

*Political Authority, Personal Autonomy and Higher Education*¹

CHRISTOPHER MARTIN

Okanagan School of Education, Faculty of Education, University of British Columbia

Abstract: Does the liberal state have a role in helping mature citizens make worthwhile educational choices? The question has clear relevance for the aims of higher education in a liberal democratic society. As systems of higher education internationalize, it has become difficult for liberal states to steer higher education policy in directions that serve civic interests. This is, in part, because political liberalism imposes restrictions on what one might call directive educational authority: the power to direct citizens toward specific kinds of knowledge, understanding and skills in the interest of making their lives better. This restriction follows from the view that citizens have the capacity to make their own decisions about how best to live, including decisions about the kind of education they need. My aim in this paper is to make the case for a more direct role for the state in promoting a good life through higher education. In particular, I argue that the liberal state's obligation to promote autonomy across its citizenry confers legitimate educational authority over post-compulsory, as well as compulsory, education. This argument affirms the state's educational obligations to citizens beyond a basic or compulsory education. Getting in the way of this affirmation, however, is an overly restrictive account of educational authority that occludes these obligations under the guise of respect for autonomy. Accordingly, in making my case, I propose an autonomy-based account of educational authority derived from Joseph Raz's service conception, defending this account against the charge that such authority is illegitimately paternalistic.

Introduction

Does the liberal state have a role in helping mature citizens make worthwhile educational choices? The question has clear relevance for the aims of higher education in a liberal democratic society. As systems of higher education internationalize, it has become difficult for liberal states to steer higher education policy in directions that serve civic interests.² This is partly because higher education is predominantly viewed as an economic decision, and liberalism puts a premium on such decisions being freely made by individuals. But political liberalism also imposes restrictions on what one might call *directive* educational authority: the power to direct citizens toward specific kinds of knowledge, understanding and skills in the interests of making their lives better. These restrictions follow from the view that the state ought not to ground public policy in the intrinsic merits of, or with the aim of promoting, any one (or several)

¹ A version of this paper was presented at the Early Career Invited Lecture at the Annual Meeting of the Canadian Philosophy of Education Society, Ryerson University, May 2017, in Toronto, ON.

² See, for example, the policy future envisioned by Ernst & Young (2012).

conceptions(s) of the good. For example, a liberal state that exercised its authority to intervene in its higher education system on the grounds that anyone seeking a higher education should pursue worthwhile forms of study would amount to a paternalistic failure in respecting citizens' own capacity to choose the good. At most, liberal states exercise a kind of indirect spooky authority at distance, manipulating funding models in the interests of bringing about particular outcomes.³

The way we conceive of this restriction has important implications for the relationship between mature citizens and the state. It seems, for example, that states structure higher education systems on the assumption that directive educational authority and respect for personal autonomy are incompatible. Consequently, the state ought to play a non-directive (or indirect) role in higher education policy; for example, it must refrain from *interfering with* a citizen's personal autonomy. That is to say, if it is impermissible for the state to exercise directive educational authority over higher education systems (and, by extension, mature citizens), it follows that the state has no obligation to ensure that post-compulsory institutions help citizens lead better lives.

My aim in this paper is to make the case for a more direct role for the state in promoting a good life through higher education. In particular, I argue that the liberal state's obligation to promote autonomy across its citizenry confers legitimate educational authority over post-compulsory, as well as compulsory, education. This argument affirms the state's educational obligations to citizens beyond a basic or compulsory education.⁴ Getting in the way of this affirmation, however, is an overly restrictive account of educational authority that occludes these obligations under the guise of respect for autonomy. Accordingly, in making my case, I propose an autonomy-based account of educational authority derived from Joseph Raz's service conception, defending this account against the charge that such authority is illegitimately paternalistic.

Autonomy-Based Educational Authority

Philosophers have developed an enduring family of accounts of directive educational authority grounded in an autonomy principle. These accounts share a common view: that the state has a duty to ensure that every child develops the capacity to independently affirm and pursue their own conception of the good, free from coercion or manipulation (see Haydon, 1977). In order to satisfy this duty, the state has the legitimate authority to use its power to direct children toward an autonomy-facilitating or autonomy-promoting education. This authority also obligates the state to ensure that such an education is public, well-funded, and that market forces do not impinge on its quality or equity.

Why not extend such authority to higher education? Liberal societies often associate autonomy with the pursuit of a good life, and it could be that structuring higher education systems around the goal of autonomy-promotion would mean that the state should be similarly concerned with the public and political values and aims of higher education. It could mean, for example, that higher education systems

³ For example, a recent proposal by Canada's Conservative Party to cut federal funding to Canadian universities that do not adequately protect freedom of expression (Levitz, 2017). In the UK, the right to raise tuition fees is being linked to student satisfaction and wellbeing (Hall, 2017).

⁴ I have previously argued that all liberal citizens have an autonomy-based right to educational goods beyond a basic education (Martin, 2016). My focus in this paper is to determine to what extent and in what ways it is legitimate for the liberal state to exercise its political authority in order to secure that right.

would be compelled to behave in ways that support autonomy in a variety of respects (in terms of access to knowledge, for example) and not only in terms of economic wellbeing.

The problem is that autonomy-based educational authority has a sunset clause. By this, I mean that such authority can only be legitimately exercised until the point at which the conditions of personal autonomy are satisfied (usually the age of majority). The sunset clause arises from familiar liberal concerns about state power and paternalism. Many liberal accounts treat autonomy as an absolute agency right (George, 1995, pp. 129–130). For example, interfering with a person’s autonomy, even when such interference may increase their capacity for autonomy in the long run, is impermissible just because it violates the agent’s status as an autonomous being. Childhood is a rare circumstance where interference is justified. This, because individual adults must acquire the competences associated with personal autonomy in order to be recognized as agency-rights-bearing agents.

Important to note is that, at the adult stage, authority and autonomy, which worked together at the compulsory level, are now ostensibly incompatible. This is because authority involves being subject to the will or command of another, and such subjection is generally thought to be contrary to autonomous reason. Violating the autonomy rights that I acquire as an adult, simply to increase my capacity for autonomy in the long-term, would seriously weaken those rights.⁵ Accordingly, while autonomy-based educational authority does not *necessarily* disrespect citizens, this is only so when exercised over child citizens who have yet to acquire the competences associated with autonomous agency.

The sunset clause on educational authority plays an influential role in how we think about the limits of educational authority over systems of higher education because those attending institutions of higher education are assumed to fall outside such a clause (for otherwise they would be subject to the compulsory educational authority of the state). I have already suggested that this view places constraints on how far liberal states can go in advancing the educational interests of adult citizens. For example, the state may have educational authority with respect to questions of distributive justice in higher education, but authority in these cases is derived from the state’s duty to promote justice and does not necessarily involve judgements about the value of education in the good lives of citizens. Further, the state may compel higher education systems to be more conducive to student choice so long as “choice” is neutrally conceived as an economic investment.⁶ Unlike a compulsory education, however, it would not be legitimate for the state to structure higher education institutions with the intention of making autonomy-promotion an explicit educational *aim* because such a directive would be paternalistic, with the state assuming that it knows better than individual citizens about what the latter need to know and understand in order to pursue a good life.

Anti-Perfectionism and Educational Authority

⁵ Gerald Dworkin has defended a freedom-maximizing argument for paternalism based on Mill’s claim that it is legitimate to prevent someone from selling themselves into slavery (1972, pp. 75–76). Arneson counters that this argument undervalues the right of persons to freely choose conceptions of the good that deviate from often idealized, but no less particular, freedom-loving conceptions of the good (1980, p. 474).

⁶ A good example would be the UK White Paper *Students at the Heart of the System* (Department for Business, Innovation and Skills, 2011), which argues that student choice should be in the “driving seat” of the higher education system.

I have argued that the constraints liberal states encounter in exercising legitimate authority over post-compulsory systems of education are derived from a tension between the nature of authority and personal autonomy. But it is important that, before reassessing this tension, we detail in what respects the state *can* exercise legitimate authority.

When I talk about autonomy as a strict agency right, the tradition I have in mind is sometimes called “anti-perfectionist” liberalism. Anti-perfectionist liberals believe that political principles should not be grounded in any notion of the good life, reasonable or otherwise. Such principles are only legitimate when they respect the (neutrally conceived) autonomy of citizens, as in principles that can be justified to all citizens from the standpoint of their respective conceptions of the good. Accordingly, debates over the provision of higher education are usually framed in terms of the just and fair distribution of the benefits and burdens of a higher education.⁷ This, because benefits and burdens can be conceived in terms of socioeconomic goods without advancing a particular view of the good life. Such accounts generally refrain from grounding normative arguments about higher education in the non-market value of educational goods.

Can anti-perfectionists nonetheless justify *directive* educational authority beyond the compulsory stage of education—and, if so, what would it look like? This question is an important one because I will be arguing that the state should have authority over post-compulsory education so as to promote the good life among citizens, and so I must first account for the merits (and limits) of anti-perfectionist authority in order to show why this (arguably) more controversial account is needed. If anti-perfectionist accounts can justify such authority, more work would have to be done in order to show why a perfectionist account is desirable.

In modern societies, the education we acquire as adults is one that should be freely chosen, given that one has a right to make of oneself what one wishes so long as that pursuit does not harm others or oneself. Such freedom goes beyond the choice to attend an institution or program and encompasses decisions about what is worth learning and why. Nonetheless, the fact that citizens require sustained opportunities to acquire knowledge and understanding at certain points in their lives is a matter of unavoidable, practical necessity. For example, sometimes it is appropriate to require a person to learn if they wish to keep their job when the demands of the job change. The fact that a person is determined to keep their job gives them a strong reason to learn.

Citizens depend on knowledge and understanding in order to achieve valued goals. Does this fact point the way to directive educational authority? In making choices about the good life, we can and do rely on various educational authorities, especially in complex societies such as ours where one person cannot know everything. A physician needs to learn new procedures in order to stay proficient, and to the extent that he desires to be proficient he must recognize the authority of what he is learning from the person who is teaching it to him. Insofar as a patient desires to be healthy, he must recognize the authority of that same physician when on the receiving end of advice about an operation. We can call this the instrumental justification of educational authority—authority about knowledge and understanding we defer to in order to facilitate the realization of a goal.

Anti-perfectionist liberals can easily justify this kind of educational authority. First, deference to instrumental authority is not contrary to autonomous reason and, as such, fully respects the citizen’s right to autonomy. Such authority does not direct its subjects what to do; it supplies a reason to *believe* that one

⁷ For a reconstruction of justice-based accounts of higher education funding, for example, see Martin, 2017.

should do X if they wish to successfully achieve Y. It requires no abdication of a person's right to choose their own ends, nor does it undermine the value of those ends. When successful, instrumental educational authority simply increases the likelihood that the beliefs one has about how best to achieve an end will lead to success. For example, governments often publish vetted health science in the hopes that citizens will use this information to inform their judgements. No illegitimate paternalism is involved. The state is not acting on the assumption that it is more capable than citizens of making good decisions about their own health; rather, the state has the resources to ensure that this information is accessible.

Second, there is an anti-perfectionist argument for the state to support citizens in this way. Knowledge is a public good, but public goods can be undersupplied. Therefore, the state has reason to step in and subsidize the production of knowledge that can facilitate the attainment of aims or goals overlooked or neglected in the market context (Stiglitz, 1999, pp. 311–316). These subsidies do not have to run afoul of liberal neutrality. For example, some might object that the state's efforts to subsidize the research and dissemination of knowledge about a healthy diet—a public value judgement—entails an implicit criticism of those who do not see optimal health as central to their conception of the good and who would like to have their own goals facilitated through educational means. Why shouldn't the state lead an information campaign designed to help interested citizens maximize their fat and alcohol consumption at the lowest cost? By not doing so, the state, it could be argued, disrespects citizens that wish to live in such “unhealthy” ways.

However, anti-perfectionists generally view it as permissible for liberal democracies to promote social and economic goods on the grounds that all reasonable citizens have an interest in fair access to such goods. If this is the case, the legitimate promotion of knowledge that enables citizens to access goods such as health follows from this view. To be sure, these efforts will have different consequences for different conceptions of the good. Fast food-loving citizens may see their favourite brands decline over time, for example. But in this case, the state is not making judgements about the intrinsic value of these various conceptions or aiming to advance certain conceptions over others (Arneson, 2003). If the state's support of particular bodies of knowledge and understanding is grounded in the idea that informed decision-making facilitates access to common goods—perhaps by enriching the stock of public knowledge from which citizens make their own decisions about the good life in spheres pertaining to work, health, and education—no illiberal judgement about the value of these various conceptions is involved.

From an anti-perfectionist point of view, then, it would seem that the state has the legitimate authority to promote certain forms of knowledge and understanding. But does such authority warrant *directing* citizens toward particular kinds of knowledge and understanding on the grounds that it would promote their autonomy? No, because the kind of authority justified here is akin to epistemic authority (Raz, 2010, pp. 299–300). Epistemic authorities, unlike practical authorities, do not impose obligations or direct the actions of others. Epistemic authorities succeed through the giving of expert advice, not by issuing directives on how one should live one's life. When liberal governments publicly disseminate findings in health science, they are acting as epistemic authorities, offering advice in the hopes that citizens will independently recognize the validity of the knowledge grounding that advice and act on it. But they do not direct mature citizens to eat or exercise. Nor do they obligate citizens to go out and learn about diet and exercise—they can at most promote this knowledge and understanding through public channels that citizens are free to ignore. The kind of educational authority that can be justified under anti-perfectionist premises (i.e., instrumental educational authority) is non-directive.

Perfectionism and Authority

The last section showed why anti-perfectionist arguments allow for non-directive educational authority over adults; that is, the authority to promote knowledge and understanding that will facilitate the attainment of their chosen ends.⁸ But can we justify directive educational authority, authority about the forms of knowledge and understand worth seeking? One might think that a liberal perfectionist account may be more forgiving. Liberal perfectionists see autonomy as an intrinsic good or moral ideal that the state has a duty to protect and promote. They should, therefore, be more sympathetic with the idea of a state that promotes autonomy through the education system. Yet it seems that even on this conception of liberalism, compelling mature citizens to undertake an autonomy-maximizing education would be an illegitimate use of government power. This is because using authority to promote autonomy defeats the very perfectionist purpose of promoting autonomy, which is to enable adult citizens to flourish *through* self-determined choices (George, 1995, pp. 129–130; Raz, 1986, p. 420).

Why should perfectionist liberals think this way? Much turns on the nature of autonomous reason and its connection to wellbeing in the perfectionist conception. We ordinarily think that autonomous reasons are self-determined reasons. On this view submitting to authority—taking the directive or command of another as a reason for acting—is contrary to personal autonomy. When I direct a person to do something, I may aim to increase their wellbeing in some tangible way, but I cannot increase the wellbeing that is only possible through self-determined actions. Directing someone to flourish autonomously is a contradiction.

However, Joseph Raz has developed an influential perfectionist account of authority that aims for greater precision in judging when directives undermine autonomy and when they do not. In what follows, I provide a brief reconstruction of this account and, later, assess the extent to which, and ways in which, this account can be successfully applied to educational authority.

The Pre-emption Thesis

Raz claims that authoritative directives succeed by excluding some (but not all) of the reasons that a subject herself has for acting and replacing them with some of the authority's reasons. Raz uses the example of traffic law (2005, p. 1018). When I drive to work, I have a general reason to drive as safely as I can, and this supplies me with a number of other reasons for acting. Raz calls these other kinds of reasons “first-order” reasons—reasons that directly apply to practical reasoners in whatever situation they may find themselves. In a world before traffic law, an interest in driving safely generated numerous

⁸ A liberal state philosophically committed to anti-perfectionism could nonetheless endorse educational policies aimed at promoting the good life. For a discussion on the distinction between philosophical and political perfectionism, see Chan (2000, pp. 34–38). Chan claims that perfectionist policies can be defended on the basis of arguments that are essentially neutral with respect to questions of the good life. For example, a democratic majority of citizens might vote in favor of a sugar tax on soda. The policies arising from such a vote are perfectionist in character because they involve the state playing an active role in promoting good lives, but the legitimacy of the policy rests on a neutral, anti-perfectionist, decision-making procedure. My argument is aimed at the idea that higher education systems should be philosophically committed to liberal perfectionist ideals.

direct reasons for acting, such as switching between left and right sides of the road as the particular situation required. For example, if another driver, similarly independent and similarly moved to drive safely, was heading straight at us, this would have given us a direct reason to move to the other side.

However, if everyone drives in this way, our collective ability to conform to reason (to drive safely) is compromised: drivers will be weaving side to side as circumstance dictates, making overall conformity to reason impossible.⁹ Legal authority over traffic, such as the side of the road one must drive on, aims at helping us to better comply with what reason requires of us (to drive safely) by directing us to do what we otherwise would not do (stick to one side of the road at all times). In other words, authoritative directives exclude *some* of our background reasons in order to facilitate our conformity *to* reason. Many of our driving decisions are independent. But in some instances, we have an obligation to obey traffic rules in order to ensure that we can do what reason requires of us in that circumstance.

The directive to drive on the same side of the road pre-empts and replaces some of our first-order reasons—it asks that we follow the authority as opposed to some of those reasons (Raz, 2005, p. 1019)—in order to better conform to the more general reason of driving safely. Raz states this in the more concise terms of a pre-emption thesis:

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

The Normal Justification Thesis

Two features are worth emphasizing about pre-emption. First, authority succeeds in what it aims to do—to improve our conformity with reason—by obligating us to follow its directive as opposed to (some of the) background reasons that are already there. Second, because an authority aims to help agents do what they already have reason to do, such directives cannot—nor should they—rely on coercion or manipulation in order to shift the balance of the agent’s background reasons in favour of that directive; put another way, to compel the agent to act contrary to their own reason. Rather, authority works by pre-empting some of the reasons an agent has and replacing those reasons with directives that help the agent better conform to the reasons that already apply to them, given that agent’s end. So, while the pre-emption thesis describes what authorities actually do (pre-emption and replacement), their legitimacy requires an additional feature, which Raz calls the normal justification thesis, or NJT.

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

In other words, authority is justified on the merits of submitting to that authority versus the agent relying on their own reason in trying to conform *to* reason (see also Hershovitz, 2011, p. 2).

⁹ Raz argues that there are certain common situations in which directives are helpful. In this example the situation is the need to coordinate the behavior of individuals. But there are others. For a list see Raz, 1986, p. 75 and Hershovitz, 2011.

Before continuing, I'll offer another example for clarity. Anyone familiar with long-distance, open-water swimming will tell you that many open water races require the support of a kayaker as a partner to paddle alongside the swimmer. While some may see this requirement as paternalistic, it is, on a Razian view, an example of legitimate authority. Each swimmer has reason to finish the race in the best time possible and one way to do this is to take the optimal route. Yet, in open-water swimming, it is very easy to lose one's sense of direction. Fatigue sets in. Swim goggles get foggy. Landmarks become hard to track. Accordingly, swimmers have reason to defer to the directive authority of their kayaker partner because by following their commands ("correct to the right") they are more likely to swim less distance (and finish with a better time) than if they tried to navigate on their own.

Raz's account describes how authority works (the pre-emption thesis) and establishes the normative grounds of its legitimate function (the NJT). Taken together, he calls this the "service conception" of authority. If this account of legitimate authority is sound, it invites a more nuanced account of the relationship between education, state authority, and personal autonomy. For, while authority might indeed restrict us from acting independently in certain situations, it ought not to require us to act in a manner contrary to reason because the very point and purpose of legitimate authority is to help us conform to practical reason. To be sure, there are many situations where it would be better to rely on the use of our own rational capacities in so conforming. Solving a puzzle is one example. If you direct me where to put all the pieces, the reason for working on the puzzle in the first place has been lost. But there are some situations where it is rational for me to recognize that it would be best if I allow others to direct my actions. If I am trapped in a room and I do not know how to get out, I will be happy for you to direct me to a safe exit. Such examples are not an abdication of reason; rather, we are here *indirectly* satisfying aims and goals that our rational capacities are otherwise designed to serve (Raz, 2005, p. 1003). Further, submitting to legitimate authority is a not the sign of a weak or non-autonomous will. Acknowledging that an authority is legitimate entails the rational capacity to judge that it is better to allow others to direct one's actions as opposed to directly relying on one's own rational capacities. This ability and willingness is itself a marker of autonomy.

Legitimate authority, that is to say, is not coercive but is in fact *supportive* of reason. Is this by itself enough to justify autonomy-based educational authority? Recall that autonomy-based educational authority is the authority to direct citizens toward knowledge, understanding and skills on the grounds that it will facilitate or promote their personal autonomy. On a Razian account, this would mean that educational authority is only legitimate when it satisfies the conditions of the NJT in the following way: its directives help citizens conform to *autonomous* practical reason (i.e., the direct and independent use of practical reason) better than they would *on their own*.

Is it possible for an authority to satisfy such conditions? It's certainly possible in the case of children. Children have reason to develop their rational capacities in general, whether they recognize it or not, including their autonomous or independent use. But they better conform to this reason when they rely on the direction of good teachers as opposed to doing so independently. In short, children have to be initiated into practical reason, including the independent use of their rational capacities, and this requires guidance from the already initiated (Peters, 1973).

Adult citizens, however, are in a different circumstance. They have completed a compulsory education and have had sufficient opportunity to develop their rational capacities, including the independent use of reason. They have a reason to choose, on autonomous grounds, the forms of knowledge and understanding that will make their lives better. It would therefore be hard to show how

a mature citizen could be better off in conforming to *autonomous* practical reason by allowing others to direct their educational decisions, that is, unless one assumes that such citizens are like children, constitutively bad at conforming to autonomous reason and needing constant guidance. But if one argues as such, one is essentially claiming that adults should not be treated as personally autonomous to begin with. This would be a high price to pay for educational authority.

A Service Conception of Educational Authority

Despite the concerns raised above, I believe that a Razian conception of educational authority is both possible and one that liberal states have reason to embrace. This is because the sunset clause on educational authority rests on a powerful but nonetheless mistaken premise about the role of personal autonomy in the good life; namely, that the direct use of one's own capacities for reason is a sufficient explanation of what makes personally autonomous decision-making a distinctively valuable kind of flourishing.¹⁰

Autonomy and Wellbeing

Consider that a powerful reason for relying on our own judgement when making decisions about the good life, even when others may be able to make (better) decisions for us, is because there is something intrinsically worthwhile about making our *own* decisions. Accordingly, it would be a mistake to think that independent action is merely instrumental to desirable goals—that following directives and acting independently are just different means to the same end.

It is tempting to move from the intrinsic value of independence to the idea that independence fully explains what makes personal autonomy distinct. Independence may be an important or even essential feature of some of our decisions. However, when we make independent judgements about the good life, we do this not only for the intrinsic value of independence; we do so with the belief that those independent judgements will prove favourable for our wellbeing or flourishing. That is to say, we think we will get these judgements *right*.

If we really thought that independence was enough for autonomous practical reasoning about the good life, making a judgement independently should leave us fully confident that the judgements will serve us well. But we don't think about judgment in this way. We seek advice from others. We hesitate. We wait for more favourable conditions to arise. This is because we recognize that part of what it means to be autonomous is to understand the limits *of one's own reason*. Anyone can be mistaken about the good for reasons that have nothing to do with our rational capacities. Happenstance, bad luck, missing information and the unpredictable nature of other people are all features of decision-making that can undermine the most judicious among us. I am not arguing that the fallibility of our autonomous judgements detracts from the importance of personal autonomy for living well. Nor am I denying that autonomous judgements are a constitutive feature of a variety of worthwhile goals, or that for any

¹⁰ This is sometimes called the procedural independence, or internalist, conception of autonomy. Procedural independence conceptions see successful autonomous decision-making as the outcome of an internal, reflective process.

decision we make it would always be better to defer to the judgement of someone who knows better than we do. My point is that, in order for a personally autonomous action to make a distinctive contribution to our wellbeing, it must satisfy not one but (at least) two conditions: an independence condition and a *value condition* (see Raz, 1986, pp. 378–380).¹¹

What is the value condition? If one of the reasons why we have rational capacities is to make decisions about the good and, further, our rational capacities can fall short in making such judgements, it follows that the independent use of reason is not sufficient for autonomous wellbeing. The value condition explains why this is so: Judgements of value are partly agent-independent. Another way to put this is that we can and should distinguish between one's capacity for personal autonomy and the value of personal autonomy in a good life. While there are situations in which autonomous practical reasons apply to us (i.e., situations in which it is better for our wellbeing that we decide for ourselves), our successful compliance with such reasons also depends on what we have chosen as having value. The former does not secure the latter. For example, it is better in general that I choose an occupation as opposed to being assigned one (there are certainly exceptions). But I may nonetheless choose an occupation that has no recognizable value (e.g., illicit drug dealing).

Alternatively, if independence *were* sufficient for personally autonomous decisions to contribute to our wellbeing, we would have to claim that illicit drug dealing actually is a worthwhile activity (if only for one person), because to choose something just is what makes it valuable. But this also seems wrong. We have reason to lead a good life (the value condition) on the basis of our self-determined choices (the independence condition). But we can satisfy the independence condition while missing the value condition entirely, and when we do, we have failed to conform to the autonomy-based reasons that apply to us. Personally autonomous lives can be misspent ones.¹²

Finally, it is of course true that the independent exercise of reason can be its own reward—the puzzle-solving example I offered above is one such instance. But the exercise of reason in that example is linked to an activity (puzzle-solving) that, when well-designed, allows for the exercise of our rational capacities as an end in itself. That is what makes such activities valuable. It is much like the practice of long-distance running. Crossword puzzles and running are in this respect the same class of activity—activities that are worthwhile because they allow for the direct and intrinsic enjoyment of our capacities. But not all activities are like this.

Educational Authority Over Value, not Independence

If my interpretation of Razian authority and the conditions of personal autonomy is correct, it opens up a slightly different way of framing the problem of educational authority. It does so in two steps.

¹¹ Raz also argues that there should be a range of adequate options from which to choose. I address this condition further along in the argument.

¹² Personally autonomous lives can also be heteronomous ones, from a moral point of view. One could argue that illicit drug-dealing fails a moral test, such as the CI. This does not mean that moral autonomy and personal autonomy are (necessarily) rivalrous *conceptions* of autonomy. They can and do co-exist. There are options that would normally satisfy both the value and the independence condition, but the only means available for such a pursuit leads us to opt *not* to flourish because we refrain on grounds of moral permissibility. I aim to get into an selective college, and I chose to do so independently. But I find that I lack the skill and could only make a go of it by cheating on tests. But I refrain (for *duty*-based reasons) from cheating.

First, among the circumstances under which practical authority can be legitimately applied according to the service conception, we should include practical authority that helps citizens lead better lives by helping them conform to the autonomy-based reasons that apply to them, rather than trying to follow the reasons which apply to them directly. We can formalize this idea in the following manner:

Second, by distinguishing between a *capacity* for personal autonomy and the *value* of personal autonomy, we can see how practical authority can help adult citizens conform to autonomy-based reasons without undermining autonomy. This is because practical authorities may, in theory, issue directives that target the second condition (value) without illegitimately interfering with the first condition (independence). Is it actually possible to do this? Can some practical authority direct citizens in ways that leave them better able to satisfy the value condition than if those citizens tried to do so on their own *without* those directives compromising the independence condition (and so undermining the agent's personal autonomy)? I believe that, in at least some circumstances, the answer to this question is “yes,” with the design of educational institutions being one such circumstance.

As I have already argued, liberal citizens have reason to make self-determined choices about the acquisition of knowledge, understanding and skills that will contribute to their wellbeing. But such knowledge is not valuable only as a means to some chosen end, like a job or qualification. Knowledge enables citizens to access a variety of valuable social forms and activities; that is to say, knowledge renders such social forms and activities choosable for the agent. By “social forms,” I mean comprehensive goals and practices that are shared by many and that structure or define what is possible in the course of a life (McCabe, 2001, p. 497).¹³ By “choosable,” I mean that knowledge, understanding and skills function as gateways into different social forms or activities because our ability to participate in them demands different ways of thinking, understanding, valuing and acting.

Self-determination matters crucially in this picture. The decisions we make about what knowledge to acquire makes some social forms more accessible than others. These social forms are not reducible to labour qualifications. Studying urban planning might enable one to become an urban planner. Studying philosophy might enable one to become a philosopher. Urban planning and professional philosophy are both worthwhile activities. But many who choose such programs end up becoming neither. Each path nonetheless enables the graduate to access a variety of other social forms and activities that were largely unavailable beforehand, and the activities opened up to our philosophy student do not always overlap with the social forms opened up to our urban planning student. Further, it is likely that the social forms and activities opened up through the study of urban planning share important intellectual, affective and aesthetic features that are together different from the social forms and activities opened up by philosophy. Therefore, students who flourish *in* their chosen pursuit of knowledge, understanding and skill are likely to derive value from the social forms that are opened up by virtue of that pursuit and, further, they are more likely to flourish through their participation in those forms.¹⁴

Autonomous choices about education make a distinctive contribution to the good life—it matters that such decisions be arrived at independently—because they enable the chooser to access social forms

¹³ “I mean social forms to consist of shared beliefs, folklore, high culture, collectively shared metaphors and imagination, and so on” (Raz, 1986, p. 311).

¹⁴ One prominent example would be what Denise Réaume calls “participatory goods”: goods in which each individual requires other individuals to contribute in order to enjoy that good and not merely in order to bring such goods about (1988, p. 9). Examples include different cultural activities or athletic pursuits.

and activities that are likely to help them flourish.¹⁵ In other words, the educational choices we make are a proxy for how we are likely to flourish over a lifetime. This account of the value of knowledge and understanding in the lives of mature citizens has implications for why, and under what conditions, independence really matters in the post-compulsory context.

In a system of higher education defined by competition for students, the pressure for higher education institutions to “differentiate” in the market, and a growing number of degree options, it is all too easy to overstate in what respect independence matters when citizens make autonomous choices about their education. For example, if each and every educational program on offer opened distinctly valuable social forms and activities that cannot be accessed through other educational programs—if one could link every program of study to some uniquely comprehensive goal, for example—the level of independence needed for personally autonomous choices to contribute to wellbeing would be very high. And I suspect that many students really do think of their choices in this way. They think that the specific sub-specialization in undergraduate psychology, hosted at a specific institution, is a straight path to those things they want out of life. But such cases are rare. It is a choice among broad categories of programming that dovetail with different forms of knowledge, understanding and skill that make the difference for the agent and so it is the provision of an *adequate range of meaningful options* where the independence condition really matters.

Accordingly, an argument for directive educational authority over higher education does not have to deny independence. We can distinguish between those features of an educational decision that ultimately matter for the agent’s autonomously pursued well-being and those features that are contingent. When I drive a car, for example, I have many reasons that apply to me directly, but not all of those reasons play a constitutive role in the value I derive from driving a car. It is no threat to my autonomy to direct me to stay on one side of the road, for these direct reasons are merely contingent on my background reason, which is to drive safely. We can say something similar about students navigating complex and highly marketized systems of post-compulsory education. Some choices really are “options” in the sense that choosing between them will make a real difference for flourishing because they have real consequences for the kinds of social forms and activities one will be able to take part of. But many choices are like the direct reasons we have for switching between left and right sides of the road, in a world before traffic law: they are merely derivative of the background reasons we have for making choices to begin with and, as such, can be pre-empted and replaced without compromising our independence.

Recall that autonomy-based educational authority must help citizens to make autonomy-based decisions in a way that leaves them better off than if they were to make such decisions on their own. The question was whether an authority could ever do this without compromising the independence condition.

¹⁵ One might argue that autonomous choice is not a necessary condition for flourishing because we can think of instances in which an individual is compelled to consume an educational good (a college general studies course) and access other social forms as a result. However, we could not say that this is autonomous flourishing because the kinds of social forms available to the student have no logical relationship to the goals or ends that the student has in view. If someone happens to flourish through the social forms opened up by having a compulsory education imposed on them, we have to say that such flourishing is contingent, a matter of good luck. The debate turns on what *makes* autonomous choice contribute to flourishing in the post-compulsory domain. On one view, simply choosing for oneself a sufficient explanation. My argument suggests other conditions, such as what is chosen having value, must also obtain. It could of course be argued that a general studies course is *necessary* in order to access social forms *at all*. But if this were true, the argument would then be that the autonomous choice of post-compulsory education is a choice to undertake a general studies course in order to access social forms. Note here that no compulsion would be involved.

The answer is “yes.” Practical authorities such as the state may direct higher education systems to structure themselves in a way that ensures citizens are more likely to succeed in making self-determined choices about knowledge, understanding and skill that will contribute to their autonomous well-being than if they were to do so on their own. One key way to achieve this goal is to ensure that they have access to an adequate range of meaningful educational options, where “meaningful” refers to the role that such options play in enabling access to various social forms and practices that can define a good life.

Of course, not any application of perfectionist ideals will do. A service conception of educational authority has to be careful not to overstep and undermine the independence condition. Practical authorities may not achieve this goal by directing citizens to *particular* forms of knowledge, understanding and skill. For example, they may not structure systems aimed at ensuring all citizens are enrolled in STEM programs because this would detract from the role of independence in making choices about the role of knowledge in a good life. What, then, would this look like for actual post-compulsory institutions? To the extent that the state is able to satisfy the conditions of the service conception it may issue authoritative directives in the form of educational policies that change the structure of higher education institutions for (autonomy-based) perfectionist reasons, including the authority to intervene in the higher education market for reasons other than distributive justice or economic efficiency. For example, under the right circumstances, the state may have the authority to establish educational institutions, or direct existing institutions to offer educational opportunities, that enable access for all citizens to valued social forms and practices currently underserved (or over-priced) in the market context.

Normally, we think that higher education should serve a collective or public good, or that it should serve the private economic interests some citizens may have in a higher education. But the service conception sees a role for higher education in serving every liberal citizen’s individual interest in flourishing through a personally autonomous life, and is willing to exercise its (legitimate) authority in order to see this role fulfilled. In some very young liberal democracies, for example, the state may have a reason to promote social forms and activities pertaining to public service and democratic citizenship and this may involve structuring higher education systems in a way that makes it easier for citizens to engage in knowledge, understanding and skills that make these social forms and activities choosable.

For example, imagine a post-compulsory system that finds it increasingly difficult to attract students to arts programs. Many such programs are offered but, because students are acting on the reasons that apply to them directly, choosing between these many different programs spreads them too thin, making each arts program unsustainable (it becomes too expensive for institutions to fund them and too expensive to have students cover the cost). One consequence is that a valuable educational option (or class of options) may be lost to many citizens, making it more difficult for them to access social forms and activities that matter for their wellbeing in the long run. According to the service conception, the state has the authority to merge some of the existing arts programming in order to ensure a critical mass of students. The aim of such a policy is to ensure that all citizens have access to an adequate range of educationally valuable options.

If this approach were undesirable (perhaps a good case is to be made that merging such programs elides important educational differences), the state would have the authority to ensure a critical mass by subsidizing such programs, making them less expensive and more attractive for all. But there is a troubling objection to this last policy. Note that, in this example, the state is using its authority to change the balance of reasons for or against arts programming by introducing an incentive. Does the state have the authority to change the balance of reasons in this way? It looks as if this is simply a case of pre-emption

and replacement: the subsidy replaces some of the existing reasons for acting and replaces them with the authority's own reasons. One could object that the state has crossed a line by interfering with the independence condition—some students that would have chosen sciences will choose otherwise. However, this claim is only cause for concern if we assume that there is some intrinsic or “natural” balance of reasons, and that changing the balance is an instance of illegitimate or paternalistic interference.¹⁶ Personally autonomous agents decide on the merits of the various available options, including the costs and benefits of each choice, which may change depending on the circumstances or the actions of others. There is no natural balance. So long as the state is changing the balance of reasons in order to help citizens lead good lives and, in the case of post-compulsory education, ensuring that an important educational good remains an option for all those making self-determined education choices, the interference is justified.

Conclusion

I have argued that, under the terms of the service conception, the liberal state has legitimate authority over post-compulsory educational institutions for perfectionist reasons in general and for the support of personal autonomy in particular. Specifically, the state has the authority to promote conditions that help citizens pursue valuable conceptions of the good through the use of directives that put citizens in a better position to independently choose among valued forms of knowledge, understanding and skill. Such authority goes beyond anti-perfectionist reasons of egalitarian justice or liberal neutrality (Chan, 2012), and in this respect establishes a broader role for that state in promoting worthwhile civic goals through post-compulsory education than politically liberal conceptions of educational justice permit.

My account leaves a number of objections, questions and potential counter-objections unaddressed. While I cannot deal with them all here, in this last section I'll raise two of the more compelling objections in the hopes of adding greater precision to the argument.

Institutional vs. State Educational Authority

One objection is that, while I may have offered a plausible account of educational authority, such authority should be understood as a property of educational institutions and not governments. However, this objection speaks to the rationale of the paper and to the contemporary situation against which it writes. It is increasingly clear that, as post-compulsory institutions globalize, they do not by themselves have the power or the authority to pursue perfectionist civic goals that may conflict with market forces. They are compelled to behave like market actors in the market system of which they are increasingly a part. Post-compulsory institutions need direction from an authority other than the market if they are to serve the interests of liberal democratic citizens. Higher education institutions should not be faulted for this fact. Recall that the kind of authority that the service conception is dealing with is practical authority. It is the authority to direct citizens in ways that will make their lives better. Educational institutions possess authority of kind that comes with expertise in certain areas of knowledge and understanding (i.e., epistemic authority). And states have ceded to such institutions the practical authority they need in order

¹⁶ See Raz, 1988, pp. 1234–1235.

to conduct their internal affairs in a manner that allows them to carry out their various epistemic functions. But they do not have practical authority over the wellbeing of citizens.

Accordingly, if we want educational institutions to behave in ways that make citizens' lives better, they must be directed to do so. But such a framework will not come from the market and, if it did, I wager that it would be distorted by market imperatives. Rather, it is the responsibility of the state to provide a framework that includes authoritative or obligating reasons why such institutions should not always behave like market actors when they otherwise have numerous direct (and perhaps merely contingent) reasons to do so.

Universities and Political Autonomy

A related objection is that, by giving the state the power to enact perfectionist policies, I am overlooking the importance of the university's own political autonomy. The university by its very nature should not be swayed by outside political influences (Crittenden, 1980), and obligating universities to pursue perfectionist goals will undermine this autonomy. However, the service conception of educational authority actually generates additional reasons why the state should protect the political autonomy of the university. In a perfectionist system of post-compulsory education, the state needs to make sure that there is an adequate range of educational options available. Among them are traditions of knowledge, understanding and skill that are central to the mission of the university as distinct from other post-compulsory institutions such as colleges or trade schools. Universities need political autonomy if they are to succeed in this task. Accordingly, the service conception of educational authority supplies an additional reason to protect the political autonomy of the university: for some citizens these traditions will serve as a gateway to social forms and activities that will contribute to their flourishing.¹⁷

Acknowledgments

This research was funded by a grant from the Spencer Foundation (grant number: 20150014). I would also like to thank the audience members at the 2017 Canadian Philosophy of Education Society Conference for their helpful questions and feedback, and the Executive of the Society for the invitation to give the talk on which the paper is based.

References

Arneson, R. J. (1980). Mill versus paternalism. *Ethics*, 90(4), 470–489.

¹⁷ One problem the liberal perfectionist state would have to address is a society in which all post-compulsory institutions try to become like universities. To ensure that citizens can autonomously pursue an adequate range of educational options, it would be legitimate for such a state to exercise its authority to ensure that universities do not “crowd out” other post-compulsory institutions. Institutional diversity appears to be a political good arising from my account. For a contemporary example of how the university ideal can crowd out other educational values, see Trow (1989).

- Arneson, R. J. (2003). Debate: Defending the purely instrumental account of democratic legitimacy. *The Journal of Political Philosophy* 11(1), 122–132.
- Chan, J. (2000). Legitimacy, unanimity, and perfectionism. *Philosophy & Public Affairs*, 29(1), 5–42.
- Chan, J. (2012). Political authority and perfectionism: a response to Quong. *Philosophy and Public Issues*, 2(1), 31–41.
- Crittenden, P. J. (1980). Neutrality in Education. *Educational Philosophy and Theory*, 12(1), 1–18.
- Department for Business, Innovation and Skills. (2011, June). *Higher education: Students at the heart of the system*. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/31384/11-944-higher-education-students-at-heart-of-system.pdf
- Dworkin, G. (1972). Paternalism. *The Monist*, 56, 64–84.
- Ernst & Young. (2012). *University of the future: A thousand year old industry on the cusp of profound change*. Retrieved from <https://cdn.ey.com/echannel/au/en/industries/government--public-sector/ey-university-of-the-future-2030/EY-university-of-the-future-2030.pdf>
- George, R. P. (1995). *Making men moral: civil liberties and public morality*. Oxford, England: Clarendon Press.
- Hall, R. (2017, June 19). Why should I care about the teaching excellence framework? – explainer. *The Guardian*. Retrieved from <https://www.theguardian.com/higher-education-network/2017/jun/19/why-should-i-care-about-the-teaching-excellence-framework-explainer>
- Haydon, G. (1977). The “right to education” and compulsory schooling. *Educational Philosophy and Theory*, 9(1), 1–15.
- Hershovitz, S. (2011). The role of authority. *Philosopher's Imprint*, 11(7).
- Levitz, S. (2017, August 16). Andrew Scheer’s free speech pledge wouldn’t apply in Toronto case: spokesman. *CTV News*. Retrieved from <https://www.ctvnews.ca/politics/andrew-scheer-s-free-speech-pledge-wouldn-t-apply-in-toronto-case-spokesman-1.3548920>
- Martin, C. (2016). Should students have to borrow? Autonomy, wellbeing and student debt. *Journal of Philosophy of Education*, 50(3), 351–370.
- Martin, C. (2017). Should the public pay for higher education? Equality, liberty, and educational debt. *Theory and Research in Education*, 15(1), 38–52.
- McCabe, D. (2001). Joseph Raz and the contextual argument for liberal perfectionism. *Ethics*, 111(3), 493–522.
- Peters, R. S. (1973). The justification of education. In R. S. Peters (Ed.), *The philosophy of education* (pp. 239–267). Oxford, England: Oxford University Press.
- Raz, J. (1986). *The morality of freedom*. Oxford, England: Clarendon Press.
- Raz, J. (1988). Facing up: a reply. *Southern California Law Review*, 62, 1153–1235.
- Raz, J. (2005). The problem of authority: Revisiting the service conception. *Minnesota Law Review*, 90, 1003–1044.
- Raz, J. (2010). On respect, authority, and neutrality: a response. *Ethics*, 120 (2), 279–301.
- Réaume, D. (1988). Individuals, groups, and rights to public goods. *The University of Toronto Law Journal*, 38(1), 1–27.
- Stiglitz, J. E. (1999). Knowledge as a global public good. *Global public goods: International cooperation in the 21st century*, 308, 308–325.

Trow, M. (1989). The Robbins trap: British attitudes and the limits of expansion. *Higher Education Quarterly*, 43(1), 55–75.

About the Author

Christopher Martin is Associate Professor at the Okanagan School of Education, Faculty of Education, University of British Columbia. His research areas include political philosophy and the philosophy of education. He is currently working on a project focused on the values and aims of higher education in liberal societies, and the implications of such values and aims for questions of political justice and political authority. He can be reached at christopher.martin@ubc.ca