuals and structures) but organized as a center-less architecture of policy choices presented to individuals by institutions or the market. Through empirical examples and theoretical discussion, Richard Thaler and Cass Sunstein have persuasively shown that the way different options are organized affects the way individuals choose: the display pattern of different meals in the school restaurant, for example, significantly affects the way students decide what they will eat for lunch (Sunstein & Thaler, 2008, pp. 2–3). They suggest that there is no neutral choice architecture. Every organization of choices necessarily affects the way individuals choose.

If this premise is accepted (there are some reservations, see Coons & Weber, 2013, p. 23) it implies that in cases where there are two or more contestable goods to be chosen, the way these goods are organized in the market sphere matters. Some patterns of organization appeal more to individual affective inclinations and encourage unreflective and non-spontaneous decision-making, while others require more demanding levels of reflection and spontaneity. If individual choice depends on the structural organization of contestable goods, liberal institutions must ensure that this organization reflects the good of autonomy. In other words, institutions should shape the architecture of choices (conceptions of the good) in a way that prevents hidden structural domination and supports reflective decision-making. This requires intervention into the market instead of exercising simple neutrality to outcomes of private interplay between individuals.

A way forward: substantive neutrality

The aim of the preceding discussion was merely to indicate two potential problems in Patten's theory of neutrality, rather than to provide a detailed elaboration. While far from exhaustive, I believe it is still sufficient to set up a backdrop for addressing some issues with Patten's, otherwise important and persuasive, theory of neutrality. So, how to improve this theory in such a way that some of the issues hitherto discussed are resolved and the value of neutrality is preserved? To understand the problem more precisely, and to formulate plausible solutions, it is useful to distinguish between two general approaches to liberal neutrality.

The first approach is procedural. It touts neutrality in terms of government impartiality to individual choices. It can be justified in a number of ways, one of which is the autonomy-based justification, which argues that the principle of

neutrality is anchored in the value of autonomy. This approach assumes that state provision of fair opportunity for autonomy warrants the exercise of impartial (neutral) treatment toward the outcomes of individual choices. Let us borrow vocabulary from Rawls and call this a form of *pure procedural neutrality* (Rawls, 1999). This implies that besides the procedure of individual choice against the background of a fair baseline, there exist no other criteria for what constitutes an autonomous conception of the good. Therefore, if we value autonomy, we ought to be neutral toward autonomous individual choices and conceptions.

One problem with this understanding of neutrality is that the procedure itself may be inadequately conceptualized. As I argued in the previous sections, establishing the fair baseline through generic provisions and balancing efforts may still be insufficient to account for various configurations of power that manage to curtail personal autonomy through informal and hidden structures.

The second approach is substantial. There is a strong and a weak variant of this approach. Under the strong variant, the problem with the procedural theory is that regardless of how the procedure is designed, it will be insufficient to predict personal autonomy because other (substantive) criteria will be more relevant. These criteria could be associated with the nature of personal commitments: some of them could be inimical to the meaning of autonomy, so the impartiality-based approach will lack the means to address them. For example, a person may choose a subordinate way of life despite the availability of other options and access to the same generic types of opportunity for self-determination, such as education and similar goods. The scenario is all too well known: many women in societies that are procedurally neutral do seem to adopt social positions that are subordinate to men. Following feminist criticisms of liberal conceptions of autonomy, the strong substantial approach considers such commitments unworthy because they violate the meaning of autonomy.

Under the weak variant, the problem is that the procedure itself is not sensitive enough to alternative (informal and hidden) ways in which personal commitments are constrained by various power sources. While it does focus on the ends (the commitments) rather than the procedure, this approach does not reject the possibility that the substance of personal commitments can be made more autonomous by interventions into the procedure, rather than judging the worthiness and constraining the character of individual commitments.

The neutrality of treatment is a form of pure procedural neutrality. Two of its most serious problems, as discussed in earlier sections, are a consequence of that form. However, I believe that the way forward for this theory lies not in rejecting the procedural character of the approach in the way the strong variant of the substantial approach would suggest, but rather in adopting the weak substantial strategy and formulating a set of indirect constraints on personal commitments as a partial improvement of the theory. The aim of this strategy would be the preservation of the valuable institutional neutrality toward

individual choices and the establishment of stronger guarantees that commitments are as authentic and autonomous as possible.

This would require several amendments to Patten's original proposal. First, it would require a more elaborate development of the underlying theory of autonomy. Second, it would require expansion of the fair baseline strategy through additions aimed at accounting for the hidden configurations of power. In the remainder of this paper, I will briefly outline some guidelines for these strategies.

In terms of autonomy, the way forward does not necessarily demand rejection of the substantive theory, according to which the character of individual commitments is relevant for establishing a person's autonomy. Thankfully, some substantive theorists have offered other ways in which Patten could express concern with the outcomes of individual decisions and still preserve the procedural nature of his theory of neutrality. Namely, he could choose to follow the weak substantivist approach that places indirect, rather than direct, constraints upon the nature of individual commitments (Kristinsson, 2000, pp. 257–286). For example, he could argue that persons exercise autonomy when they assume social positions that enable them to have regulative control over the direction of their life, and the commitments they choose (see Oshana, 2005, p. 183). This would enable persons to manage certain key aspects of their lives not only against government institutions, but also against other persons who might attempt to wield some form of control over them (Oshana, 2006, p. 84). This means that persons are autonomous not only when there is a fair institutional background to their self-determination, but also when they are in a position to engage and fight off other possible challenges to control over their commitments (Benson, 2005, p. 125; also Westlund, 2009, pp. 26–49).

This also implies conceptualizing autonomy in terms of individual ability and access to opportunities to change or to reject their conceptions of the good. To count as autonomous, conceptions of the good must not be socially fixed. Persons should be free and have the means to amend their commitments and to act in accordance with the change without grave consequences. This does not render the question of responsibility for one's commitments irrelevant. Certainly, individuals must bear the costs of their autonomous commitments, but what often happens is that the market costs of a prospective change of commitment often prevent individuals from authentically changing or rejecting them, which brings the autonomous nature of their current commitments under question.

Having the means and opportunities for change implies not only existence of information about different conceptions of the good, but also of meaningful and viable opportunities for change. These requirements constrain the authority of other participants in social interaction and render the role of government institutions crucial: while they are not justified in forcing individuals in or out of any conception of the good, they must make sure individuals retain the right

and opportunity for change and exit. This right is best served by government interventions into the market where the interaction between and within particular conceptions of the good takes place. Government must do more than simply provide a fair background for individual self-determination: it must intervene in the formation of different conceptions of the good and make sure that their adherents are not coerced by implicit (epistemic, discursive or structural) means into endorsing ways of life they would otherwise authentically reject or amend.

If we assume that Patten would endorse this expansion of the conception of autonomy, how would that affect his theory of neutrality as neutral treatment? Would it endanger some of its main postulates?

Not necessarily. We have good reason to grant Patten the idea that the best way to respect personal autonomy involves government provision of fair opportunities for self-determination and its simultaneous impartiality to the conceptions of the good individuals choose against the background of such provision. However, it would require expansion of the fair baseline provisions with an additional strategy aimed at correcting the power imbalances that result from the free interplay between individuals and conceptions of the good in the civil sector.

We could call this the *balancing strategy*, and it would imply government interventions in two domains: First, within the conceptions of the good, by way of making sure that individuals have the means and opportunities to change or reject their conceptions of the good without having to pay high costs that usually come with an exit from certain ways of life. Also, the governments should ensure that the character of particular conceptions of the good does not negatively affect the ability of individuals to reflect upon them and act in accordance to that reflection, either at changing the conceptions' character or by rejecting them completely. Second, governments should also regulate interaction between different conceptions of the good, by way of ensuring that no particular conception exerts limiting influence on any other through amassed epistemic, discursive or structural power. Individuals with less powerful conceptions of the good should not bear responsibility for the imbalance of power between his and other conceptions if that imbalance affects his personal autonomy. The balancing strategy is different from the evenhandedness strategy, though they share the same narrow aim. While the evenhandedness is conceptualized as primarily a resource-based strategy focused on equalizing the hard power between different conceptions of the good, the balancing approach is more focused on the underlying relations of domination and inequality, the soft power both *within* and *between* different conceptions.

If it is grounded in the principle of autonomy, liberal neutrality cannot be purely procedural. The tools of the fair baseline must be broadened to include additional substantive guarantees that the conceptions of the good individuals are committed to being as authentic and autonomous as possible. This is a substantive theory of liberal neutrality, conceptualized weakly not through direct

constraints on personal commitments but through indirect means of ensuring their autonomous character. It implies that neutrality of treatment should not be only about resources available to persons so they could freely determine their selves, but also about power relations that exert a similar influence on the opportunity for personal self-determination.

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No potential conflict of interest was reported by the author.

Notes on contributor

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