

**AN ARISTOTELIAN SOLUTION TO THE PROBLEM OF INTERNAL MINORITIES**

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Submitted to the Graduate Faculty of

the Kenneth P. Dietrich School of Arts and Sciences in partial fulfillment

of the requirements for the degree of

Doctor of Philosophy

University of Pittsburgh

2014

UNIVERSITY OF PITTSBURGH  
KENNETH P. DIETRICH SCHOOL OF ARTS AND SCIENCES

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# **AN ARISTOTELIAN SOLUTION TO THE PROBLEM OF INTERNAL MINORITIES**

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University of Pittsburgh, 2014

In this thesis I consider what type of authority religious and cultural minority groups should be allowed to exercise over their members and how the use of this authority can be justified. This has become an important question in political philosophy over the past forty years, as these groups have demanded greater autonomy from the state, while treating their members in ways that are incompatible with liberal commitments to equal protection and individual autonomy. This issue is sometimes referred to as the problem of internal minorities.

Virtually all of the approaches to the problem of internal minorities rely, either directly or indirectly, on the liberal principle of legitimacy. According to this principle, the exercise of political authority is legitimate only if the individuals affected by the use of this authority have consented to it. I argue that the liberal principle of legitimacy should not be used to resolve questions related to the treatment of internal minorities because it presupposes a conception of autonomy that cannot be satisfied by the members of religious and cultural minority groups. Autonomy requires the capacity for *sunesis*, which involves making accurate judgments about the actions, motivations and advice of other people, especially about what is needed to live well. Because many religious and cultural minority groups are socially and linguistically isolated, impose strict punishments for disobeying the practices of the community and discourage their members from questioning the authority of their leaders, it could be difficult for them to develop this capacity.

In light of these problems, I argue that Aristotle's conception of *eunomia* should be used to determine whether the norms and practices of these groups are legitimate. A well-ordered community promotes political excellence and justice as a virtue of character; makes legal decisions based on facts, rather than prejudice or anger; gives honors to the virtuous; and prevents its citizens from being very rich or very poor. *Eunomia* fosters the moral development of community members, strengthens relationships between them and helps the community achieve *homonoia*, a condition in which individuals agree about what is in their common interest and do what they have resolved in common.

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## **PREFACE**

I would like to thank the members of my committee for their assistance with this project. I also would like to thank the other faculty members of the Philosophy Department at the University of Pittsburgh who have discussed this project with me, including Anil Gupta, Kristen Inglis, Michael Kessler and Japa Pallikkathayil. Elizabeth Anderson, Steve Darwall, Lisa Parker, Peter Railton, Laura Ruetsche, David Vellemen and Andrea Westlund have helped to develop my interests in ethics, feminist theory and political philosophy over the years. I am grateful to all of them. Finally, and most importantly, I would like to thank my parents and grandparents for their encouragement and support.

## **1.0 INTRODUCTION**

In *On Liberty* John Stuart Mill argued that the practice of polygamy among Mormons is ‘a mere riveting of the chains of one half of the community, and an emancipation of the other from reciprocity of obligation towards them.’ Still, he argued, no community has a right to force another to be civilized.

So long as the sufferers by the bad law do not invoke assistance from other communities, I cannot admit that persons entirely unconnected with them ought to step in and require that a condition of things with which all who are distinctly interested appear to be satisfied should be put an end to because it is a scandal to persons some thousands of miles distant, who have no part or concern in it. (*On Liberty* 177-179)

The question of whether Mormons should be allowed to practice polygamy, the Amish should be permitted to withdraw their children from school at the age of fourteen and, more generally, how religious and cultural minority groups should be allowed to treat their members has been widely debated since Mill wrote *On Liberty*. It has become an increasingly important question in political philosophy over the past forty years, as these groups have demanded greater autonomy from the state while treating women, political dissidents and other minorities within the community in ways that are incompatible with liberal commitments to equal protection and individual rights. This issue is sometimes referred to as the problem of internal minorities (Deveaux 2; Moore 272).

In *On Liberty* Mill argued that the state should not intervene in the practices of religious and cultural minority groups as long as they do not harm other groups and allow those who are dissatisfied with their practices ‘perfect freedom of departure’ (*On Liberty* 178). Today liberals such as Brian Barry, Jeff Spinner-Halev and Chandran Kukathas also appeal to the idea of exit rights to decide how religious and cultural minority groups should be allowed to treat their members. Kukathas, for instance, argues that, as long as the members of these groups have minimal rights of exit, they have consented to its authority – and the exercise of this authority is legitimate (Mertel 4-6).<sup>1</sup>

Liberals who do not appeal to exit rights to resolve questions related to the treatment of internal minorities also rely on the idea of consent. For example, Marilyn Friedman argues that the norms and practices of religious and cultural minority groups are legitimate if all of the groups within the community that are affected by these practices have consented to them (Friedman 183).<sup>2</sup> In fact, virtually all of the approaches to the problem of internal minorities rely, either directly or indirectly, on the liberal principle of legitimacy.<sup>3</sup> According to this principle, the exercise of political authority is legitimate only if the individuals affected by the use of this authority have consented to it (Rawls, *Justice as Fairness* 41).

In this thesis I consider whether the liberal principle of legitimacy should be used to address questions related to the treatment of internal minorities. More specifically, I consider

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<sup>1</sup> Liberals such as Susan Moller Okin have raised concerns about whether members of these groups really do have the freedom to leave if they are dissatisfied, however ('Mistresses' 216-220). The members of the Fundamentalist Church of Jesus Christ of Latter Day Saints, for example – a conservative branch of Mormonism – give their homes to the prophet, so he owns all of their possessions; and the children of women who leave the group often are kept or kidnapped, which is used as leverage to bring them back to the community (Musser 127, 39, 189).

<sup>2</sup> The individuals within these groups also must be able make decisions relatively free of coercion, manipulation and deception; have been able to develop the capacities to reflect on their situations and make decisions about them; and make decisions from a significant and morally acceptable range of alternatives (Friedman 188).

<sup>3</sup> One important exception is Martha Nussbaum. Unfortunately it is beyond the scope of this thesis to address Nussbaum's approach in detail.

whether it should be used to determine if the norms and practices of religious and cultural minority groups are legitimate.<sup>4</sup> I argue that it should not, since it presupposes a conception of autonomy that cannot be satisfied by the members of these groups.<sup>5</sup>

My argument focuses on the legitimacy of the norms and practices used by religious and cultural minority groups, rather than whether the members of these groups have an obligation to obey these norms and practices.<sup>6</sup> For the purposes of this discussion I will understand legitimacy in the sense of being morally justified, rather than legally permissible. My understanding will be based on Leslie Green's interpretation of the concept. According to Green, a legitimate authority is able to give binding reasons for action that (a) are recognized by the members of a community and (b) can alter their commitments by excluding certain reasons for action. As he explains,

Someone claims authority when he makes requirements of another which he intends to be taken as binding, content-independent reasons for action; his authority is recognized when another so treats the requirements; and, in the standard case, authority exists when its claims are generally recognized...A justification for authority offers a theory of social virtue which claims that a certain attitude towards the law and other political requirements is of moral value and is required of the good citizen. The attitude in question is that of regarding the

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<sup>4</sup> For many liberals this principle is seen as a necessary condition for the justification of political authority. For some it also is seen as a sufficient condition. Although liberals generally use this principle to resolve questions about whether the authority exercised by the state is legitimate, it also has been used by both liberals and proponents of deliberative democracy to address issues related to the authority of religious and cultural minority groups. As Monique Deveaux explains, 'The deliberative democratic approach to mediating conflicts of culture advanced here is grounded in a democratic conception of political legitimacy that stresses the importance of wide political inclusion ... [which] is required to establish the legitimacy of deliberative processes and outcomes. This latter justification is bound up with the claim that citizens (generally) are not to be bound by principles to which they have not consented, or to which they could not give consent' (Deveaux 96-97). John Christman has expressed a similar view (*Politics* 226-227).

<sup>5</sup> I will focus on what Ayelet Shachar has called *nomoī* groups. She uses the term to 'refer primarily to religiously defined groups of people that share a comprehensive world view that extends to creating a law for the community ... This definition can also apply to other types of minority groups, such as those organized primarily along ethnic, racial, tribal or national-origin lines, as long as their members share a comprehensive and distinguishable world view that extends to creating a law for the community' (Shachar 2). For the purposes of this discussion, I will limit the idea to communities that are relatively distinct, geographically and in some cases linguistically, such as the Amish, Native Americans and the Satmar Hasidim, an Orthodox Jewish sect whose members live primarily in and around New York City, rather than groups such as Hispanics or Catholics.

<sup>6</sup> As I will explain in greater detail in Chapter Three, there is a conceptual distinction between legitimacy and obligation, although many philosophers view these ideas as being closely related. I also will not address questions related to the legitimacy of the norms and practices found within mainstream society.

state as authoritative, as having the power to alter one's commitments by excluding certain reasons for action. (Green 60-61)

For the purposes of this discussion I will focus on the authority exercised by religious and cultural minority groups, rather than the state, and will not address questions related to whether the state should intervene in the internal affairs of these groups. Although these questions are important, I think we first need to determine the sense in which the norms and practices used by these groups might or might not be legitimate before deciding whether the state should intervene in cases when they are not. I also will not address questions related to the truth of the comprehensive doctrines embraced by these groups. My critique of the existing approaches to the problem of internal minorities, and the solution that I present to this problem, does not rely on the truth of these doctrines.

In Chapter Two I discuss the relationship between autonomy and legitimacy in greater detail. In recent years many philosophers and political theorists have argued that the liberal principle of legitimacy requires a procedural conception of autonomy: the individual who is making the decision to consent must be able to endorse or identify with her desires, motivations and reasons for action after engaging in a process of critical reflection about them. I discuss two recent accounts of the process of critical reflection in Chapter Two. In Chapter Three I argue that this process requires a capacity that Aristotle refers to as *sunesis*, which involves making accurate judgments about the actions, motivations and advice of other people, particularly about what is needed to live well.<sup>7</sup> The capacity for *sunesis* also is needed to develop and revise one's

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<sup>7</sup> Unless indicated otherwise, the passages from Aristotle that I cite in this thesis will be based on the Barnes revision of the Ross translation of the *Nicomachean Ethics*, the Jowett translation of the *Politics*, the Solomon translation of the *Eudemian Ethics*, the Stock translation of the *Magna Moralia* and the Roberts translation of the *Rhetoric*. During this discussion I will use several Greek terms that have been incorporated into English usage and are used as English expressions, including *sunesis*, *eunomia*, *pleonexia*, *prohaeresis*, *eudaimonia*, *homonoia*, *kalon* and *stasis*. I will use a traditional transliteration of these terms.

conception of the good and to evaluate the range of opportunities that, according to many liberals, are needed to act autonomously.<sup>8</sup> I argue that, because many religious and cultural minority groups are socially and linguistically isolated, impose strict punishments for disobeying the norms and practices of the community and discourage their members from questioning the authority of their religious and political leaders, it could be difficult for them to develop the capacity for *sunesis*.

In Chapter Four I argue that, in light of these problems, Aristotle's conception of *eunomia* or a well-ordered community should be used to determine whether the norms and practices of religious and cultural minority groups are legitimate. A well-ordered community, for Aristotle, promotes political excellence and justice as a virtue of character; makes legal decisions based on facts, rather than appealing to prejudice or emotions such as anger or envy; gives honors to the virtuous; and prevents its citizens from being either very rich or very poor.

This approach is appealing because, as John Rawls has argued, the type of relationship that exists between the members of religious and cultural minority groups is very different from the relationship that exists between the members of mainstream society. It is, in many ways, similar to what existed in the *polis*.<sup>9</sup> The principles associated with *eunomia* foster the moral development of the members of these groups, strengthen the relationships between them and help the community achieve *homonoia*, a condition in which individuals agree about what is in their common interest, choose the same actions and do what they have resolved in common.

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<sup>8</sup> Most philosophers believe that the liberal principle of legitimacy requires individuals to either satisfy a procedural conception of autonomy or to have the capacity to develop and revise their conception of the good. In Chapter Three I will argue that both of these ideas require the capacity for *sunesis*: individuals need to be able to make accurate judgments about the actions, motivations and advice of other people to critically reflect on and make independent decisions about whether to endorse their desires, motivations and reasons for action and to develop a conception of the good that can recognize what Rawls has referred to as the burdens of judgment. Since members of religious and cultural minority groups lack the capacity for *sunesis*, they cannot satisfy either criterion; so the liberal principle of legitimacy should not be used to resolve questions related to the treatment of internal minorities.

<sup>9</sup> I would like to thank Michael Thompson for discussing these issues with me.

This approach also is appealing because it allows liberals to determine whether the norms and practices of religious and cultural minority groups are legitimate without appealing to individual rights or the idea of consent – approaches that have proven problematic in the past. As I explain in greater detail in Chapter Three, the idea of consent presupposes certain capacities that members of religious and cultural minority groups might not have. And as I explain in Chapter Four, liberals have reason to be concerned about the norms and practices of many of these groups, even though they do not violate the rights of their members. For example, within some religious and cultural minority groups there is an extremely uneven distribution of wealth. While certain members of the group barely have enough to eat, others live in mansions and travel in private jets. According to Aristotle's conception of *eunomia*, these practices cannot be justified.<sup>10</sup>

Likewise, many groups teach their members to obey authority for its own sake and impose strict punishments on individuals who question the authority of their religious and political leaders. These practices might be considered legitimate according to other approaches to the problem of internal minorities, since they do not necessarily violate individual rights and the members of the community might be understood to consent to them. A well-ordered community would prohibit these practices, however. Aristotle's conception of political excellence involves using the capacity for deliberation and choice, rather than fear or devotion, to obey the norms and practices of the community.

Another advantage of appealing to the idea of *eunomia* to resolve questions related to the treatment of internal minorities is that, although it would criticize the norms and practices of

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<sup>10</sup> I should point out that, although the tone I take in this discussion often will be critical – both of the religious and cultural minority groups that I discuss and the tradition of political liberalism in which this discussion takes place – I have a great deal of respect for this tradition as well as these groups. It is because of my interest in these groups, and the sense that we can learn a great deal from them, that I decided to undertake this project.

certain religious and cultural minority groups, it is consistent with the virtues that many of these groups teach their members. For instance, groups such as the Amish, the Satmar Hasidim and the Doukhobors – a radical Christian community that existed in Canada in the early twentieth century – instill virtues such as temperance among their members and teach them not to be greedy or over-reaching. The political virtues that liberals such as Rawls endorse are incompatible with the teachings of many religious and cultural minority groups, however: they require the members of these groups to be exposed to different conceptions of the good and to develop the abilities needed to evaluate these conceptions. I address these issues in greater detail in Chapter Four. Before turning to these questions, however, I will discuss the relationship between autonomy and legitimacy in greater detail.

## 2.0 AUTONOMY

The liberal principle of legitimacy has deep roots in the social contract tradition. During the seventeenth century, for instance, Hobbes, Locke and Rousseau all emphasized the role of individual decisions in legitimizing the use of political authority.<sup>11</sup> As Locke argues in *Two Treatises of Government*,

Men being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own Consent. The only way whereby any one devests himself of his Natural Liberty, and puts on the bonds of Civil Society is by agreeing with other Men to joyn and unite into a Community, for their comfortable, safe and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it. (Waldron 45)

But there is a great deal of disagreement, even within the social contract tradition, about what conditions need to be in place before consent can be used to justify the exercise of political authority. Locke, for instance, argued that individuals do not need to make an explicit decision to consent; simply by living within a political community, individuals make a tacit agreement to obey its laws (Steinberg 68). Rousseau, on the other hand, believed not only that individuals must make an explicit decision to consent, but that there must be a certain level of agreement between members of a political community about what is in their common interest before

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<sup>11</sup> As Rousseau explains, ‘Civil association is the most voluntary act in the world; since every individual is born free and his own master, no one is able, on any pretext whatsoever, to subject him without his consent’ (Riley 549).

consent can be used to justify the exercise of political authority (Steinberg 84-86).<sup>12</sup> In recent years philosophers and political theorists have chosen to focus on the qualities or characteristics of the individual who is making the decision to consent; and there is widespread agreement, particularly among political liberals, that she must be autonomous.<sup>13</sup>

There are two different senses in which an individual might be considered autonomous, though. Substantive conceptions of autonomy require the individual to be committed to certain ideals, such as liberty or equality, or to regard her moral status in a particular light.<sup>14</sup> Procedural conceptions of autonomy, on the other hand, do not require the individual to be committed to any particular set of values or ideals. Instead, the individual simply needs to endorse or identify with her desires and motivations after engaging in a process of critical reflection about them. As Gerald Dworkin explains,

Autonomy is conceived of as a second-order capacity of persons to reflect critically upon their first order preferences, desires, wishes and so forth and the capacity to accept or attempt to change these in light of higher order preferences and values. (*Theory* 20)

Liberals such as John Christman and Marilyn Friedman have argued that, since many individuals who live in democratic societies are committed to values and beliefs that would make it difficult, if not impossible, for them to satisfy a substantive conception of autonomy, the liberal principle of legitimacy requires a procedural account ('Procedural Autonomy' 278; Friedman

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<sup>12</sup> Rousseau's idea of the general will is meant to capture this sense of shared moral agreement.

<sup>13</sup> See John Rawls *Political Liberalism* I.5 and II.5; John Christman 'Autonomy, Self-Knowledge and Liberal Legitimacy' and *The Politics of Persons*; Marilyn Friedman *Autonomy, Gender, Politics* chapter 9; and Emily Gill *Becoming Free: Autonomy and Diversity in the Liberal Polity*. Christman argues, for instance, that individuals must be able to reflectively endorse and publicly defend the opinions, values and interests that are the inputs to deliberative processes. As he says, 'Advancing [their] interests in a way which thoroughly bypasses reflective endorsement of them threatens to violate the requirement that values promoted in a society obtain validity only by being subject to the citizens' endorsement of them' (*Politics* 226-227). Amy Gutmann and Stephen Macedo also have argued that citizens need the capacity to reflect on their reasons, desires and conceptions of the good. See *Democratic Education* and *Liberal Virtues*.

<sup>14</sup> For instance, she might need to 'regard herself as a morally worthy (and trustworthy) agent and reliable decision maker' (Christman, 'Procedural Autonomy' 281).

191-192). For the purposes of this discussion, I will assume that they are correct. So the primary questions I will consider are (a) exactly what type of procedural account might be needed to justify the exercise of political authority<sup>15</sup> and (b) whether the members of religious and cultural minority groups can satisfy the requirements of such an account. During this discussion I will focus primarily on the capacities individuals need to critically reflect on their desires, motivations and reasons for action. I will begin by discussing two recent characterizations of the process of critical reflection.

## **2.1 CRITICAL REFLECTION**

In ‘Autonomy and Oppressive Socialization’ Paul Benson criticizes the hierarchical model that underlies most procedural accounts of autonomy. As I explained above, an individual is considered autonomous according to this model if she can endorse or identify with her first-order desires and motivations after engaging in a process of critical reflection about them. One of Benson’s criticisms of this model is that, although it is widely recognized that processes such as socialization can affect an individual’s first order desires, they also can influence the decisions she makes about whether to endorse or identify with them.

For instance, Benson points out that in many cultures women have a desire to appear physically attractive to men. Although this desire is strongly influenced by the process of feminine socialization, these women would be considered autonomous according to the hierarchical model if they endorse or identify with the desire after critically reflecting on it. As

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<sup>15</sup> Although I will focus primarily on a literal interpretation of consent in this thesis, in Chapter Three I will consider whether hypothetical interpretations face similar problems.

Benson points out, however, the decision to endorse this desire can be influenced by the social and political environment in which one lives: the process of feminine socialization teaches women not only to want to appear physically attractive to men, but to *want* to want to appear attractive to them. Benson argues that in this type of situation an individual cannot be considered fully autonomous, since her decision to endorse or identify with the second-order desire is heavily influenced by social conditioning.<sup>16</sup>

In light of these and other problems, Benson argues that acting autonomously requires a capacity that he refers to as critical competence. This capacity involves (a) understanding how the social and political environment has influenced one's decision to endorse or identify with a particular desire and (b) being able to recognize and appreciate the different reasons that might be relevant to one's proposed course of action. For Benson, appreciation involves understanding 'what would matter to an individual if she were to rationally consider her actual situation in the world' or being aware of the rational significance of this situation.<sup>17</sup> Benson believes that having a false understanding of this situation affects an individual's ability to act autonomously by limiting the types of reasons she is able to recognize, which in turn influences the types of identifications and judgments she makes. For instance, women who have been judged unattractive in the eyes of men might not consider reasons to regard their appearance differently.

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<sup>16</sup> Another reason these women cannot be considered fully autonomous is that, as a result of social conditioning, they have acquired false beliefs about the value of their physical appearance ('Oppressive Socialization' 388). As Benson explains, 'If [an individual's] upbringing reliably led her to gravely misunderstand the place of feminine appearance in her value as a person, and systematically prevented her from correcting that misunderstanding, then surely the motives and judgments that occasion her persistent dissatisfaction with herself are less than fully her own. The actions she performs to 'fix herself up' are not motivated autonomously' ('Oppressive Socialization' 390).

<sup>17</sup> This point should not be taken to imply that individuals must be perfectly rational to be autonomous, however. As Benson explains, 'An agent can autonomously decide to curtail rational consideration of certain of his motives or available lines of action, for instance. As a result, he may come to do what there are not very good reasons for him to do, without losing autonomy. Likewise, one can exercise the requisite critical competence and still arrive at a mistaken assessment of what there is a reason to do' ('Oppressive Socialization' 397).

A failure to recognize these reasons could affect the judgments a woman makes about her own appearance or that of others ('Oppressive Socialization' 396-398).

It is important to keep in mind that, although critical competence is a necessary condition for acting autonomously, it is not sufficient, according to Benson. Even if the individual can understand the different reasons that might be relevant to her proposed course of action, she cannot be considered fully autonomous if these reasons do not motivate or guide her behavior ('Oppressive Socialization' 401).

In *The Politics of Persons* John Christman offers another account of the process of critical reflection. The main problem with the hierarchical model, according to Christman, is that it does not consider the processes by which individuals acquire their normative commitments, i.e. values, motivations and patterns of judgment. Christman thinks it is important to consider these processes because, even if the individual thoroughly embraces her normative commitments, they might have been influenced by factors such as manipulation or deception that can undermine her ability to act autonomously.<sup>18</sup> As he explains,

The impetus behind looking at autonomy historically comes from the rough intuition that a person who thoroughly embraces her current values but does so because of overt past manipulation, oppressive upbringing or severely constricted reflection lacks something essential to autonomy and freedom. (*Politics* 137)

A second problem with the hierarchical model, Christman argues, is that it requires the individual to identify with her motivations and desires. In light of questions that recently have been raised about the idea of identification,<sup>19</sup> Christman argues that an individual should be

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<sup>18</sup> It is important to keep in mind that, even though Christman thinks individuals need to consider the way they acquired their normative commitments during the process of critical reflection, what the individual should be focusing on is the content of these commitments, in light of the process by which they developed, rather than the process itself (*Politics* 146).

<sup>19</sup> Some of the problems associated with using the idea of identification include a potential ambiguity between acknowledgment, endorsement and simply accepting a trait or characteristic as being true of oneself (*Politics* 143).

considered autonomous if she does not feel alienated from her normative commitments after critically reflecting on them. According to Christman, alienation involves both a feeling of being constrained by the trait or value in question and making an explicit decision to reject it (*Politics* 143-144).

Another feature of Christman's account involves the type of judgment an individual should make during the process of critical reflection. He thinks she should be considered autonomous if she can accept her normative commitments as part of her overall self-narrative, i.e. her larger understanding of who she is, as an individual. During the process of critical reflection she should not focus on whether she actually has the characteristic in question or whether it might be beneficial, in a more general sense, to have it. Rather, she should reflect on her history and consider whether she can accept this characteristic as part of her larger sense of personal identity (*Politics* 154).

Christman also believes the process of critical reflection must be authentic. Drawing upon recent research in developmental psychology, he points out that individuals use certain ways of thinking to process information about the world and draw inferences about it. He refers to these ways of thinking as frames or modes of thought. He points out that we cannot reflect on the basic commitments that make up these frames in the way we can reflect on things like the color of the sky, since these commitments are involved in the process of reflection itself. So the only way to determine if this process is authentic, Christman argues, is based on whether the frames are consistent with the individual's most deeply held values and convictions (*Politics* 149-150).

In addition to being authentic, Christman believes the process of critical reflection must produce the same types of evaluative judgments across a variety of circumstances. He refers to

this idea as sustained critical reflection (*Politics* 152-153). If an individual sometimes feels alienated from her normative commitments and sometimes does not, she would not be considered autonomous, according to Christman. Finally, he argues, individuals must have certain basic capacities to engage in the process of critical reflection and, therefore, act autonomously: rationality, a minimal sense of self-control and the ability to form effective intentions to act (*Politics* 155).<sup>20</sup>

## 2.2    OBJECTIONS

In this section of the chapter I will discuss some of the shortcomings of Benson's and Christman's arguments.<sup>21</sup>

One problem with Benson's account is that it is unclear which criteria should be used to determine the reasons that might be relevant to an individual's proposed course of action. Does the individual need to consider all of these reasons and, if not, which ones? It also is unclear what it might mean to rationally consider one's situation in the world.<sup>22</sup> Does it involve considering this situation from a detached and impartial perspective? Or assigning a certain

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<sup>20</sup> Christman believes the individual does not need to be able to actually complete these actions, however. There might be external impediments to completing the action, for instance. So to be considered autonomous, the individual simply needs to be able to form appropriate intentions.

<sup>21</sup> My discussion of Benson's position is based on his argument in 'Autonomy and Oppressive Socialization.' In his most recent work Benson appears to have modified his position. He now argues that individuals act autonomously if they can articulate and defend their reasons for action ('Ownership' 108-109; 'Feminist Intuitions' 136). In these articles he does not consider what might be involved in the process of critical reflection, though. For the purposes of this discussion I am choosing to focus on his earlier article because I am primarily interested in which capacities might be needed to engage in this process.

<sup>22</sup> As I mentioned above, the capacity for critical competence requires individuals to be able to recognize and appreciate the reasons that are relevant to their proposed course of action. Appreciation involves understanding what would matter to an individual if she were to rationally consider her actual situation in the world.

weight to particular types of considerations, such as those related to self-interest, during the process of critical reflection?

Another problem is that Benson's account is too ambitious. As I mentioned above, he believes it is important to have an accurate understanding of one's situation in the world, since a false understanding of this situation can limit the types of reasons one is able to recognize and appreciate and can cause one to misconstrue the reasons there might be to act in certain ways. He also thinks one must have an appreciation of how this situation affects one's identifications and judgments and the imaginative capacities to consider how this situation might be changed.<sup>23</sup> Furthermore, he believes one should have an accurate understanding of such issues as the importance of physical appearance in one's value as a person ('Oppressive Socialization' 389-390).

Unfortunately, very few people would be able to satisfy these criteria. Simply having an accurate understanding of one's situation in the world can be quite difficult. For example, a recent study of undergraduate students has shown that both men and women tend to overestimate their intelligence, compared to other students, and that men also overestimate their level of physical attractiveness (Gabriel and Critelli 146).<sup>24</sup> Other studies have shown that people tend to remember their performance on certain tasks to be more positive than it actually was and believe that they have improved on abilities that are important to them even when their performance has

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<sup>23</sup> For instance, if an individual believes the prevailing gender system is natural or biologically determined, she probably will fail to consider certain types of reasons for acting and therefore is not acting autonomously in making certain types of judgments or decisions ('Oppressive Socialization' 396-397).

<sup>24</sup> Research also has shown that people tend to be overly optimistic about their future. They view themselves as less likely to experience negative events, such as becoming ill or having trouble finding a job, than other individuals and more likely to experience positive events, such as having a gifted child. They also judge positive personality traits to be more descriptive of themselves than the average person but see negative characteristics as less descriptive. They tend to dismiss the negative characteristics that they do acknowledge as inconsequential. These problems are exacerbated by the interaction strategies people adopt in social situations, which tend to confirm pre-existing self conceptions (Taylor and Brown).

remained unchanged. They also have a tendency to overestimate the degree to which they will perform well on future tasks (Taylor and Brown).

So there is a sense in which Benson's idea of critical competence seems to be too demanding, one that would place the ability to act autonomously out of reach for a large number of people. But in another sense his argument is not demanding enough. As I mentioned above, critical competence involves being able to recognize and appreciate the reasons that are relevant to one's proposed course of action and understanding how the social and political environment has influenced the decision to endorse or reject these reasons. However, there might be situations in which an individual can satisfy these criteria but fail to act autonomously because the social and political environment has influenced her decision to endorse certain types of reasons and motivations in a way that cannot be considered legitimate.

For instance, North Korea has very strict policies regulating the practice of religion and the expression of political dissent. During the early 1960s Kim Il-Sung imprisoned religious leaders and forced their followers to recant. By the end of the decade, virtually everyone who practiced religion openly was either imprisoned or killed (Hassig and Oh 188). Although today there is greater toleration for the practice of religion, at least officially, individuals caught worshipping or found to possess religious literature can be sentenced to prison for more than a decade for antisocialist activities (Hassig and Oh 190). Those who criticize the Kim family also are sent to prison, where torture and executions regularly take place.<sup>25</sup>

Similar incidents have occurred in Afghanistan. During the 1990s women in Afghanistan were beaten if they appeared in public without wearing a burqa or being accompanied by a male

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<sup>25</sup> An estimated one third to one half of the prisoners in North Korea die as a result of illness, beatings and forced labor. Former detainees report that prisoners are forced to dig their own graves and are killed with hammer blows to the neck or beatings with wooden sticks (Marquand; Park and Kim; *Agence France Presse*).

relative. They also were largely denied access to education, employment and adequate medical care (Skaine 63-64).<sup>26</sup> Although the situation of men was slightly better in these respects, they also received limited education and were beaten and jailed for various offenses, including not having a beard of sufficient length.<sup>27</sup> In prison they suffered amputation, stoning and other abuses (Physicians for Human Rights 32-33).<sup>28</sup>

The practices of the Taliban and the government of North Korea raise important questions about whether an individual who satisfies Benson's criteria of critical competence can be said to act autonomously. As these examples illustrate, there might be situations in which an individual can recognize and appreciate different reasons for acting, and understand how the social and political environment has influenced her decision to endorse certain types of reasons and motivations, but fail to act autonomously because the environment has influenced this decision in a way that cannot be considered legitimate. The autonomy of the decisions that the citizens of North Korea make about whether to express religious beliefs, for instance, is undermined by the negative consequences their political leaders impose for performing these actions.<sup>29</sup>

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<sup>26</sup> In 1998 the Taliban declared that girls could only be educated to age eight, and instruction must be limited to the Koran (Skaine 65).

<sup>27</sup> In fact, in 2000 the United Nations Educational, Scientific and Cultural Organization found that only two countries in the world had a lower adult literacy rate than Afghanistan (Skaine 66).

<sup>28</sup> According to Amnesty International, 'The Taliban has imposed strict Islamic sanctions for common crimes and regularly carries out floggings, executions (including by beheading or stoning) and amputations, which the public is summoned to watch. Taliban soldiers engage in violations of humanitarian law in the continuing civil war, including massacres of civilians and deliberate or indiscriminate rocketing of villages or towns held by opposing forces' (Physicians for Human Rights 31).

<sup>29</sup> Michael Thompson has pointed out that, since the policies of the Taliban and the government of North Korea are coercive in nature, the actions of these individuals might not be considered autonomous anyway. A similar point applies to practices that are not coercive, however. A bisexual man might not endorse his desires to date other men, for example, if he lives in an extremely homophobic society. Even though he might be able to recognize and appreciate different reasons for action, and understand how the social and political environment has affected his decisions to endorse or identify with certain desires and reasons, it seems that these decisions are not completely autonomous because the social and political environment has influenced them in a way that cannot be considered legitimate.

Unfortunately, Christman's argument faces a similar problem. As I explained above, he believes an individual should be considered autonomous if she does not feel alienated from her normative commitments, after critically reflecting on the process by which they developed, and if she can accept these commitments as part of her ongoing sense of personal identity. Yet other people can have an important influence not only on the development of these commitments, but on the process the individual uses to evaluate them. Even if she is not being deceived, manipulated or coerced, it is unclear whether the individual should be considered fully autonomous if the feelings she experiences during the process of critical reflection, or the grounds on which she decides to accept or reject her normative commitments, have been determined by other people.

For example, psychological research has shown that the attitude gays and lesbians take toward their sexual orientation can be significantly influenced by their parents' views about homosexuality and their parents' level of support for their autonomy. A recent study has shown that gays and lesbians whose fathers were homophobic and displayed a low level of support for their autonomy were less likely to express their sexual orientation openly and more likely to exhibit anti-gay attitudes (Weinstein et al.).<sup>30</sup> In another study gays, lesbians and bisexuals who were less likely than others to view their fathers as being supportive about issues related to sexual orientation had greater difficulties with self-acceptance and a higher degree of negative identity than other research participants (Mohr and Fossinger 15, 17).

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<sup>30</sup> Autonomy is defined in this context as being 'free to explore and identify their needs, emotions, wishes, and beliefs and [being able to] choose to act in accord with them.' Autonomy supportive parents are those who 'encourage self-initiation and choice and are accepting of the child's emotions, thoughts and reactions ... They minimize pressure toward specific outcomes or ways of being and support authentic self-expression' (Weinstein et al.).

As these studies illustrate, the feelings that an individual experiences during the process of critical reflection, and whether she ultimately decides to accept or reject her normative commitments, can be affected by her relationships with other people and by the attitudes they express toward the commitment in question. This type of influence poses a significant threat to Christman's conception of autonomy because he relies almost exclusively on the feeling of alienation that an individual experiences during the process of critical reflection to determine whether she should be considered autonomous, without taking into consideration how her relationships with other people might have influenced this feeling.<sup>31</sup>

Another problem arises when Christman's conception of autonomy is used to resolve questions related to the justification of political authority. For Christman the feeling of alienation explains not only when an individual is acting autonomously, but when the authority used to enforce political principles is legitimate. As he explains,

A better test for legitimacy, then, is that (reasonable) citizens do not actively reject the basic principles of justice in the sense indicated here: they do not feel alienated from them by viewing them purely as restrictions, imposed externally, and out of keeping with the rest of their value and motivational set. (*Politics* 239)

As I will explain in greater detail below, the problem is that the question of whether an individual feels alienated from a particular norm or practice might be determined by the norm itself. To illustrate this point, I would like to appeal to an idea that Sally Haslanger has introduced in a slightly different context. In 'On Being Objective and Being Objectified'

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<sup>31</sup> Christman recognizes that issues related to sexual orientation raise important questions about the nature of autonomy. He points out that an individual 'may judge a factor to be repellent or unacceptable on normative grounds ... but neither desire to change it nor feel particularly bad about it.' For example, an individual's upbringing might lead her to judge certain sexual feelings as immoral, but she might not necessarily experience these feelings as unpleasant or the cause of conflicting desires (*Politics* 144-145). The studies I have cited suggest that Christman does not fully appreciate how other people can influence the feelings an individual experiences during the process of critical reflection, however. If she was raised in a homophobic environment, she might very well experience conflicting motivations or find her sexual desires to be unpleasant on some level.

Haslanger argues that norms can be either grounded in or appropriate to certain types of social roles. As she explains,

A norm is appropriate to a social role just in case those functioning in the role will have a greater chance of success (in that role) if they satisfy the norm; in other words, satisfying the norm would make for or significantly contribute to (reliable) success in the role. So an ‘appropriate’ norm for a role is one whose satisfaction will, other things being equal, take you from merely meeting the minimal conditions for the role to doing a better, or even excellent, job at it. (Haslanger 94)

For instance, Haslanger argues, adhering to certain norms related to behavior or personal appearance helps individuals succeed in the role of being a man or woman.<sup>32</sup>

Haslanger argues that, in contexts where social roles are particularly well entrenched, the norms that are appropriate to these roles function not only descriptively but prescriptively. In other words, the norms not only serve as the basis for judgments about how people ought to be or act, but individuals decide how to act and what to strive for in light of these norms. Moreover, Haslanger points out, the prescriptive force of these norms often is backed by social sanctions: individuals who do not aspire to the norm or do not succeed in following it will be censured.

Although Haslanger does not discuss the possible implications that her argument might have for questions related to the justification of political authority, it seems clear that an individual who has been raised in a community with well-defined social roles, whose sense of personal identity has been shaped by these roles and who has been punished for not obeying the norms that are appropriate to these roles most likely will not experience feelings of alienation

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<sup>32</sup> To be grounded means that an individual who satisfies a particular norm functions or participates in a social role, according to Haslanger. For example, she explains, ‘one can satisfy the condition of paying one’s rent on time only if one is a tenant; in satisfying this norm, one thereby satisfies the conditions for being a tenant’ (Haslanger 95). She also draws a distinction between norms being constitutively and contextually grounded in social roles. This description applies to norms that are constitutively grounded. To be contextually grounded means that ‘satisfying a norm may be sufficient for functioning in a role in some contexts but not in others.’ In other words, whether satisfying a norm is sufficient for functioning in a role depends on the background conditions (Haslanger 96).

when reflecting on a desire to consent to the norms in question. The problem is that, if the individual does not experience feelings of alienation when reflecting on this desire, she would be acting autonomously in making the decision to consent to the norm; and the political authority used to enforce it would be morally justified, according to Christman.<sup>33</sup>

But it seems that the individual's decision to consent to the norm has been influenced, in a problematic way, by the norm itself. Consider, for example, norms that attempt to instill characteristics such as obedience and humility among the Amish. These norms are appropriate to the social roles with which Amish men and women have been raised to identify. Following these norms not only helps the Amish succeed in these roles, they are punished – in some cases, severely – if they do not follow them.<sup>34</sup> So over time, these norms have played a critical role in shaping the understanding that the Amish have of who they are, as individuals.<sup>35</sup> In this type of situation it seems unlikely that the Amish would experience a feeling of alienation when

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<sup>33</sup> It also is unlikely that she will feel alienated from the process used to negotiate these norms. As Christman explains, ‘The test for legitimacy of political principles should be the following: principles are legitimate only if the (reasonable) citizens to whom they apply would not be understandably alienated from them. To be ‘understandably’ alienated is to definitively reject the principles but in ways one can share with others, reasonably expect them to understand (though not necessarily accept), and which can be generalized to other cases. To be ‘alienated’ from such principles is (as in the case of autonomy) to vehemently reject them, resist their motivating force, and actively disavow them … One must not only reject the public principles dominant in one’s political culture … one must also reject and feel alienated from the process of ongoing deliberation used to reconsider and challenge those principles’ (*Politics* 239-241).

<sup>34</sup> Individuals who do not follow the *ordnung*, or the norms adopted by the community, may be shunned by its members. The Amish are not allowed to eat, drive or exchange money with those who have been shunned. The passages from the Bible that support this practice are from I Cor 5:11, II Thess 3:14 and Rom 16:17: ‘But now I have written unto you not to keep company, if any man that is called a brother be a fornicator, or covetous, or an idolater, or a railer, or a drunkard, or an extortioner, with such an one no not to eat. If any man obey not our word by this epistle, note that man, and have no company with him, that he may be ashamed. Now I beseech you brethren, mark them which cause divisions and offenses contrary to the doctrine which ye have learned, and avoid them’ (Hostetler 155-156).

<sup>35</sup> In fact psychological studies have shown that the Amish do exhibit characteristics such as obedience and humility more frequently than members of mainstream society. See ‘Personality Differences between Amish and Non-Amish Children’ (*Rural Sociology* (1958)) and ‘Old Order Amish and Non-Amish Youth: A Personality Comparison’ (*Personality* (1971)).

reflecting on a desire to consent to these norms.<sup>36</sup> But does this necessarily mean that the authority used to enforce them is morally justified?

Another problem is that Christman's account potentially could be used to justify norms that promote racist, sexist or homophobic beliefs. Members of groups such as the Klu Klux Klan or the neo-Nazis probably would not feel alienated from norms that promote such beliefs. Yet would we want to say that these norms, and the authority used to enforce them, are morally justified? Unfortunately, Christman's argument does not rule out these types of scenarios. As long as the members of a group do not feel alienated from these norms, or the process used to negotiate them, the authority used to enforce these norms is morally justified. The problem is that, since the content of the norms is left unspecified, Christman's account potentially could be used to justify norms and practices that are extremely problematic from a social, moral or political point of view.

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<sup>36</sup> A similar point applies to norms that instill modesty among Muslim women. See Saba Mahmood *The Politics of Piety* and Valerie Hoffman-Ladd 'Polemics on the Modesty and Segregation of Women in Contemporary Egypt' *International Journal of Middle East Studies* (1987).

### **3.0 SUNESIS**

In light of these problems, I would like to suggest that individuals need a capacity that Aristotle discusses in Book VI.10 of the *Nicomachean Ethics* to act autonomously. *Sunesis*, which usually is translated as comprehension or understanding, involves the ability to think critically and make accurate judgments about the actions, motivations and advice of other people.

Aristotle believed that *sunesis* is similar to practical wisdom in that it focuses on the same objects, i.e. things that are not necessary or eternal, impossible or cannot be otherwise; but it does not involve making recommendations or issuing commands (1140a32-1140b2, 1143a5-9). Instead, it is involved in the process of critical evaluation that takes place during practical deliberation.<sup>37</sup> More specifically, *sunesis* is involved in deliberating about what types of things are expedient and would help one to live well (1140a26-28).<sup>38</sup> As Aristotle explains,

Now understanding [*sunesis*] is neither the having nor the acquiring of practical wisdom; but as learning is called understanding when it means the exercise of the faculty of knowledge, so ‘understanding’ is applicable to the exercise of the faculty of opinion for the purpose of judging of what some one else says about

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<sup>37</sup> As Marten Ringbom has argued, ‘Because [*sunesis*] can be incorporated as a component of ‘practical wisdom in a broad sense,’ covering also considerations about other things than what should be done immediately, it has a purely ‘doxastic’ role in practical deliberations. It gives us opinions, not decisions. As such [*sunesis*] does not enter into the truly practical inferences which Aristotle sees as leading not only to a decision to do something, but to the action itself. ‘Understanding’ is, therefore, something preliminary to the decision. Its place in the decision pattern is not the inference itself, but in the deliberation preceding it’ (Ringbom 104).

<sup>38</sup> Aristotle also uses *sunesis* in the *Politics* when discussing the deliberative function of government. As he explains, ‘As the soul may be said to be more truly part of an animal than the body, so the higher parts of states, that is to say, the warrior class, the class engaged in the administration of justice, and that engaged in deliberation, which is the special business of political understanding – these are more essential to the state than the parts which minister to the necessities of life’ (1291a24-28).

matters with which practical wisdom is concerned – and of judging soundly; for ‘well’ and ‘soundly’ are the same thing. (*Nicomachean Ethics* 1143a11-16)

In the *Nicomachean Ethics* Aristotle emphasizes that, to have the capacity for *sunesis*, individuals must have a range of experiences to draw upon and know how to apply the knowledge gained from these experiences to new situations. As John Alexander Stewart explains,

The intelligent man, using his experience, comes to a right decision about matters within the province of Prudence laid before him by another in a speech: as he listens he does not add to his experience, but makes use of his experience, just as a man who knows Greek does not learn Greek, when he listens to another speaking Greek, but uses the Greek which he has in order to understand what is said. (Stewart 84)

So an individual who has the capacity for *sunesis* does not acquire knowledge, when listening to (the opinions and advice of) others; rather, she uses the knowledge she already has to understand and evaluate what they are trying to say.<sup>39</sup>

Several commentators have emphasized that the capacity for *sunesis* also requires a certain type of moral knowledge. For instance, Heda Segvic has argued that *sunesis* is specifically involved in judging what others have to say about ethical issues (Segvic 20). According to Rene Antoine Gauthier and Jean Yves Jolif, *sunesis* can be understood as a type of antecedent conscience that uses its understanding of moral rules and values to make judgments

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<sup>39</sup> Stewart emphasizes that *sunesis* is not the possession or acquisition of the power of giving good advice, but the employment of one’s intelligence in estimating advice given. It involves understanding what is said in conversation by means of knowledge (e.g. knowledge of the language in which the conversation is carried on) that one already possesses, rather than learning something new (Stewart 85).

about the motivations and actions of others (Gauthier and Jolif 524).<sup>40</sup> The ability to make such judgments requires an understanding of the values and norms involved in a particular situation.

As Marten Ringbom explains,

The etymological meaning of [*sunesis*] is ‘coming together,’ and as a ‘collation of thoughts’ it receives the meanings of ‘understanding’ and ‘consciousness’ when people are aware of what is going on. The word is even sometimes used to denote ‘conscience’ [...] the common denominator being an ‘understanding of values and norms pertaining to the situation.’ (Ringbom 103)

### 3.1 SUNESIS AND AUTONOMY

As I explained above, Aristotle believes that *sunesis* plays a critical role in the process of practical deliberation. What I would like to suggest is that it also helps to explain the capacities individuals need to act autonomously. As I will explain in greater detail below, *sunesis* plays an important role in the process of reflecting on our reasons, desires and motivations; evaluating alternative courses of action; and developing and revising our conception of the good.

The first and perhaps most obvious reason the capacity for *sunesis* is important is that it allows individuals to critically evaluate the information and advice they receive from other people. Although philosophers often focus on factors such as deception, coercion and manipulation that can affect an individual’s ability to act autonomously, other people can limit

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<sup>40</sup> Gauthier and Jolif point out that for Euripides and Democrates – and for Aristotle – the two aspects of our understanding of the moral conscience were distinct: *synéidēsis* refers to the aspect that reflects on itself, which is not included in Aristotle’s moral theory; *sunesis* refers to the aspect that expresses the normative character of judgment that guides our action (Gauthier and Jolif 525-526). The sense of remorse, which also is associated with conscience, is alien to *sunesis*. This idea can be seen in *Orestes*. Before Orestes killed his mother, he pursued his purpose to the exclusion of balanced judgment. After he committed the act, he recovered the ability to contemplate the situation with level-headed sanity, however; he understands that, although his mother deserved to die, it was a crime for him to kill her. This awareness leads him to feel contrition and horror. *Sunesis* refers to the idea of levelheaded judgment or insight, which is the cause of the feeling of contrition; but it does not refer to the feeling itself (Osborne 9).

our autonomy in more subtle but equally important ways.<sup>41</sup> For instance, an individual's family, peers and political and religious leaders can have an important influence on the process of critical reflection, e.g. by affecting the feelings she experiences during this process and the grounds on which she decides to accept or reject particular normative commitments. As I mentioned above, studies have shown that gay adolescents who have been raised by homophobic parents that demonstrate a low level of support for their autonomy will have a tendency to experience feelings of alienation when reflecting on their sexual desires and motivations. But the knowledge that rejecting these desires and motivations might compromise their ability to live well could help to counteract the influence that their parents' views otherwise might have on this decision.

Other people also can have an important influence on the way that we evaluate reasons for action. Although several philosophers recently have argued that there is an important relationship between reasons and autonomy, there has been little discussion of how our understanding of the value of these reasons can affect our ability to act autonomously.<sup>42</sup> This issue is important because our understanding of this value can play a significant role in how we weigh and prioritize between reasons for action during the process of critical reflection and in our decisions about whether to endorse and eventually act on these reasons. Even if we can

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<sup>41</sup> Gerald Dworkin has argued that to be autonomous an individual's decision to identify with a particular desire or motive must be procedurally independent. As he explains, 'the second-order identifications a person makes, or the choice of the type of person he wants to be, may have been influenced by others in such a fashion that we do not view it as being his own. In this case his motivational structure is his, but not his own. I shall call this a failure of procedural independence ... A person is autonomous if he identifies with his desires, goals and values, and such identification is not itself influenced in ways which make the process of identification alien to the individual' ('Concept' 61). Although Dworkin does not explain what conditions are necessary for procedural independence, the capacity for *sunesis* is consistent with this idea; it helps to ensure that the process of identification is not alien to the individual.

<sup>42</sup> For instance, Gerald Dworkin believes that to act autonomously an individual must be able to raise the question of whether she will identify with or reject the reasons on which she acts (Theory 15). Michael Bratman has argued that the individual must make a decision to treat some of her desires as reason-giving (Bratman 2, 9). Stanley Benn argues that an autonomous individual must consider reasons for acting, act on them and be capable of having second thoughts in light of new reasons (Benn 124-126).

recognize and appreciate different types of reasons, or treat our desires or motives as reason-giving, it is unclear whether we should be considered autonomous if our understanding of the value that these reasons have is determined by other people.

For instance, as I mentioned above the government of North Korea has very strict policies regulating the practice of religion and the expression of political dissent. These policies clearly affect the understanding that individuals have of the value of reasons associated with expressing their political and religious beliefs.<sup>43</sup> So another reason the capacity for *sunesis* is important is that, without being able to make accurate judgments about the actions, motivations and advice of other people, there is a significant possibility that an individual's understanding of the value of certain types of reasons – and her decisions about whether to endorse and eventually act on these reasons – will be determined by external sources.<sup>44</sup> The knowledge that rejecting these reasons and motivations can compromise her ability to live well can help to limit the influence that other individuals otherwise might exercise on these types of decisions, however.

In addition to its role in the process of critical reflection, the capacity for *sunesis* is needed to evaluate the range of opportunities that, according to many liberals, must be available before an individual's decision to consent to a particular norm or practice can be considered autonomous.<sup>45</sup> The capacity for *sunesis* is important because, even if an individual has access to a range of different opportunities, the social and political environment in which she lives – as

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<sup>43</sup> As Sandra Mitchell has noted, these restrictions might cause some people to place a higher value on religious expression and political dissent. I believe these restrictions would cause most individuals to think that acting for these reasons is less important, however – or at least not worth risking the extremely harsh penalties imposed by the government.

<sup>44</sup> Gerald Dworkin has argued that the attitude an individual takes toward the reasons for which she acts, i.e. whether she can identify with these reasons, is important to determining whether she acts freely. But for Dworkin, we are ‘no longer acting of our own free will [only] when we find acting for certain reasons painful’ (‘Concept’ 59). I believe that autonomy also can be limited when other people determine the reasons on which we act, even if we do not find acting on these reasons painful.

<sup>45</sup> See Brian Barry, *Culture and Equality* (Barry 147); Marilyn Friedman, *Autonomy, Gender, Politics* (Friedman 188); Joseph Raz, *The Morality of Freedom* (Raz 373-377); and Emily Gill, *Becoming Free* (Gill 140).

well as the views of her family, friends and religious and political leaders – can have an important influence on her understanding of the value of pursuing these opportunities. As I will explain in greater detail below, even if an individual is not being manipulated or coerced, it is unclear whether she is acting autonomously in deciding which opportunities to pursue if her views on these issues are determined by external sources.

Certain cultures place a tremendous amount of value on marriage, for example. Women who choose not to get married, or for various reasons are unable to do so, often are socially stigmatized within their culture and sometimes by their families.<sup>46</sup> In some cases they also may experience negative economic and political consequences. Although these individuals might have access to a significant and morally acceptable range of opportunities, it is unclear whether a decision not to pursue those that are inconsistent and perhaps incompatible with marriage can be considered completely autonomous. The problem is that the individual's understanding of the value of pursuing these opportunities might be determined by her fear of social stigmatization and potential ostracism by her family and friends.

A similar point applies to our understanding of our ability to perform certain types of actions. Consider, for example, an individual who was raised in an environment in which her ability to perform a particular task is routinely criticized and who is consistently discouraged from developing this ability further. Although she might be given opportunities to develop this ability, she may decide not to pursue them if she feels that she lacks the necessary skills and

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<sup>46</sup> Saba Mahmood has pointed out that in Egypt, for example, ‘Marriage is a very big problem ... A woman who is not married is rejected by the entire society as if she has some disease, as if she is a thief ... If you are unmarried after the age of say late-teens or early twenties ... everyone around you treats you like you have a defect. Wherever you go you are asked ‘Why didn’t you get married?’ ... What is even worse is that your [immediate] family starts to think that you have some failing in you because no man has approached you for marriage. They treat you as if you have a disease’ (‘Embodiment’ 219).

talent.<sup>47</sup> Could we say that her decision in this type of situation is truly autonomous? I believe the answer is unclear, at best. If the reason the individual decided not to pursue a certain opportunity is because she feels she lacks the ability to do so, and this feeling is a direct result of the criticism and discouragement she has received from other people, there is an important sense in which her decision has been determined by external sources.<sup>48</sup> The capacity for *sunesis* is important because it limits the influence that the attitudes other people express toward an individual's skills and talents otherwise might have on her understanding of her ability to pursue certain types of opportunities and helps to ensure that her decisions about whether to pursue these opportunities is autonomous.

These examples illustrate a more general point about how an individual's reasons for acting can be determined by external sources. Although it is beyond the scope of this chapter to discuss this issue in greater detail, what I would like to suggest is that, in cases when an individual's decisions about which reasons to act on have been determined by other people, the action cannot be considered completely autonomous.<sup>49</sup> The capacity for *sunesis* helps to limit the influence that other people otherwise might exercise over these types of decisions, by allowing the individual to critically evaluate the information and advice she receives from them and determine if accepting this information and advice will help her to live well. If this is correct, the capacity for *sunesis* is needed to not only critically reflect on our reasons, but to ensure that our

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<sup>47</sup> Historically, for example, women often were told they lacked the intellectual capabilities or behavioral dispositions to enter certain types of professions or that it was 'unnatural' for them to do so (Wollstonecraft 142-146; Mill, *Basic Writings* 135). In these cases it is unclear whether a woman's decision about which type of career to pursue can be considered truly autonomous. Although in theory she might have had access to a range of different opportunities, her understanding of her ability to pursue these opportunities often was determined by the actions and advice of other people.

<sup>48</sup> Other philosophers have noted that an individual's ability to act autonomously can be limited if she lacks skills in certain areas, e.g. adequate reasoning capacities (Friedman 13, 188-189; O'Neill 163). The point I would like to emphasize, however, is that an individual's understanding of her abilities also can limit her capacity to act autonomously.

<sup>49</sup> Joel Feinberg makes a similar point in *Harm to Self*.

decisions about which reasons to act on have not been determined by the opinions and advice of other people.

Finally, the capacity for *sunesis* is needed to help us develop and revise our conception of the good.<sup>50</sup> Although traditionally this capacity has not been considered essential to procedural accounts of autonomy, John Rawls has argued that it is one of two moral powers individuals need if their consent is to justify the exercise of political authority.<sup>51</sup> As Rawls explains in *Justice as Fairness: A Restatement*, the capacity to develop and revise one's conception of the good involves 'being able to have, to revise and to rationally pursue ... an ordered family of final ends and aims which specifies a person's conception of what is of value in human life or what is regarded as a fully worthwhile life' (*Justice as Fairness* 18-19). In *Political Liberalism* Rawls emphasizes that an individual's conception of the good involves not only an understanding of what has value, in a general sense, but ends we want to achieve for their own sake; loyalties to various groups and associations; and a conception of our relation to the world 'by reference to which the value and significance of our ends and attachments are understood' (*Political Liberalism* 19-20).

Although Rawls does not explain what might be involved in reflecting on and revising one's conception of the good, there are several reasons why the capacity for *sunesis* might be important to this process. First, other people often influence not only our general understanding of what has value, but the specific types of ends we choose to pursue, how we prioritize between

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<sup>50</sup> Heda Segvic argues in 'Deliberation and Choice in Aristotle' that the capacity for *sunesis* is needed to develop one's conception of the good, according to Aristotle. She does not explain the implications of this idea for political liberalism and questions related to the justification of political authority, however.

<sup>51</sup> According to Rawls, the two moral powers are the capacity to develop and revise one's conception of the good and the capacity for a sense of justice (*Justice as Fairness* 18-19). The ability to form, revise and rationally pursue one's conception of the good also is part of what Rawls refers to as rational autonomy (*Political Liberalism* 72).

these ends and what types of means we think can legitimately be used to accomplish them.<sup>52</sup>

They also can affect how we understand the relationship between our normative commitments, e.g. whether our beliefs, motivations and reasons are consistent with each other, and our understanding of the way these commitments can be legitimately expressed.<sup>53</sup> Finally, other people can affect our ideals of personal virtue and character.<sup>54</sup>

One reason the capacity for *sunesis* is important is that it helps to ensure that our decisions about these types of questions are not determined by the opinions and advice of other people. In this sense the reason the capacity for *sunesis* is important is similar to its role in the process of critical reflection: if we cannot make accurate judgments about the actions, motivations and advice of other people, there is a possibility that we will accept their beliefs and opinions uncritically and fail to develop our own understanding of what it means to live well.

The capacity for *sunesis* also is important because, despite its claims to neutrality, not all conceptions of the good are considered equally valid within liberal political theory. For example, Rawls believes an individual's comprehensive doctrine, on which her conception of the good is at least partially based, must be consistent with the principles of justice for a given society.<sup>55</sup> A conception of the good that requires the repression or degradation of human beings on racial or ethnic grounds, for example, would violate these principles, e.g. slavery in the antebellum South

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<sup>52</sup> In 'Deliberation and Choice in Aristotle' Segvic has emphasized that we always deliberate under a certain perception or conception of an end. For example, as Segvic explains, 'One cannot deliberate how to bring about health without having some conception as to what health involves and what sorts of things might bring it about' (Segvic 7). This also is an area in which our conception of the good can be influenced by other people.

<sup>53</sup> The restrictions on freedom of speech in China, for example, and limitations on religious and political expression in North Korea affect the way individuals feel they can legitimately express their normative commitments.

<sup>54</sup> Rawls argues that these two issues are an important part of our conception of the good ('Priority' 252).

<sup>55</sup> The principles of justice that Rawls thinks would be chosen to govern a society are: (a) Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (*Justice as Fairness* 42-43).

(*Political Liberalism* 196). An individual's conception of the good also must recognize what Rawls refers to as the burdens of judgment (*Justice as Fairness* 35-36). Among other issues, these burdens include a recognition that:

- a) The empirical and scientific evidence bearing on a case may be conflicting and complex, and therefore difficult to assess and evaluate;
- b) Even where individuals agree fully about the kinds of considerations that are relevant, they may disagree about their weight, and so arrive at different judgments;
- c) To some degree all our concepts are vague and subject to hard cases; this indeterminacy means that we must rely on judgment and interpretation within some range where reasonable persons may differ; and
- d) Often there are different kinds of normative considerations of different force on both sides of a question, which makes it difficult to come to an overall assessment.

The capacity for *sunesis* is especially important to developing a conception of the good that can satisfy the first criterion. Although there are certain questions about which scientists clearly and publicly disagree, on many others there is perceived to be a broad and general consensus. Moreover, scientific evidence enjoys a certain type of credibility, which can be at least partly attributed to the nature of the research process and the qualifications of its participants. For individuals who are unfamiliar with the process of empirical investigation, it can be difficult to understand the complexity of scientific evidence and the ways that social, moral and political interests can affect the way this evidence is collected, interpreted and presented (Longino 3; Redding 440).<sup>56</sup>

It might be difficult to understand that there often are biases in the way that research studies are designed, for example. An analysis of studies conducted from 1970 – 1990 that attempted to measure the intelligence of African Americans found that the research generally

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<sup>56</sup> This problem is exacerbated by the fact that individuals tend to over-estimate the degree of scientific support for positions that they are pre-disposed to accept (Kahan et al. 166-167) and to attribute expert knowledge to information sources whom they perceive as sharing their world views (Kahan et al. 150).

was comparative in nature (e.g. the intelligence of African American children was determined by comparing them with white children) – an approach that has been widely criticized. Moreover, these studies often either failed to take the socioeconomic status (SES) of the participants into account or did not adequately analyze the SES of the participants in the research findings. For example, in many studies low SES African American children were compared to middle SES white children. Finally, the race of the experimenter generally was not taken into consideration in these studies (Graham 634-635).

In addition to biases in the way that research studies are designed, it might be difficult to understand how social and political interests can affect the way that data are interpreted. For instance, in designing research studies scientists must choose an appropriate level of statistical significance. In cancer research statistical significance is used to determine when ‘dosed’ animals exhibit symptoms that are significantly different from those in the control group. Although almost all of the animals exhibit some symptoms of cancer, scientists often disagree about how to interpret these symptoms. In a critical study about the effects of dioxin, for example, the livers of rats were examined by three different groups of scientists. Scientists from the Environmental Protection Agency were much more likely to identify livers as tumorous than scientists from Dow Chemical or a private contractor hired by the paper industry (Douglas 566-571).

Finally, there are well-documented heuristics and biases that affect the process of reasoning among scientists. For instance, people often act in ways that they think either are expected by researchers or considered socially appropriate, which can cause scientists to under-report undesirable behaviors and to over-report those that are considered desirable (Kane and Webster 441). Furthermore, reviewers for scientific journals are far more likely to recommend

publication for articles that support rather than contradict their own research (Kane and Webster 449-450).<sup>57</sup>

As these examples illustrate, scientific evidence is extremely complex; and social, moral and political interests often influence the way this evidence is collected, interpreted and presented. Individuals who lack the capacity for *sunesis* might fail to recognize that there are other types of evidence relevant to the issue being investigated, how the different types of evidence might conflict with each other and the difficulty in making an overall assessment of the evidence that is presented.

A similar point relates to the last burden of judgment. An individual who lacks the capacity for *sunesis* might find it difficult to appreciate the fact that ethical questions often involve different types of normative considerations and that these considerations can carry different weight. Studies have shown, for instance, that individuals have a tendency to seek out information that is compatible with their cultural pre-dispositions and pre-existing beliefs and to either avoid exposure to information that is incompatible with these beliefs or refute or dismiss such information (Nam et al. 2; Polman and Russo 78).<sup>58</sup>

In addition, human beings find it difficult to evaluate evidence that relates to ethical questions impartially. In a study on attitudes about capital punishment, for instance, participants found research that supports their position to be more convincing and better conducted than studies that did not. Their commitment to this position was relatively unaffected even after being exposed to research that did not support it. In fact, after reading evidence that both supported and

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<sup>57</sup> There also appears to be political bias in which scientific research is published. A national survey of psychology professors found that one in four reported ‘they would be less likely to give a positive recommendation on a journal manuscript or grant application having a conservative perspective, and one in six would be less likely to invite conservative colleagues to participate in a symposium’ (Redding 440).

<sup>58</sup> Smokers tend to evade information that illustrates the connection between smoking and cancer, for instance, and medical patients prefer to remain ignorant about severe health risks (Nam et al. 2).

contradicted their position, participants were more convinced of the truth of this position than they were prior to being exposed to the research – a phenomenon known as attitude polarization (Munro and Ditto 637; Lord et al. 2098). Other studies have shown similar results for affirmative action, gun control and stereotypes about homosexuality (Taber and Lodge 756, 760; Munro and Ditto 643).

Moreover, people's views about the morality of certain actions tend to influence their understanding of the consequences of these actions. For example, people who believe that capital punishment is immoral also usually believe that it is ineffective in deterring crime; and those who believe that stem cell research is morally wrong almost always believe that it is unlikely to produce medical breakthroughs (Liu and Ditto 316-317).

If people have a tendency to seek out information that is compatible with their preexisting beliefs and evaluate evidence based on their prior normative commitments, they might find it difficult to realize the different types of considerations involved in ethical issues and the weight these considerations should receive.<sup>59</sup> The capacity for *sunesis* helps individuals to recognize that there are different kinds of normative considerations of different force on both sides of a question and the difficulty in coming to an overall assessment of these issues.

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<sup>59</sup> This problem would seem to be exacerbated in situations where a group of people is relatively isolated from mainstream society and shares the same opinions about ethical questions. The Doukhobors, for instance, believed it is sinful to kill other people even in war (Woodcock 20). An individual who was raised in this type of community and cannot make accurate judgments about the actions and advice of other people might have difficulty recognizing that there are different normative considerations involved in such issues as whether individuals should be required to serve in the military and that these considerations carry different weight.

### 3.2 INTERNAL MINORITIES AND SUNESIS

In this chapter I have argued that, in order to use the liberal principle of legitimacy to resolve questions related to the treatment of internal minorities, the individuals affected by the use of this authority must have the capacity for *sunesis*. It is not enough to be rational, self-controlled and able to recognize different types of reasons for action: they also need to be able to make accurate judgments about the motivations, actions and advice of other people, particularly about what is needed to live well. The capacity for *sunesis* is needed to ensure that the process individuals use to reflect on their desires, motivations and reasons for action is not unduly influenced by the opinions and advice of other people; that the reasons on which they act in deciding which types of opportunities to pursue have not been determined by external sources; and that they develop and revise their *own* conception of the good. In this section I will explain why members of religious and cultural minority groups lack the capacity for *sunesis* and, therefore, why the liberal principle of legitimacy should not be used to resolve questions related to the treatment of internal minorities.<sup>60</sup>

The first reason is that members of religious and cultural minority groups often have access to a very limited range of experiences. For instance, members of the Satmar Hasidim, an orthodox Jewish sect whose members live primarily in and around New York City, often have little contact with mainstream society. In addition to being linguistically isolated,<sup>61</sup> the members of the community are not allowed to watch movies or television or use the internet; their access to radio is strictly limited; and they are not permitted to read secular books or newspapers or

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<sup>60</sup> In addition to the reasons listed below, members of these groups might find it difficult to develop this capacity because human beings in general tend to attribute their own knowledge to other people (Nickerson) and believe that other people are more similar to themselves than they actually are (Dawes).

<sup>61</sup> Yiddish is the primary language spoken within the community. And many Amish communities use German as their primary language.

listen to secular music (Winston 20). The Fundamentalist Church of Jesus Christ of Latter Day Saints also did not permit its members to listen to the radio, watch television or use the internet, except for business-related activities, when Warren Jeffs led the group (Musser 237). And while it is true that the Amish allow adolescents a period of *rumspringa* before making a commitment to follow the norms and practices of their community, most Amish teenagers continue to live with their parents and participate in church-related activities during this period. If they do step outside the boundaries of the community, the vast majority continue to associate primarily with other Amish youth (Shachtman 11).<sup>62</sup> The fact that members of religious and cultural minority groups often have little, if any, contact with mainstream society could make it difficult for them to make accurate judgments about the actions, motivations and advice of other people.<sup>63</sup>

The limited educational opportunities available to members of many religious and cultural minority groups also may prevent them from developing the capacity for *sunesis*. The Amish, for instance, stop attending school at the age of fourteen and are educated primarily in vocational skills, English, German and mathematics (Huntington 83).<sup>64</sup> Among the Satmar girls are trained primarily in domestic skills, such as cooking and sewing, while boys are educated almost exclusively in religious subjects (Rubin 163-164). Among the Fundamentalist Church of Jesus Christ of Latter Day Saints, girls are instructed primarily in home economics, math and religiously-based versions of history; and boys primarily study building and craftsmanship

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<sup>62</sup> And some conservative Amish communities, such as Kalona Iowa, do not allow their members a period of *rumspringa* at all (Garrett 26).

<sup>63</sup> Groups such as the Amish often paint a very negative picture of members of mainstream society, which also could make it difficult for them to develop the capacity for *sunesis*. As Irene Garrett explains, ‘We were also warned that everything outside our world – otherwise known as English – was evil, inhabited by thieves and liars’ (Garret 8). Similar practices exist among the Fundamentalist Church of Jesus Christ of Latter Day Saints.

<sup>64</sup> Among the Hutterites children are only educated to the age of fifteen (Esau 11).

(Musser 51-52, 237).<sup>65</sup> And among the Doukhobors children received little if any formal education (Woodcock 211). The limited education that members of these groups receive could make it very difficult for them to predict and evaluate the actions and motivations of people outside their community, as well as their religious and political leaders.<sup>66</sup>

The fact that many religious and cultural minority groups have an either stated or unstated policy of discouraging their members from questioning the viewpoints of their social and political leaders also could make it difficult for them to develop the capacity for *sunesis*. For example, among the Fundamentalist Church of Jesus Christ of Latter Day Saints people are taught that questioning authority means questioning God himself (Musser 172, 112). The members of the group sign their homes over to the prophet, so he owns all of their possessions; those who challenge him often find that they have no utilities or running water and sometimes no place to live (Musser 127). Girls as young as twelve are married to much older men, often to breed out rebellion and to pacify men who might question the political leaders of the group (Musser 122-123).<sup>67</sup>

Within the village of Kiryas Joel, a Satmar community located an hour outside of New York City, members of a political faction who defied the authorities chosen by the rabbi of the village claim that they have been assaulted and had their cars set on fire and the windows of their houses smashed (Levin). In 1996 a fire broke out in a building that houses mothers and newborns

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<sup>65</sup> This version of history included the claims that dinosaurs never existed, astronauts never landed on the moon and Jesus was a polygamist (Musser 23, 51-52). Many school teachings also were racist (Musser 52-53, 157).

<sup>66</sup> Although this point has not been widely discussed in the literature on political legitimacy, I believe it is unclear whether the consent of individuals who lack the education and access to information to accurately predict or evaluate the consequences of following a certain course of action can be used to justify the authority needed to perform or enforce that action. One of the principles associated with the doctrine of informed consent, as used in medical settings, is that individuals fully understand the consequences associated with pursuing one course of action rather than another. It seems reasonable for a similar requirement to be imposed on the use of consent in political contexts.

<sup>67</sup> Girls also can be expelled from school for infringing rules on makeup and hairstyles or meeting with members of the opposite sex (Musser 30, 50).

shortly before a fundraising event for a rabbi who sympathizes with the faction was about to take place in that building (Hanley).

Similar types of events have taken place among the Amish. In 2011 the leader of an Amish community in Ohio cut the beards of men who either had left the group or publicly spoken out against his policies. The incidents were considered extremely shocking to the Amish and received widespread attention in both the national and international media – partly because the men were dragged from their homes in the middle of the night, but also because the beards of Amish men have deep religious significance (National Public Radio). These types of practices, combined with the limited educational opportunities available to the members of religious and cultural minority groups, could make it difficult for them to make accurate judgments about the actions, motivations and advice of other people – especially their religious and political leaders.<sup>68</sup>

Finally, it could be difficult for the members of religious and cultural minority groups to develop the capacity for *sunesis* because they often interpret and process information about the world in a fundamentally different way than members of mainstream society. Jorge Valadez has noted that members of many religious and cultural minority groups have different metaphysical beliefs, use different epistemic assumptions and embrace different moral principles than those found in mainstream society (Valadez 42-43).<sup>69</sup> But psychological and anthropological research suggests that the differences between individuals who belong to these groups and members of mainstream society could run much deeper.

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<sup>68</sup> The fact that members of religious and cultural minority groups often are prevented from participating in political decision-making processes also could make it difficult for them to develop the capacity for *sunesis*. For instance, female members of Kiryas Joel are not permitted to vote or hold political office. Among the Hutterites women also are not allowed to vote (Esau 11). While Amish women are allowed to vote, they are not permitted to hold leadership positions within the community.

<sup>69</sup> The Doukhobors, for instance, ascribe an epistemic status to dreams and prophecies that generally is not recognized among members of mainstream society (Woodcock 20-21).

Studies have shown that human beings develop different cognitive styles to process and interpret information about the world, based in part on the socialization processes and systems of rewards found within their respective cultures.<sup>70</sup> Mexican-American and Anglo-American children, for instance, respond differently to tasks involving cooperation and competition; Mexican-American children tend to be more cooperative and Anglo-American children are more competitive. Mexican-American children also demonstrate a greater sensitivity to others' feelings and a greater desire to rely on, interact with and help others than Anglo-American children (Ramirez and Castaneda 59-62).<sup>71</sup>

Differences in cognitive style also have been documented among members of religious and cultural minority groups. For instance, research has shown that Inuits and Metis use a moral-relational cognitive style, which involves 'a strong reasoning base in moral considerations and values [and] tends to be field-dependent, holistic and more relational than analytical.' Members of mainstream society, on the other hand, generally use other types of cognitive styles (Koenig 91, 96). Studies also have demonstrated that aboriginal populations in Australia use a different cognitive style than members of mainstream society and may have different patterns of brain lateralization (Grey 30-42; Tenhouten 162).

Although the research in this field is still relatively new, it seems quite likely that if members of religious and cultural minority groups use a different cognitive style to process and interpret information about the world, it could be difficult for them to make accurate judgments

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<sup>70</sup> A cognitive style is a set of 'individual differences in the way people perceive, think, solve problems, learn and relate to others' (Kozhevnikov 842).

<sup>71</sup> Cultural differences in cognitive style have been widely documented. For example, several studies have demonstrated that subdominant racial, ethnic and cultural groups generally are field dependent rather than field independent (Tenhouten 159; Engelbrecht and Natzel 155). Individuals who are field dependent tend to have greater difficulty discriminating between different types of emotions than those who are field independent, which could make it difficult for them to make accurate judgments about the actions and motivations of others (Parkes 52).

about the actions and motivations of members of mainstream society.<sup>72</sup> For example, an individual who has been raised in a community where cooperation is emphasized could find it difficult to predict or evaluate the motivations and advice of an individual who has been raised in an extremely competitive environment.

So in addition to factors such as a lack of education and access to a limited range of experiences, another reason it might be difficult for members of religious and cultural minority groups to develop the capacity for *sunesis* is that these individuals often use a different cognitive style to process, interpret and analyze information about the world than members of mainstream society. Since many of these communities are socially and linguistically isolated, and accept norms and values that are different from mainstream society, it also could be difficult for their members to develop this capacity. Finally, the fact that many of these communities discourage their members from questioning the authority of their religious and political leaders, and impose strict punishments for disobeying the norms and practices of the community, could make it difficult for them to make accurate judgments about the actions, motivations and advice of other people.

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<sup>72</sup> Studies have suggested that individuals who have strong religious beliefs also may use a different cognitive style to process and interpret information about the world. For example, research has shown that moral chronics negatively evaluate individuals who do not help when asked, while individuals not classified as moral chronics did not react to the moral implications of not helping (Warren 19). If this is correct, the members of many religious minority groups might have difficulty making accurate judgments about the actions and motivations of members of mainstream society, who often use a different cognitive style to interpret information about the world.

### 3.3 OBJECTIONS

Before considering possible objections to the argument that I have presented in this chapter, I would like to briefly review the main points we have discussed so far. I have argued that the liberal principle of legitimacy should not be used to resolve questions related to the treatment of internal minorities because it presupposes a conception of autonomy that cannot be satisfied by the members of religious and cultural minority groups. The capacity for *sunesis* is needed to ensure that the process an individual uses to critically reflect on her normative commitments, and the decisions she makes about whether to accept or reject these commitments, are not determined by the opinions and advice of other people. The capacity for *sunesis* also is needed to ensure that her decisions about whether to pursue one opportunity rather than another are not determined by external sources. Finally, the capacity for *sunesis* is needed to develop and revise one's conception of the good and to assure that the individual can recognize what Rawls refers to as the burdens of judgment. Unfortunately, members of many religious and cultural minority groups lack the capacity for *sunesis*. In addition to factors such as a lack of education and access to a limited range of experiences, these individuals often use a different cognitive style to process, interpret and analyze information about the world than members of mainstream society.

One possible response to this argument is that, if the members of religious and cultural minority groups cannot satisfy the conception of autonomy presupposed by the liberal principle of legitimacy, the norms and practices of these groups simply cannot be justified. In other words, the problem is not the liberal principle of legitimacy, but the fact that the members of religious and cultural minority groups cannot satisfy the requirements of this principle.<sup>73</sup> This response

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<sup>73</sup> I would like to thank Kieran Setiya and Japa Pallikkathayil for bringing this objection to my attention.

seems too quick, however. As I will explain in greater detail in Chapter Four, while some of the norms and practices of these groups are problematic, many are not. Moreover, these communities play a critical role in the moral development of their members, in many cases help them achieve their conception of the good and often are part of important religious and cultural traditions. So there is value in allowing these groups to survive, even if we cannot use the liberal principle of legitimacy to determine whether their norms and practices are morally justified.

### 3.3.1 Hypothetical Consent

One possible solution to the problem might be to interpret the liberal principle of legitimacy in a hypothetical rather than literal sense. The argument I have presented in this chapter assumes that the members of religious and cultural minority groups actually must give their consent to the norms and practices of their community. One might argue, instead, that these practices are justified if individuals who do have the capacity for *sunesis* – and can satisfy other requirements associated with the liberal principle of legitimacy – hypothetically would consent to them.

The first point I would like to mention in response to this objection is that the philosophers who have used the liberal principle of legitimacy to resolve questions related to the treatment of internal minorities generally do favor a literal rather than hypothetical interpretation of consent.<sup>74</sup> For example, Marilyn Friedman has argued that ‘No social institution or practice in which people can violate each other’s rights is legitimate unless all significant groups that have

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<sup>74</sup> However, they also tend to impose additional conditions or restrictions, e.g. in addition to being autonomous, the individual must have realistic options to exit the group. These conditions, rather than the conception of autonomy presupposed by the liberal principle of legitimacy, have been the primary focus of attention within debates about the treatment of internal minorities in recent years. I believe this is a mistake. If members of religious and cultural minority groups cannot satisfy the conception of autonomy required by this principle, the question of whether these groups offer realistic exit options is essentially irrelevant.

to live under it consent to it' (Friedman 183).<sup>75</sup> And although Brian Barry focuses on the voluntariness of group membership, he believes that if an individual takes part in certain practices as a result of a voluntary decision, and is free to cease taking part whenever she wishes, she can engage in practices that would be 'insupportable in the absence of consent' (Barry 148).<sup>76</sup>

Moreover, anthropologists and political theorists who defend the practices of religious and cultural minority groups often treat the actual choices of the members of the community as a justification for these practices. For example, Bhikhu Parekh argues that practices such as clitoridectomy and polygamy are morally acceptable as long as they are chosen by educated, adult women and based on the 'uncoerced choice' of the individuals involved. Anthropologists Sandra Lane and Robert Rubenstein have expressed a similar attitude toward clitoridectomy (Friedman 187-188).

And according to philosophers such as Ronald Dworkin, there are very good reasons to focus on literal rather than hypothetical interpretations of consent. In his critique of Rawls Dworkin argues that theories of hypothetical consent do not justify the use of coercion. Although they might provide a way to determine the content of moral or political principles, individuals

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<sup>75</sup> This is partly because Friedman thinks that respect for actual choices is needed to show respect for individual autonomy (Friedman 189). Although Jeremy Waldron has not specifically addressed questions related to the treatment of internal minorities, he also believes that the liberal principle of legitimacy requires a literal interpretation of consent. As he explains, 'The thesis that I want to say is fundamentally liberal is this: a social and political order is illegitimate unless it is rooted in the consent of all those who have to live under it; the consent or agreement of these people is a condition of its being morally permissible to enforce that order against them' (Waldron 50). Rousseau also favors a literal interpretation of consent (*The Social Contract* III, chapters 11-15; cited in Waldron 51). On some interpretations, Locke does as well.

<sup>76</sup> Barry argues that for group membership to be voluntary its members must be able to make 'well-considered and well-informed choices from a range of realistically available options' and must 'not be subjected to gratuitous losses' if they are expelled from the group or decide to leave (Barry 128, 147).

are not necessarily obligated to obey these principles – and the state is not justified in enforcing them – since they are not based on an actual contract or agreement.<sup>77</sup> As Dworkin explains,

A hypothetical contract is not simply a pale form of a contract; it is no contract at all. If, for example, I am playing a game, it may be that I would have agreed to any number of ground rules if I had been asked in advance of play. It does not follow that these rules may be enforced against me if I have not, in fact, agreed to them. There must be reasons, of course, why I would have agreed if asked in advance, and these may also be reasons why it is fair to enforce these rules against me even if I have not agreed. But my hypothetical agreement does not count as a reason, independent of these other reasons, for enforcing these rules against me, as my actual agreement would have. ('Original Position' 17-18)

In other words, even if it would have been rational for individuals to consent to an agreement or set of rules, this does not necessarily mean that an external authority is justified in enforcing them.<sup>78</sup>

Still, one might argue that hypothetical consent can be used to determine the content of the norms and practices used by religious and cultural minority groups, or whether these norms and practices are legitimate in some sense, even if it cannot be used to justify their enforcement. Cynthia Stark, for instance, has argued that there is a distinction between political legitimacy and obligation. Individuals are not necessarily obligated to obey the authority of the Pope and may not be required to obey the laws of certain foreign countries, even though the authority they exercise is legitimate (Stark 323-324). If this is correct, theories of hypothetical consent can be

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<sup>77</sup> It is important to note that hypothetical consent theories generally apply to political principles, such as principles of distributive justice, rather than specific laws or policies that might be used to implement these principles (Stark 317).

<sup>78</sup> Cynthia Stark illustrates this point using the following example: If I agree to pay someone \$25 to weed my garden, and I fail to pay him, he has a right to extract the money I promised him; he has a right to enforce the agreement. But if someone weeds my garden and then tells me that I must pay him \$25 because I would have agreed, had he asked, to pay that amount to weed my garden, he has no right to extract the money from me. There is no agreement for him to enforce. So when political theorists try to justify enforcement of rules by a political authority, they must rely on actual rather than hypothetical consent. Only actual consent can justify coercion (Stark 321).

used to determine the legitimacy of political principles, even if they cannot determine whether individuals are obligated to obey these principles or the state is justified in enforcing them (Stark 326).<sup>79</sup> According to Stark, political principles are legitimate if they would be chosen using a just procedure, i.e. under ideal circumstances by ideal agents (Stark 324-328). For Stark, the legitimacy of these principles is based on the fact that the principles chosen under this type of arrangement would give actual agents a reason to accept or adopt them (Stark 330).<sup>80</sup>

Unfortunately, the justification provided by theories of hypothetical consent is quite weak, however. Even if the agents that are affected by a particular principle might have a reason to accept it, if ideal agents in ideal circumstances hypothetically would consent to it, there might be other reasons why the practice should not be adopted. For instance, the agents might reject practices that help to further the mission of religious and cultural minority groups or the ends shared by their members.

Many religious and cultural minority groups are committed to the moral development of their members, for example, or maintaining certain cultural traditions or implementing certain philosophical ideals. One problem with using hypothetical interpretations of consent to decide whether the norms and practices used by these groups are legitimate is that, even if the individuals can make accurate judgments about what is needed to live well, they might not fully understand or be able to accurately assess whether a particular norm or practice helps to further the purpose or function of the group or the ends shared by its members.

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<sup>79</sup> Some theorists believe there is a very strong relationship between these two ideas, i.e. if political authority is legitimate, one is obligated to obey it or in order to be legitimate the citizens must have an obligation to obey (Stark 323, 325). However, Stark believes these two ideas are conceptually distinct. Jeremy Waldron has expressed a similar view. See chapter two in *Liberal Rights: Collected Papers 1981- 1991* (Waldron 45-50).

<sup>80</sup> In fact, many liberals believe that there is no independent standard of justice that can be used in determining whether political principles are legitimate.

The Doukhobors, for example, were committed to a communist economic system. They shared virtually all of their resources collectively, and for a number of years members who worked outside the community were required to donate their income to the group (Woodcock 161). Individuals who have the capacity for *sunesis* might not consent to this type of economic system, however, in light of the negative consequences it can produce. For instance, the Doukhobors faced serious nutritional and health problems, particularly during their first year in Canada. In fact, the only reason the community was able to survive was through the financial assistance of the Canadian government and donations provided by organizations such as the Quakers. While the community did manage to improve its financial situation in subsequent years, the geographical location that was offered to the community was ill suited for the type of agricultural production that the Doukhobors specialized in; and most of its members had an extremely modest standard of living for the duration of its existence (Woodcock 160-165). In light of these problems, there is a very real possibility that individuals who have the capacity for *sunesis* might decide to reject these types of practices, on the grounds that they caused the members of the community to suffer extreme hardships.

Although it is beyond the scope of this chapter to address this question in significant detail, I think there is an argument to be made that these practices might be morally justified, however, on the grounds that they help to further the mission of the group and the ends shared by its members. A member of the Doukhobors, for example, might believe it is more important to live according to religious ideals than to satisfy certain needs and interests.

Another problem with using theories of hypothetical consent to determine whether the norms and practices of religious and cultural minority groups are legitimate is that they limit the ability of the members of these groups to develop and pursue their conception of the good. Even

though these theories might take the interests of these groups into account, they might use a different method to prioritize these interests than members of the community would.<sup>81</sup> Moreover, an important part of the process of developing one's conception of the good involves deciding which types of norms and practices will help one to live well and the reasons these practices will or will not do so. Even if the individuals who are making the decision to consent have the capacity for *sunesis* and can make accurate judgments about what is needed to live well in a general sense, there is an important question about whether the norms and practices to which they consent will help the members of the community develop and pursue their *own* conception of the good. And this is something that cannot be determined through an idealized decision-making procedure.<sup>82</sup>

### 3.3.2 Neutrality

Another objection to the argument I have presented in this chapter involves whether the idea of *sunesis* might be inconsistent with the liberal commitment to neutrality in some sense. Liberals such as Rawls have argued that the state must remain neutral with respect to competing conceptions of the good; the use of political authority cannot be justified by, or used to promote, a particular set of social, moral or political values (*Political Liberalism* 196).

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<sup>81</sup> A related point is that individuals might need to actually participate in the decision-making process to achieve their conception of the good or, as Rousseau has argued, to enjoy a certain type of freedom.

<sup>82</sup> Segvic points out that, according to Aristotle, individuals need to develop their own conception of *eudaimonia* in order to live well. As she explains, 'Aristotle takes it that a part of living a good human life precisely consists in living in accordance with a conception of the good life that is a result, to some significant degree, of one's own exercise of practical reason' (Segvic 19-20). If this is correct, hypothetical models of consent might prevent members of religious and cultural minority groups not only from developing their own conception of the good, but being able to live a flourishing life.

Before responding to this objection, it will be helpful to distinguish between two different senses of neutrality. In ‘The Priority of Right and Conceptions of the Good’ Rawls points out that political liberalism might be considered neutral with respect to its aims or with respect to the procedure it uses to justify the exercise of political authority. A procedure might be considered neutral if it does not appeal to any moral values in the justification of political authority – or if it only appeals to neutral ones, such as impartiality, consistency in the application of general principles to all reasonably related cases or equal opportunities given to contending parties to present their cases. Neutrality of aim, on the other hand, might be interpreted in one of the following ways (‘Priority’ 261-262):<sup>83</sup>

- a) The state is to ensure for all citizens equal opportunity to advance any conception of the good they freely affirm;
- b) The state is not intended to do anything to favor or promote any particular comprehensive doctrine rather than another, or to give greater assistance to those who pursue it; or
- c) The state is not to do anything that makes it more likely that individuals will accept any particular conception rather than another unless steps are taken to cancel, or to compensate for, the effects of policies that do this.

Before considering whether it would violate the liberal commitment to neutrality to require the individuals who are making the decision to consent to the use of political authority to have the capacity for *sunesis*, I would like to briefly point out that there is an important difference between the authority exercised by the state and the authority exercised by religious and cultural minority groups. Although there is a sense in which the state might plausibly be seen as neutral with respect to aim, religious and cultural minority groups often are committed to the development and implementation of a particular conception of the good. So the sense in which it

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<sup>83</sup> Rawls argues that justice as fairness is not neutral with respect to its procedure and is only neutral with respect to aim in the second sense.

might be possible for these groups to remain neutral will be different from the sense in which it might be possible for the state to remain neutral.<sup>84</sup>

The second point I would like to emphasize, in responding to this objection, is that requiring the capacity for *sunesis* does not necessarily mean that the individuals who would make the decision about whether to consent to the use of political authority need to be committed to a particular conception of the good. Even if these individuals are able to make accurate judgments about what is needed to live well, this does not necessarily mean they are committed to particular views about which types of ends are worth pursuing or which virtues of character one should try to emulate. There are certain policies that all individuals who have the capacity for *sunesis* will be able to endorse, regardless of their social, moral and political values.

For example, an individual who has the capacity for *sunesis* might recognize that the government should protect certain rights and liberties for its citizens, e.g. freedom of religion. Within this sphere individuals are able to make their own decisions about which, if any, religion to practice, however. Although it is true in a certain sense that protecting freedom of religion does promote a certain conception of the good, because it implies that adherence to a particular religious doctrine might be needed to live well, the point I would like to emphasize is that political authority is not being used to favor or promote any particular comprehensive doctrine rather than another or to give greater assistance to those who pursue it.

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<sup>84</sup> Even this point has been disputed, however. As Thomas Nagel explains, ‘Part of the problem is that liberals ask of everyone a certain restraint in calling for the use of state power to further specific, controversial moral or religious conceptions – but the results of that restraint appear with suspicious frequency to favor precisely the controversial moral conceptions that liberals usually hold ... Liberals tend to place a high value on individual freedom, and limitations on state interference based on a higher order impartiality among values tends to promote the individual freedom to which liberals are partial. This leads to the suspicion that the escalation to a higher level of impartiality is a sham, and that all the pleas for toleration and restraint really disguise a campaign to put the state behind a secular, individualistic and libertine morality’ (Nagel 216-217).

So requiring individuals who consent to the use of political authority to be able to make accurate judgments about the actions, motivations and advice of other people does not necessarily mean that the authority itself will be used to promote a particular view about how resources should be distributed, what types of ends are worth pursuing and which ideals of character one should try to emulate. It might mean that the government needs to protect certain rights and freedoms for its citizens, but this is compatible with allowing the citizens to embrace and pursue many different social, moral and political values.<sup>85</sup>

The question of whether this requirement is consistent with neutrality of procedure is somewhat more complicated, however. Clearly, requiring the capacity for *sunesis* will mean that moral values will be involved in the process of justification at some level. The neutrality of the procedure depends partly on the information to which the individuals are given access – about themselves and the members of the community affected by the practice – in making this decision and the assumptions they need to make during the decision-making process.<sup>86</sup> But this does not necessarily imply that the process as a whole will be designed to favor a particular conception of the good.

The critical question for liberals such as Rawls is whether the reasons that are used to justify the exercise of political authority, at least for constitutional essentials and matters of basic justice, remain neutral with respect to competing conceptions of the good. As Rawls explains, ‘This means that political values alone are to settle such fundamental questions as: who has the

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<sup>85</sup> They also might endorse a policy that requires a criminal background check for people who want to buy guns or support a policy that prohibits smoking in public spaces. Such policies might be seen to promote a particular understanding of what it means to live well, but only in the sense that they promote public health and safety. Political authority, in these cases, is not being used to promote controversial social, moral or political values and is compatible with many different conceptions of the good.

<sup>86</sup> For example, one of the characteristics of the parties to the original position is that they are mutually disinterested. If the process does not include this assumption, there might be a sense in which the procedure is less neutral. How the individuals take the interests of others into consideration, and why this is justified, will involve certain types of moral assumptions.

right to vote, or what religions are to be tolerated, or who is to be assured fair equality of opportunity, or to hold property' (*Political Liberalism* 214). In other words, individuals should not appeal to religious or philosophical doctrines when trying to answer these questions. Instead, they should appeal to reasons and values that all members of the society can accept. This idea is sometimes referred to as the public reason requirement.

Requiring the individuals who consent to the use of political authority to have the capacity for *sunesis* does not necessarily violate this requirement. As I mentioned above, if an individual has the capacity for *sunesis*, this does not mean that she is committed to a particular religious or philosophical doctrine; so she would not necessarily need to appeal to the values associated with such a doctrine in deciding whether to consent. She could appeal to political values in attempting to resolve such questions as who is entitled to vote or own private property. Moreover, the judgments the individual makes about what is needed to live well do not necessarily need to be substantive in nature. They can be based on a recognition of what types of things all individuals need to pursue their conception of the good.<sup>87</sup>

Although there is an obvious sense in which this point is true for literal interpretations of consent, it applies to hypothetical versions as well. It might seem that, if individuals can make accurate judgments about what is needed to live well, they might need to appeal to reasons based on their understanding of what it means to live well in making the decision to consent; and this might violate the liberal commitment to neutrality. But depending on the characteristics of the individuals who are making the decision to consent, and the way the process is specified, they might be able to appeal to other values in making this decision. If they had specific information

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<sup>87</sup> Rawls makes a similar point in his discussion of the primary goods that are distributed in the original position. There are certain things that all individuals need to pursue their conception of the good, e.g. certain rights and liberties, access to income and wealth (*Theory* 54).

about the community in which the norm or practice would be implemented, for example, they might not need to appeal to a particular understanding of what is needed to live well. The level of abstraction that is involved in the decision-making process plays a critical role in whether the individuals would need to appeal to a particular understanding of what is needed to live well in deciding whether to consent to a particular norm or practice.

### **3.3.3 Renegotiation and Dissent**

Another objection to the argument I have presented in this chapter is that, rather than emphasizing the qualities or capacities of the individuals who are or might be making the decision to consent, in determining whether the norms and practices of religious and cultural minority groups are legitimate, we should focus on the opportunities for political dissent and civil disobedience found within these groups. According to Onora O'Neill, the norms and practices of religious and cultural minority groups can only be considered legitimate if ‘those affected by a given set of arrangements that could in principle be changed can in fact refuse or renegotiate what affects them.’ In other words, if the members of these groups have no choice but to accept these arrangements, any decision they might make to consent cannot be considered legitimate (O'Neill 163).

Unfortunately, as O'Neill points out, many religious and cultural minority groups restrict the ability of their members to renegotiate these norms and practices. As she explains,

Dissent becomes harder when capacities to act are less developed and more vulnerable, and when opportunities for independent action are restricted. Capacities to act are constrained both by lack of knowledge and abilities and by commitments to others. Institutional arrangements can disable agency both by limiting capacities to reason and act independently and by raising the demands to meet the needs and satisfy the desires of others. Apparent ‘consent’ to such arrangements does not show that they are just. Whenever ‘consent’ reflects

ignorance, or lack of capacity or opportunity to do anything but ‘consent,’ it does not legitimate. (O’Neill 163)

As O’Neill explains in this passage, religious and cultural minority groups limit the abilities and opportunities for their members to express dissent in a number of ways: by limiting their capacity to reason, by imposing strict demands to satisfy the needs of others and by restricting their opportunities to think and act independently. In this type of situation, O’Neill argues, the ‘consent’ given by the members of these groups cannot be used to justify the authority exercised by their social and political leaders.<sup>88</sup> The individuals who are affected by a given set of arrangements either must be given the opportunity to renegotiate them, or refuse to obey them without fear of reprisal, for their agreement to justify the use of this authority (O’Neill 163).

One objection to O’Neill’s argument is that the members of religious and cultural minority groups generally have limited options to renegotiate or disobey the norms and practices that affect them. As Monique Deveaux explains, ‘Social roles and practices are typically imposed or enacted in contexts of limited choice, in which case agents’ abilities to refuse or accept such arrangements will always be compromised to some extent.’ In other words, the ability that members of religious and cultural minority groups have to renegotiate or disobey the social and political practices that affect them always will be limited. But these limitations do not necessarily mean that the members of these groups are being harmed or coerced. Particularly within traditional societies, Deveaux argues, individuals simply may have fewer options available to them than in Western liberal democracies (Deveaux 71).

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<sup>88</sup> Principles that involve deception, violence and coercion or other methods of victimizing individuals also are considered illegitimate (O’Neill 162).

Although Deveaux is correct to point out that the members of religious and cultural minority groups often have limited options available to them, the point I would like to focus on for the purposes of this discussion involves the reasons why individuals might be prevented from renegotiating the norms and practices that affect them or not given the opportunity to refuse or disobey these practices without fear of reprisal. It is not enough to simply point out that there is a limited context of choice within many of these groups and that this, in and of itself, does not constitute an injustice. In some cases depriving individuals of the opportunity to renegotiate or refuse to obey the norms and practices that affect their lives *is* unjust. But it is important to identify the situations in which this type of limitation is oppressive and situations in which it is not.

The first point I would like to emphasize is that even within Western liberal democracies there are certain norms and practices that ordinary citizens cannot renegotiate or refuse to obey without fear of reprisal. Certain policies exist to protect public health and safety, are needed to promote national security or safeguard the rights of other citizens. So the mere fact that a practice cannot be renegotiated or disobeyed without fear of reprisal does not necessarily mean that it is unjust. Likewise, a norm or practice is not necessarily just simply because individuals are given the opportunity to renegotiate or disobey it. Their opportunities to change the practice might be limited, or they might not be able to do so in a way that better serves their interests. Among the Amish, for instance, individuals can propose changes to the *ordnung*, but these changes must be approved by all members of the community.

Another important question is whether the individuals affected by a particular practice have a desire to renegotiate or disobey it. It is unclear whether an individual is treated unjustly if she is denied the opportunity to perform a particular action if she does not have a desire to do so.

For example, am I treated unjustly if I am not allowed to take an advanced calculus class, if I have no desire to learn math? Likewise, the members of a religious or cultural minority group might not have a desire to disobey or renegotiate particular norms or practices. While it is important to acknowledge that the lack of this desire might be a reflection of unjust social conditions,<sup>89</sup> it also might be due to the fact that the members of the group recognize the value of the practice in question. Certain practices are essential to the group's religious faith, such the bar mitzvah in Judaism or vegetarianism among the Doukhobors, or are essential to the mission of the group. So it is important to consider whether individuals have a desire to change or disobey a particular practice, and the reasons they might or might not have this desire, in determining whether it is unjust for them to be prevented from renegotiating or disobeying the practice.

The third point I would like to emphasize is that O'Neill's argument is of limited use when trying to evaluate the legitimacy of specific norms and practices. As she points out,

The ways in which injury, violence, coercion, deception and the like can be used to undermine external freedom is not only by undermining the individual capacities for action blow by blow, threat by threat, lie by lie, but also through sustaining cultures of intimidation, insecurity, deference and evasiveness. What constitutes injury, or threat, or effective deception always depends on the relative power of those agents and agencies who act unjustly and the relative lack of power, and consequently enhanced vulnerability, of those who suffer injustice. (O'Neill 139)

In other words, even if the members of religious and cultural minority groups have the capacity to act independently, cultural values that promote intimidation, deference or insecurity can prevent them from disobeying or renegotiating the norms and practices of their community.

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<sup>89</sup> Martha Nussbaum, for example, has pointed out that in the area outside of Mahabubnagar, Andhra Pradesh, in India women who were malnourished and had to live without a reliable supply of clean water had no feelings of anger about their physical condition and did not consider this condition to be unhealthy or unsanitary (Nussbaum 69). The example illustrates that people who live in harmful conditions often do not have a desire to change these conditions, since they adjust their desires to the way of life that they know (Nussbaum 78).

But does the existence of these values mean that all of the norms and practices of the community are unjust? Or only the ones that promote intimidation or deference?

Among groups such as the Fundamentalist Church of Jesus Christ of Latter Day Saints, for example, women are taught to be extremely deferential to men and to obey the leaders of their community without question (Musser 112, 52, 46). Likewise, the Amish have an explicit prohibition on disobeying the norms and practices of the community. Members who fail to adhere to the *ordnung* are shunned, a practice that can have extremely serious social and economic consequences. O'Neill might argue that, because many religious and cultural minority groups have cultural values that promote deference and intimidation, and their members cannot disobey the norms and practices of their community without fear of reprisal, the authority used to enforce these practices cannot be justified. But should *all* of the practices adopted by these groups be considered unjust simply because they teach their members to be deferential or punish them for disobeying these practices?

Although it is beyond the scope of this chapter to discuss these questions in greater detail, the point I would like to emphasize is that a norm or practice is not necessarily unjust simply because the individuals who are affected by it cannot renegotiate or refuse to obey it without fear of reprisal. Among other issues, we need to take into consideration the reasons why these individuals might be prevented from renegotiating the norm or practice; whether they have a desire to do so; and whether, as in the case of the Amish, they are given realistic options to leave the group before they are asked to make a commitment to obey the practices in question.<sup>90</sup>

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<sup>90</sup> As I pointed out in the introduction, not all members of religious and cultural minority groups have realistic options to leave, however. The Fundamentalist Church of Jesus Christ of Latter Day Saints, for instance, makes it extremely difficult for women to leave the group.

## **4.0 EUNOMIA**

In the first part of this thesis I considered whether the liberal principle of legitimacy should be used to resolve questions related to the treatment of internal minorities. According to this principle, the exercise of political authority is justified only if the individuals who are affected by the use of this authority have given their consent to it. I argued that the liberal principle of legitimacy should not be used to determine whether the norms and practices of religious and cultural minority groups are legitimate, or whether the authority used to enforce these norms and practices is justified, because it presupposes a conception of autonomy that cannot be satisfied by the members of these groups. In this chapter I will argue that we should appeal to the idea of *eunomia* to resolve these questions instead.

### **4.1 EUNOMIA AND LEGITIMACY**

Until the last third of the fifth century ‘*eunomia*’ described either a quality of personal behavior or the condition of a well ordered society, ‘a condition which implies not only the prevalence of good laws and good government within the state, but also the good functioning of the social

organism as a whole' (Ostwald 62). The idea of *eunomia*, as both a political concept and a psychological condition, was seen as the antithesis of *stasis* or faction (Jones 76).<sup>91</sup>

As a quality of personal behavior the word is first used in the *Odyssey*. When Antonius threw a stool at Odysseus, who is begging for food, someone tells Antonius, 'Be careful lest this be a god. For the gods wander through the cities in various disguises, to behold and mark the wantonness and the *eunomia* of men' (Eickhoff 287-291; Ehrenberg 76). *Eunomia*, in this sense, involves the conduct expected from temperate and reasonable members of a society (Jones 75).

Solon used 'eunomia' to describe the condition of the city that he hoped to create through his reforms. It did not describe any specific law that he hoped to enact, but the state of affairs that he hoped to create through his legislation (Ostwald 64-68).<sup>92</sup> As he explains,

[*Eunomia*] maketh all things orderly and perfect, and often putteth fetters upon the unrighteous; aye she maketh the rough smooth, checketh excess, confuseth outrage; she withereth the springing weeds of ruin, she straighteneth crooked judgment, she mollifieth proud deeds; she stoppeth the works of faction. She stilleth the wrath of baneful strife; and of her all is made wise and perfect in the world of men. (Kalimtzis 138)

Herodotus used 'eunomia' to describe the conditions prevailing at Egypt until the reign of Rhampsinitus. It is contrasted with the conditions under his successor, Cheops, who closed all the temples and made the Egyptians build a pyramid for him with hard labor. As Ostwald explains, '*Eunomia* is the condition of a state in which the relations with the gods and within society are well regulated, not necessarily only by the enactment of statutes but by the

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<sup>91</sup> As Bernard Yack notes, 'Stasis' is the Greek word that Aristotle, and the ancient Greeks in general, use to characterize the whole range of political conflict and competition among individuals and groups. It is important to keep in mind that *stasis* refers for Aristotle to a broad range of phenomena from everyday competition between political factions to extraordinary and violent events such as civil wars and other attempts to overthrow established governments' (Yack 219). I will use *stasis* to refer to civil conflict rather than violent events for the purposes of this discussion.

<sup>92</sup> For Solon *eunomia* could be attained in a state with good rulers and judges and a greater degree of equality between the citizens. He cited the Locrians as a people having *eunomia* (Jones 76).

harmonious consensus of ruler and ruled' (Ostwald 73). *Eunomia* also is related to the constitutional changes at Sparta that are attributed to Lycurgus. According to Herodotus, these changes included the sworn brotherhoods, the bands of thirty, the common meals, the ephorate and the *gerousia* (Ostwald 75-78).

In Thucydides '*eunomia*' signifies a condition of state opposite to *stasis* or faction, a condition of good order established by the constitution, i.e. 'good order by law.' For Thucydides *eunomia* also implies obedience to the laws: 'in a condition of *stasis* the citizens do not obey the laws of the state, but they consult only the interest of their own faction or their own personal interests' (Erasmus 59).

Aristotle used '*eunomia*' to refer to a community (usually an aristocracy) that has good laws which are obeyed by the citizens. As he explains,

Now it appears to be an impossible thing that the state which is governed not by the best citizens but by the worst should be well-governed, and equally impossible that the state which is ill-governed should be governed by the best. But we must remember that good laws, if they are not obeyed, do not constitute good government. Hence there are two parts of good government; one is the actual obedience of citizens to the laws, the other part is the goodness of the laws which they obey; they may obey bad laws as well as good. And there may be a further subdivision; they may obey the best laws which are attainable to them, or the best absolutely. (*Politics* 1294a1-8)

In the *Politics* and the *Rhetoric* Aristotle uses '*eunomia*' to describe a community that (a) promotes political excellence and justice as a virtue of character; (b) gives honors to the virtuous; (c) prevents the citizens from being either very rich or very poor; and (d) decides legal questions based on facts, rather than prejudice, anger or envy. I will describe each of these characteristics in greater detail below.

#### 4.1.1 Political Excellence

According to Aristotle, a well-ordered community takes into consideration the political excellence of its citizens. As he explains,

But a state exists for the sake of a good life, and not for the sake of life only: if life only were the object, slaves and brute animals might form a state, but they cannot, for they have no share in happiness or in a life based on choice. Nor does a state exist for the sake of alliance and security from injustice, nor yet for the sake of exchange and mutual intercourse; for then the Tyrrhenians and the Carthaginians, and all who have commercial treaties with one another, would be the citizens of one state. True, they have agreements about imports, and engagements that they will do no wrong to one another, and written articles of alliance. But there are no magistracies common to the contracting parties; different states have their own magistracies. Nor does one state take care that the citizens of the other are such as they ought to be, nor see that those who come under the terms of the treaty do no wrong or wickedness at all, but only that they do no injustice to one another.

Whereas those who care for good government take into consideration political excellence and defect. Whence it may be further inferred that excellence must be the care of a state which is truly so called, and not merely enjoys the name; for without this end the community becomes a mere alliance which differs only in place from alliances of which the members live apart; and law is only a convention, ‘a surety to another of justice,’ as the sophist Lycophron says, and has no real power to make the citizens good and just. (*Politics* 1280a31-1280b12, emphasis added)

Aristotle argues in this passage that a community that exhibits *eunomia* takes into consideration the political excellence and defect of the citizens, and one function of the laws in this type of community is to make the citizens just.<sup>93</sup> Later in this section of the *Politics* Aristotle

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<sup>93</sup> I will understand political excellence as being different from *politikē* or political wisdom, which Aristotle describes as the same state of mind as *phronēsis* (1141b23). As Stephen Halliwell points out, in the *Rhetoric* Aristotle separates *phronēsis* and *aretē* or excellence (2.1.5-7, 1378a6-19): ‘it is clearly implied ... that a speaker may possess the first without the second’ (Halliwell 221). Halliwell argues that ‘*phronēsis* without *aretē* would entail a lack of ethical ‘first principles’ (cf. EN 6.13 1144a29-36) and would presumably create the danger of the false *politikē* deprecated at 1.2.7, 1356a27-30; cf. EE 1216a23- 27’ (Halliwell 222). The point I would like to emphasize, however, is that political excellence and political wisdom are distinct ideas.

argues that political excellence should be understood in terms of the contributions that individuals make to the community. As he says,

Our conclusion, then, is that political society exists for the sake of noble actions, and not of living together. Hence those who contribute most to such a society have a greater share in it than those who have the same or a greater freedom or nobility of birth but are inferior to them in political excellence; or than those who exceed them in wealth but are surpassed by them in excellence. (*Politics* 1281a3-7)

So for Aristotle, individuals who make the greatest contribution to a community should have a greater share in it than the wealthy or those of noble birth. He also emphasizes this idea in his discussion of citizenship:

Like the sailor, the citizen is a member of a community. Now sailors have different functions, for one of them is a rower, another a pilot, and a third a look out man, a fourth is described by some similar term; and while the precise definition of each individual's excellence applies exclusively to him, there is at the same time a common definition applicable to them all. For they have all of them a common object, which is safety in navigation. Similarly, one citizen differs from another, but the salvation of the community is the common business of them all.

This community is the constitution; the excellence of the citizen must therefore be relative to the constitution of which he is a member. If then there are many forms of government, it is evident that there is not one single excellence of the good citizen which is perfect excellence. But we say that the good man is he who has one single excellence which is perfect excellence. Hence it is evident that the good citizen need not of necessity possess the excellence which makes a good man. (*Politics* 1276b20-35)

As Aristotle argues in this passage, political excellence (or the excellence of the citizen) should be understood in terms of the contributions individuals make to the community. He also argues that the excellence of the citizen is relative to the constitution of the community and that political excellence is different from moral excellence. I will discuss these ideas in greater detail later in this chapter.

Another aspect of political excellence, for Aristotle, involves the capacity to rule and be ruled like a freeman. As he explains,

There is, indeed, the rule of a master, which is concerned with menial offices – the master need not know how to perform these, but may employ others in the execution of them: the other would be degrading; and by the other I mean the power actually to do menial duties, which vary much in character and are executed by various classes of slaves, such, for example, as handicraftsmen, who, as their name signifies, live by the labor of their hands – under these the mechanic is included ....

But there is a rule of another kind, which is exercised over freemen and equals by birth – a constitutional rule, which the ruler must learn by obeying, as he would learn the duties of a general of cavalry by being under the orders of a general of cavalry, or the duties of a general of infantry by being under the orders of a general of infantry, and by having had the command of a regiment and of a company. It has been well said that he who has never learned to obey cannot be a good commander. The excellence of the two is not the same, but the good citizen ought to be capable of both; he should know how to govern like a freeman, and how to obey like a freeman – these are the excellences of a citizen. (*Politics* 1277a31-1277b16)

Aristotle argues in this passage that, in a government of equals, the ruler must learn to rule by obeying, as a general would learn his duties by being under the orders of a general. The excellence of a ruler and a subject are not the same, but a citizen should be capable of both: he should know how to govern like a freeman and obey like a freeman. One can understand the idea of ruling and obeying like a freeman by contrasting (a) the idea of a freeman with Aristotle's idea of a natural slave and (b) Aristotle's idea of constitutional rule with tyranny.

Aristotle describes a natural slave as someone who does not have reason but can apprehend it (1254b21-22) and who lacks a deliberative faculty (1260a12-13). Kristen Inglis explains the difference between perceiving or apprehending reason and having reason as follows:

The contrast Aristotle draws here between perceiving reason and having reason is strongly reminiscent of the picture of the soul that he presents in EN 1.13 when he develops an account of human virtue. There, he contrasts the part of the soul that

'listens to' reason (1102b27, 31 & 1103a3) and the part that has reason (*echein*) strictly speaking in the sense that it actually thinks (*dianooumenon*) and deliberates. Given the nearly identical perceptual language between the two passages, and given that Aristotle explicitly mentions EN 1.13's division of soul in Pol. 1 [1260a4- 9], it's reasonable to infer that the Pol. 1.5 passage is saying that slaves can have a reason-responsive *alogon*, but that they lack the part of the soul that is itself rational in itself (viz., the part that deliberates). ('Virtues' 12)

So according to Aristotle, one difference between slaves and freemen is that, while slaves can respond to reason, they do not have the capacity to deliberate. The capacity for deliberation can be understood in different ways, however. As Inglis explains, 'Technical deliberation is concerned with bringing about some limited end (e.g. a pot) while practical deliberation is concerned with bringing about happiness or doing well in general ('*Boulēsis*' 19). Slaves have the capacity for technical deliberation, which is involved in craft, but lack the capacity for practical deliberation (Heath 250).<sup>94</sup>

In general, deliberation involves determining the best way to achieve an end, given the prevailing circumstances (Cooper 10), or reasoning from a goal to what is needed to accomplish or implement the goal (Heath 249). For Aristotle, the subject of deliberation is not ends or particular facts, but what contributes to ends (1112b33-1113a2) and the partial constituents of these ends. It also includes what brings the ends 'within one's action,' e.g. whether the doctor is to give a drug to her patient or where the general is to pitch his camp (1227a19-24). We deliberate about the things that can be done by our own efforts but not always in the same way, according to Aristotle (1112a31-1112b4). As Inglis explains,

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<sup>94</sup> Dominic Scott argues that slaves have the capacity for productive deliberation but lack the capacity for moral deliberation or the ability to deliberate toward what is choice-worthy for its own sake. This ability involves reasoning about ends as well as forming particular judgments about what to do given one's end, e.g. what would count as noble in a particular situation (Scott 110-111).

[Deliberation] is concerned not about ends but about what ‘promotes’ or ‘forwards’ (*peri tōn ta pros ta telē*) ends (1112b12). Aristotle illustrates this idea by comparing a practical deliberator to a doctor: ‘A doctor, for instance, does not deliberate about whether he will make health, or a public speaker about whether he will persuade, or a politician about whether he will produce good order, or any others about the end. Rather, we lay down the end, and then examine how and by what means it will come about’ (1112b12-17). These ‘means’ or ‘things promoting the end’ can include not just instrumental means but also constitutive means, instrumental means being the efficient cause of an end, and constitutive means being that which counts as achieving the end. (*‘Boulēsis’* 19)

John Cooper has pointed out that, even though ends are not the subject of deliberation as such, they can be subject to deliberative explanation and justification (Cooper 14). One can deliberate about subordinate ends, for instance, by considering whether they will serve as means to or constituents of ultimate ends (Cooper 16).<sup>95</sup> Subordinate ends also can conflict with each other. As Cooper explains, when this takes place we resolve the conflict by looking to the higher end – to see which end is to be preferred and whether the requirements of one can interfere with the pursuit of another (Cooper 18).

So an end does not need to be a distinct object or state of affairs causally produced by what serves as a means to it. If the end is complex, the achievement of part of the end can be something that contributes to or promotes the complex end. Aristotle uses an analogy between deliberation and the construction of a geometrical figure to illustrate this idea (1112b19-24). As Cooper explains, the first step in constructing the figure is to produce a part of it, not a preliminary move bringing about the construction of it. According to this view, the production of some of its parts will be among the things that contribute to an end (Cooper 20).

In addition to deliberation, another difference between slaves and freemen is that natural slaves lack the capacity for foresight and decision (1280a31-34; Inglis, ‘*Boulēsis*’ 12; Scott

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<sup>95</sup> One can deliberate about whether health or virtue can contribute to *eudaimonia*, for example.

111).<sup>96</sup> Specifically, Aristotle argues, slaves ‘do not partake of (*metechein*) living according to decision’ (*tou zēn kata prohairesin*) (Inglis, ‘*Boulēsis*’ 12). For Aristotle, decision or *prohaeresis* is a deliberate desire for something within our power (1113a10-12).<sup>97</sup> As he explains,

Now about the end no one deliberates (this being fixed for all), but about that which tends to it – whether this or that tends to it, and – supposing this or that resolved on – how it is to be brought about ... If then no one chooses without some preparation, without some deliberation whether it is better or worse to do so and so, and if, of the things which contribute to an end, and which may or may not come about, we deliberate about those which are in our power, then it is clear that choice [*prohaeresis*] is a deliberate desire for something in one’s own power; for we all deliberate about what we choose, but we do not choose all that we deliberate about. (*Eudemian Ethics* 1226b10-19)

As Aristotle argues in this passage, *prohaeresis* is not concerned with ends (1226a4-17) but with what contributes to the end and how it is to be brought about.<sup>98</sup> It involves the capacity for deliberation and, more specifically, the capacity to deliberate about whether something is better or worse to do.<sup>99</sup> In the *Magna Moralia* Aristotle argues that *prohaeresis* is concerned with things that involve controversy as to whether they are desirable.

Since, then, choice as was said before, is concerned with the goods that contribute to the end and not with the end, and with the things that are possible to us, and with such as afford ground for controversy as to whether this or that is desirable, it is evident that one must have thought and deliberated about them beforehand; then when a thing appears best to us after having thought it over, there ensures an impulse to act, and it is when we act in this way that we are held to act on choice. (*Magna Moralia* 1189a25-31)

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<sup>96</sup> As Karen Nielsen points out, according to fourth century orators such as Demosthenes acting from decision is used interchangeably with acting from forethought (Nielsen 6).

<sup>97</sup> *Prohaeresis* also has been translated as choice, will, intention and purpose (Chamberlain 149).

<sup>98</sup> According to Heath, ‘the natural slave’s deliberative incapacity is not a failure of reasoned judgment about ends; ends are proposed by character, not inferential reasoning. Deliberative incapacity impairs reasoning from ends to their implementations (Heath 248).

<sup>99</sup> Kristen Inglis has argued that the reason slaves cannot participate in decision is because they lack the capacity for *boulēsis* (‘*Boulēsis*’ 12). But it also is possible that they cannot participate in decision because they lack the capacity for deliberation. It is beyond the scope of this chapter to address this question, unfortunately.

As Charles Chamberlain points out, *prohaeresis* is closely related to moral virtue for Aristotle. The term sometimes is translated as ‘moral purpose’ and is the ‘decisive factor in virtue and character’ (1163a22-23). In the *Rhetoric* acting in accordance with *prohaeresis* is the distinguishing characteristic of a morally virtuous person (1367b22-23), and in the *Nicomachean Ethics* and *Eudemian Ethics* Aristotle argues that moral virtue is a state that is *prohaeretic* (1106b36-a2; 1227b5-11). Aristotle also argues that the best type of friendship is based on *prohaeresis* (1243b9-10, 1243b2-3, 1157b30-31) (Chamberlain 147).

The reason *prohaeresis* is ‘the decisive factor in virtue and character’ is that, for Aristotle, virtue is a state of character concerned with decision or choice (1106b36, 1139a23). A virtuous person chooses virtuous action and chooses it for its own sake (1105a31-32, 1144a19-20).<sup>100</sup> The agent’s character is revealed by what she chooses to do (1112a2-3) – for what ends and whether she abides by the decision (Nielsen 1-4). As Aristotle says,

It follows then, since moral excellence is itself a mean and wholly concerned with pleasures and pains, and badness lies in excess or defect and is concerned with the same matters as excellence, that moral excellence is a habit tending to choose the mean in relation to us in things pleasant and painful, in regard to which, according as one is pleased or pained, men are said to have a definite sort of character; for one is not said to have a special sort of character merely for liking what is sweet or what is bitter. (*Eudemian Ethics* 1227b5-12)

So *prohaeresis* relates to how to bring about ends, the things that contribute to the ends and the constituents of the ends, rather than the ends themselves. It involves deliberation, especially about things that involve controversy as to whether they are desirable, and plays an

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<sup>100</sup> Choice or decision not only distinguishes virtuous actions but other actions that are considered *kalon* (i.e., admirable, beautiful, noble or fine). As Aristotle says, ‘Since we praise a man for what he has actually done, and fine actions are distinguished from others by being chosen, we must try to prove that his acts are based on choice’ (1367b21-25).

important role in moral virtue and character. *Prohaeresis*, in addition to reason and deliberation, is needed to rule and obey like a freeman, according to Aristotle. He also believes that moral virtues such as temperance and justice are needed, although the justice and temperance of rulers and subjects are different.<sup>101</sup> As he explains,

The difference between ruler and subject is a difference of kind, which the difference of more and less never is. Yet how strange is the supposition that the one ought, and that the other ought not, to have excellence! For if the ruler is intemperate and unjust, how can he rule well? if the subject, how can he obey well? If he is licentious and cowardly, he will certainly not do what is fitting. It is evident, therefore, that both of them must have a share of excellence, but varying as natural subjects also vary among themselves. (*Politics* 1259b36-1260a4)

In the *Politics* Aristotle also argues that freemen should be educated to make them fit for the practice and exercise of excellence. This type of education involves the development of intellectual capacities such as deliberation and *prohaeresis*, a desire to live well and a concern for what is *kalon* (Fragment 52R3, B53).<sup>102</sup> As he says,

To young children should be imparted only such kinds of knowledge as will be useful to them without making mechanics of them. And any occupation, art or science which makes the body or soul or mind of the freeman less fit for the practice or exercise of excellence is mechanical; wherefore we call those arts mechanical which tend to deform the body, and likewise all paid employments, for they absorb and degrade the mind. (*Politics* 1337b5-14)

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<sup>101</sup> He makes a similar point later in the *Politics*: ‘And although the temperance and justice of a ruler are distinct from those of a subject, the excellence of a good man will include both; for the excellence of the good man who is free and also a subject, e.g. his justice, will not be one but will comprise distinct kinds, the one qualifying him to rule, the other to obey, and differing as the temperance and courage of men and women differ’ (1277b16-22). Aristotle believed that virtues such as temperance and justice depend on gender in the sense that for men they are expressed in commanding and for women they are expressed in obeying (1260a20-24).

<sup>102</sup> As Aristotle argues, ‘It is slave-like to desire to live rather than to live well, to follow the opinions of the many instead of expecting the many to follow one’s own, to seek money but to show no concern at all for what is noble’ (Boesche 9).

So one way to understand Aristotle's idea of political excellence is by contrasting the idea of a natural slave with a freeman. We also can understand Aristotle's idea of political excellence by contrasting constitutional rule with tyranny. According to Aristotle, the type of relationship that exists between the ruler and his subjects in a tyranny is analogous to the relationship that exists between a master and slave. As Aristotle says, '[Tyranny] is monarchy exercising the rule of a master over the political society' (1279b15-16). Unlike the relationship between masters and slaves, however, constitutional rule is based on equality.<sup>103</sup> As he explains,

The previous remarks are quite enough to show that the rule of a master is not a constitutional rule, and that all the different kinds of rule are not, as some affirm, the same as each other. For there is one rule exercised over subjects who are by nature free, another over subjects who are by nature slaves. The rule of a household is a monarchy, for every house is under one head: whereas constitutional rule is a government of freemen and equals. (*Politics* 1255b16-20)

Aristotle's idea of constitutional rule also is illustrated in the relationship between husband and wife (1259b1-2). In the *Politics* Aristotle argues that, although the man usually rules, the two are equal by nature.

In most constitutional states the citizens rule and are ruled by turns, for the idea of a constitutional state implies that the natures of the citizens are equal and do not differ at all. Nevertheless, when one rules and the other is ruled we endeavor to create a difference of outward forms and names and titles of respect, which may

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<sup>103</sup> For Aristotle, equality generally is understood in a proportional rather than numerical sense. Numerical equality involves giving everyone the same amount, or treating everyone the same, regardless of their unique qualities or specific characteristics. But according to proportional equality, what people should receive depends on the merit of the individual involved. In I.33 of the *Magna Moralia* Aristotle says that it is just for someone who has much to contribute much and that someone who has little should contribute little; someone who has worked much should receive much, and someone who has worked little should receive little. In the *Magna Moralia* Aristotle points out that Plato uses the idea of proportional equality to explain social unity in the *Republic*. In the *kallipolis* people make different things, such as houses and shoes, and they exchange these products with one another. What unifies the community is that the same proportion holds between all of the members of the *kallipolis*. The just, in this sense, is the proportional.

be illustrated by the saying of Amasis about his foot pan. The relation of the male to the female is always of this kind. (*Politics* 1259b4-10)<sup>104</sup>

As I mentioned above, we can understand the idea of ruling and being ruled like a freeman by contrasting constitutional rule with tyrannical forms of government. As Mogen Herman Hansen has pointed out, in ancient Greece the idea of freedom or *eleutheria* was contrasted with the type of rule that exists in a tyranny, which involves being enslaved in a metaphorical sense (Hansen 73-75). As he explains,

*Eleutheria* was regularly invoked as a basic democratic ideal in debates that contrasted democracy with tyranny. The opposite of this form of *eleutheria* was being enslaved in a metaphorical sense, i.e. being subjected to a despotic ruler. The concepts of freedom and slavery are transposed from the microcosmos of the household (*oikia*) to the macrocosmos of the city-state (*polis*) and used in a metaphorical sense.

In Athenian political rhetoric the metaphorical opposition between democratic freedom and slavery under a tyrant is commonly invoked in connection with three historical situations in which it is particularly relevant: the expulsion of the tyrants in 510, the wars against Persia in 490 and 480-479, and the wars against Philip of Macedon in the mid-fourth century. (Hansen 73-74)

So the idea of political excellence, in the sense of ruling and being ruled like a freeman, should be understood in contrast to belonging to a tyrannical form of government. A tyrant, according to Aristotle, rules his subjects against their will (1295a16-23) or involuntarily

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<sup>104</sup> Aristotle argues in this passage that, since in constitutional states the natures of the citizens are equal, they should rule and be ruled in turn. In *Civil Obligation and Individual Liberty in Ancient Athens* Peter Liddel argues that Aristotle's discussion of this idea implies that all citizens must actively participate in political decision-making processes (325-331). Richard Kraut has expressed a similar view in *Aristotle: Political Philosophy* (452-53). Mogen Herman Hansen disagrees, however. He argues that this passage cannot be used as evidence of Aristotle's own conception of freedom; he is simply reporting what the democrats say. Hansen argues that this view is associated with the arithmetic interpretation of equality, to which Aristotle objects, and implies that the *banausoi* or those who have to perform menial work should be allowed to participate in politics – an idea that Aristotle also rejects (Hansen 89-90).

(1285a26-28). For Aristotle, the involuntary are those things that take place under compulsion or owing to ignorance (1109b35-1110a1).<sup>105</sup>

Another distinguishing characteristic of a despotic form of government is that the rulers rule in their own interests (1134b1). In a constitutional government the rulers rule for the sake of the ruled or for the common advantage (1279a17-21). Stephen Halliwell explains that the common advantage (1278b21-23 and 1160a8-25) can be understood as

something that generates possibilities of good life, *kalos zen*, for those who participate in the civic order ... the ‘common advantage’ is not to be perceived solely in terms of a distribution of material goods, or equality of protection from material harm; it resides, as a principle and a potential, in the enabling conditions that justice provides for certain kinds of purposive and therefore moral living. (Halliwell 225)

Other characteristics of tyrants include obtaining power by force or fraud (1313a9-10), ruling without accountability or being responsible to others (1295a16-23)<sup>106</sup> and creating a relationship of mistrust among their subjects. As Aristotle explains,

All that we have said may be summed up under three heads, which answer to the three aims of the tyrant. These are, the humiliation of his subjects, for he knows that a mean-spirited man will not conspire against anybody: the creation of mistrust among them; for a tyrant is not overthrown until men begin to have confidence in one another ... the tyrant [also] desires that his subjects should be incapable of action, for no one attempts what is impossible, and they will not attempt to overthrow a tyranny if they are powerless. Under these three heads the whole policy of a tyrant may be summed up, and to one or other of them all his ideas may be referred: he sows distrust among his subjects; he takes away their power; and he humbles them. (*Politics* 1314a14-29)

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<sup>105</sup> Compulsion is when the moving principle is outside the individual: nothing is contributed by the person who acts or is acted upon, e.g. if he is carried somewhere by men who had him in their power (1109b35-1110a4). Voluntary actions are when the moving principle is within the person's power to do or not to do (1110a15-17) and she is aware of the particular circumstances of the action (1111a23-24).

<sup>106</sup> As Aristotle explains, 'There is also a third kind of tyranny, which is the most typical form, and is the counterpart of the perfect monarchy. This tyranny is just that arbitrary power of an individual which is responsible to no one, and governs all alike, whether equals or betters, with a view to its own advantage, not to that of its subjects, and therefore against their will. No freeman willingly endures such a government' (1295a16-23).

Another characteristic of tyrannical rule is that there is little or no friendship between the members of the community and between the ruler and his subjects. As Aristotle explains,

In the deviation forms, as justice hardly exists, so too does friendship. It exists least in the worst form; in tyranny there is little or no friendship. For where there is nothing common to ruler and ruled, there is not friendship either, since there is not justice; e.g. between craftsman and tool, soul and body, master and slave; the latter in each case is benefited by that which uses it, but there is no friendship nor justice towards lifeless things. But neither is there friendship towards a horse or an ox, nor to a slave *qua* slave. For there is nothing common to the two parties; the slave is a living tool and the tool a lifeless slave. *Qua* slave then, one cannot be friends with him. But *qua* man one can; for there seems to be some justice between any man and any other who can share in a system of law or be a party to an agreement; therefore there can also be friendship with him in so far as he is a man. Therefore while in tyrannies friendship and justice hardly exist, in democracies they exist more fully; for where the citizens are equal they have much in common. (*Nicomachean Ethics* 1161a30-1161b10)

#### 4.1.2 Justice

As I argued in discussing the passage from Book III of the *Politics* (1280a31) earlier in this chapter, a community that exhibits *eunomia* not only takes into consideration the political excellence and defect of its citizens, but makes its citizens just. For Aristotle, justice as a virtue of character involves doing what is advantageous to others (1130a4-5). It involves keeping promises and honoring contracts and agreements. It also involves obeying the laws, respecting and trying to promote a fair distribution of resources and implementing just punishments or corrections (1130b30-1131a1).

Part of justice as a virtue of character involves avoiding a characteristic referred to as *pleonexia*. According to Aristotle, *pleonexia* involves trying to take more of what is good (e.g., resources, honor) than one deserves and less of what is bad. It often is translated as being greedy, grasping or overreaching – not with respect to all types of goods, but only those that relate to

prosperity and adversity (1129b3-4). As Charles Young explains, the distinctive mark of *pleonectic* actions is the desire for gain or, more precisely, the absence of a certain restraint on the desire for gain (1130b2-4); and these actions usually involve taking from others (Young 238, 242). As Young argues, ‘Just people do not desire to gain if they can gain only by taking what belongs to others. *Pleonectics* are not similarly inhibited. They will desire gain even in circumstances in which gaining requires taking what belongs to others’ (Young 238).

One reason it is important for the state to cultivate justice as a virtue of character in its citizens is because the desire for gain is a chief cause of *stasis*. As David Keyt argues,

In the *Politics* in discussing civil strife or *stasis* Aristotle claims that its goals are gain and honor or their opposites – the avoidance of loss and dishonor (1302a31-34) – and he goes on to explain how these causes operate: ‘Of these [causes] what sort of power insolence and gain possess and how it is a cause [of faction] is fairly clear; for when those in office are insolent and pleonastic, they [i.e. the citizens] are factious both towards one another and towards the constitutions that give [them] such license; and *pleonexia* occurs sometimes at the expense of private property and sometimes at the expense of public. It is also clear what power honor has and how it is cause of faction; for both when they themselves are dishonored and when they see others being honored they are factious; and this [honoring and dishonoring] happens justly when certain persons are either honored or dishonored contrary to [their] worth but justly when according to their worth (1302b5-14). (Keyt 254)

As Keyt explains, it is important to distribute honors justly, i.e. according to merit or desert, because when individuals are dishonored and they see other people being honored it creates faction.

In this part of the *Politics* Aristotle argues that, although all citizens can exhibit *pleonexia*, it is a primary motivation for the notables: ‘the majority of citizens ... are quite content with an equal share; whereas if the rich are granted superiority by the constitution, they act arrogantly and try to get more even for themselves’ (1307a18-20). As Antony Hatzistavrou

points out, they do not desire any type of honor or profit, though: they desire political honors and the profit that comes from the possession of political power (Hatzistavrou 278).

Aristotle also discusses the idea of *pleonexia* in his discussion of *homonoia* in the *Nicomachean Ethics*. *Homonoia*, an idea that usually is translated as concord or unanimity, should not be understood as identity of opinion, which can exist even among people who do not know one another; it is a relationship between members of a community and, according to Aristotle, exists when they agree about ‘what is to their common interest, and choose the same actions, and do what they have resolved in common’ (1167a26-28). The type of agreement involved in *homonoia* is not about all issues, but those that are matters of consequence, such as what form of government the community should have, whether it should form an alliance with another city or who should be its leader (1167a31-33). The chief aim of lawgivers, Aristotle argues, is to promote *homonoia* and avoid *stasis* (1155a21-28).<sup>107</sup>

When Aristotle is describing the reasons why *homonoia* cannot exist between bad men, he explains that they

aim at getting more than their share of advantages, while in labor and public service they fall short of their share; and each man wishing for advantage to himself criticizes his neighbor and stands in his way; for if people do not watch it carefully the common interest is soon destroyed. The result is that they are in a state of faction, putting compulsion on each other but unwilling themselves to do what is just. (*Nicomachean Ethics* 1167b10-15)

So a community that exhibits *eunomia* will take into consideration the political excellence and defect of its citizens and will try to make its citizens just. An important

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<sup>107</sup> As he explains, ‘Friendship seems too to hold states together, and lawgivers to care more for it than justice; for unanimity seems to be something like friendship, and this they aim at most of all, and expel faction as their worst enemy; and when men are friends they have no need of justice, while when they are just they need friendship as well, and the truest form of justice is thought to be a friendly quality’ (1155a21-28).

characteristic of justice as a virtue of character involves avoiding *pleonexia*, i.e. trying to gain more than what you deserve at the expense of others, which is needed to avoid *stasis* and promote *homonoia*.

#### 4.1.3 Honor

In addition to promoting political excellence and justice as a virtue of character, Aristotle argues that a well-ordered community gives honors to the virtuous and prevents the citizens from being either very rich or very poor. As he explains,

In aristocracies revolutions are stirred up when a few only share in the honors of the state; a cause which has been already shown to affect oligarchies; for an aristocracy is a sort of oligarchy and, like an oligarchy, is the government of a few, although few not for the same reason; hence the two are often confused. And revolutions will be most likely to happen, and must happen, when the mass of the people are of the high-spirited kind, and have a notion that they are as good as their rulers. Thus at Lacedaemon the so-called Partheniae, who were the sons of the Spartan peers, attempted a revolution, and being detected were sent away to colonize Tarentum.

Again, revolutions occur when great men who are at least of equal excellence are denied honors by those higher in office, as Lysander was by the kings of Sparta; or when a brave man is excluded from the honors of the state, like Cinadon, who conspired against the Spartans in the reign of Agesilaus; or again, when some are very poor and others very rich, a state of society which is most often the result of war, as at Lacedaemon in the days of the Messenian War; this is proved by the poem of Tyrtaeus, entitled ‘Good Order;’ for he speaks of certain citizens who were ruined by the war and wanted to have a redistribution of the land. (*Politics* 1306b23-1307a2)

In order to understand Aristotle's conception of *eunomia* as it relates to the distribution of wealth and honor, I would like to briefly explain the references to Lysander and Cinadon found in this passage.

Lysander came from a family that, although poor, was of aristocratic descent. He entered the Spartan training system as a mothax, which means that he probably was ‘adopted’ by another family in Sparta. When he was young he became the lover of King Agis’ son Agesilaus and developed a friendship with Cyrus, the King of Persia’s son, who helped to support Sparta in the Peloponnesian war (Kennell 125-126). Lysander was responsible for defeating the Athenian forces during the war, and he replaced democracies with ten-man groups of his allies (called decarchies) in major Greek cities after the victory (Kennell 128-129). When King Agis died in 400 Lysander helped to discredit the successor to the throne so that Agesilaus inherited it instead. Agesilaus originally appointed Lysander as an advisor, but refused him any military commands and either rejected or only partially supported any petitions that Lysander brought to him. Agesilaus later decided to appoint Lysander as his ‘carver,’ rather than giving him a prestigious military or administrative post (Kennell 132-133).

During the early reign of Agesilaus Cinadon led a movement of the helots and ‘inferiors’ who, like him, lacked full citizenship status. Most of the inferiors were denied political rights because they either could not pay the fee to participate in the common meals or did not fight in the Spartan army. The helots were similar to serfs; they worked on the land but had to give most of their products to members of the aristocratic class in Sparta. When King Agesilaus learned of Cinadon’s plot to overthrow him, the ephors sent Cinadon on a false mission to a small town away from the city; he was arrested and forced to divulge the names of his sympathizers, which included the state poet Tisamenus (Kennell 106-107). He was then tortured and killed.

As Aristotle explains in this passage, in a well-ordered community the leaders prevent its members from being very rich or very poor, and individuals are not denied honors or political rights based on their socio-economic status or because they refuse to participate in the military.

#### 4.1.4 Emotion

Another characteristic of a well-ordered community is that legal cases are decided based on facts, rather than prejudice or emotions such as anger or envy. As Aristotle explains in the *Rhetoric*,

Now the framers of the current treatises on rhetoric have constructed but a small portion of that art. The modes of persuasion are the only true constituents of the art: everything else is merely accessory. These writers, however, say nothing about enthymemes, which are the substance of rhetorical persuasion, but deal mainly with non-essentials. The arousing of prejudice, pity, anger and similar emotions has nothing to do with the essential facts, but is merely a personal appeal to the man who is judging the case. Consequently if the rules for trials which are now laid down in some states – especially in well-governed states – were applied everywhere, such people would have nothing to say. All men, no doubt, think that the laws should prescribe such rules, but some, as in the court of Areopagus, give practical effect to their thoughts and forbid talk about nonessentials. This is sound law and custom. It is not right to pervert the judge by moving him to anger or envy or pity – one might as well warp a carpenter's rule before using it. (*Rhetoric* 1354a12-25)

There are several reasons why people should avoid appealing to prejudice or emotions such as anger or pity in legal cases, according to Aristotle. First, he believed that, because there is a relationship between the emotions and feelings such as pleasure or pain, the judge might allow himself to be influenced by feelings of friendship or self-interest (1354b6-22). Second, Aristotle thought that, because judges are making decisions about other people's affairs, they would be likely to be partial (1354b27-1355a4).

Third, people's judgments are based on the emotions that they experience, according to Aristotle. When they are feeling friendly they make one type of judgment, and when they are feeling angry they take the opposite view. If they are eager for and have good hopes that

something will be pleasant if it happens, they think that it will happen and be good for them; but if they are indifferent or annoyed, they do not think so (1377b21-1378a6).

Aristotle also believed that emotions can be influenced by events that recently have taken place (Leighton 207). As he explains,

And vengeance previously taken on one person puts an end to even greater anger felt against another person. Hence Philocrates, being asked by someone, at a time when the public was angry with him, ‘Why don’t you defend yourself?’ did right to reply, ‘The time is not yet.’ ‘Why, when is the time?’ ‘When I see someone else calumniated.’ For men become calm when they have spent their anger on somebody else. This happened in the case of Ergophilus: though the people were more irritated against him than Callisthenes, they acquitted him because they had condemned Callisthenes to death the day before. (*Rhetoric* 1380b7-14)

Stephen Leighton points out that, according to Aristotle, emotion causes people to misinterpret facts in some cases, which can affect their judgments – especially in cases that are ambiguous (Leighton 210, 212). As Aristotle argues,

Anger seems to listen to reason to some extent but to mishear it, as do hasty servants who have run out before they have heard the whole of what one says, and then muddle the order, or as dogs bark if there is a knock at the door before looking to see if it is a friend; so anger by reason of the warmth and hastiness of its nature, though it hears, does not hear an order and springs to take revenge. For reason or imagination informs us that we have been insulted or slighted and anger, reasoning as it were that anything like this must be fought against, boils up straightaway. (*Nicomachean Ethics* 1149a25-33)

Leighton also points out that there is an important relationship between justice and emotions such as pity and indignation, according to Aristotle. This relationship causes people to feel that either good fortune or misfortune are undeserved (1386b11, 1386b10): ‘We are moved to pity because the misfortune suffered is undeserved; we are roused to indignation because the good fortune enjoyed is undeserved’ (Leighton 208). So our judgments concerning those we pity

probably would be lenient, while if we are indignant our judgments would be severe and mean-spirited. In both cases one would be compensating for the injustice that caused the emotion, which takes the form of an alteration in judgment (Leighton 208).

Finally, Leighton argues that being in a certain frame of mind can make it difficult for the judge to feel certain types of emotions. For example, if he feels indignation or envy, and a speech causes him to feel that those who claim pity on certain definite grounds do not deserve it, it might be difficult for him to feel pity (1387b17-20). As Leighton explains,

The point seems to be that emotions have certain judgments connected with them such that certain other emotions, their judgments and other judgments too are excluded ... Being moved to one emotion with its judgments rules out being moved to another emotion with its judgments ... To be moved to envy involves being moved to a particular set of judgments that excludes those of pity. (Leighton 209-210)

#### **4.2 INTERNAL MINORITIES AND EUNOMIA**

As I explained earlier in this chapter, Aristotle used '*eunomia*' to refer to a community that has good laws which are obeyed by the citizens. One characteristic of a well-ordered community is that it uses political excellence to decide questions related to distributive justice. According to Aristotle, political excellence should be understood in terms of the contributions that individuals make to the community; individuals who contribute the most to the community should receive a greater share in it than those who are wealthy or of noble birth. Another aspect of political excellence, for Aristotle, involves the capacity to rule and be ruled like a freeman. A freeman has the capacity for deliberation and decision; the virtues of temperance and justice; and should be

educated to make him fit for the practice and exercise of excellence. This type of education should involve not only the development of the individual's intellectual abilities, but a desire to live well and a concern for the *kalon*.

A well-ordered community also promotes justice as a virtue of character and has a relationship of equality, trust and friendship between its members. According to Aristotle, justice involves doing what is advantageous to others: keeping promises, honoring contracts and agreements, avoiding *pleonexia* and respecting and trying to promote just or fair punishments and distributions of resources. A well-ordered community also prevents its citizens from being either very rich or very poor; makes legal decisions based on facts, rather than causing the judge to feel pity, prejudice or anger; and gives honors to the virtuous.

In this section of the chapter I will explain how Aristotle's concept of *eunomia* can help to address questions related to the treatment of internal minorities. First, a well-ordered community prevents its citizens from being either very rich or very poor. Although some religious and cultural minority groups maintain a relatively equal distribution of resources between their members, in other groups the leaders of the community are permitted to live in luxury while some members barely have enough to survive. In the Fundamentalist Church of Jesus Christ of Latter Day Saints, for example, many families have been forced to live in freezing temperatures with no heating, no electricity and very little food, while their religious leaders lived in mansions and traveled in private jets (Musser 77, 137). When Warren Jeffs, one of the leaders of the church, was arrested he was driving a brand new Cadillac Escalade, which was worth at least \$55,000, and had \$54,000 in cash. The police found ten sets of keys to other luxury vehicles, which were estimated to be worth almost \$1 million, when Jeffs was arrested (Musser 212-213).

Similar inequalities have been found among the Children of God, a radical Christian community that developed in the United States in the 1970s. As one individual who eventually left the group explains,

We ate a lot of beans, lentils, rice and cheap meat. Food was portioned out sparingly. We always struggled to pay our bills ... [When] I went on a trip to the States with Tina, we ended up visiting the Family Care Foundation Home in California, the family's charity where tithes and donations are funneled through for tax exemption purposes. I was shocked when I arrived at a mansion. They owned a huge property. They ate good food, lived richly and had enough money to take vacations in their holiday house in Mexico. In stark contrast to the struggling homes in Africa who ate lentils and beans and could barely make the rent. (Jones et al. 374-375)

As these examples illustrate, within some religious and cultural minority groups there is an extremely unequal distribution of wealth. In a well-ordered community these types of practices cannot be justified.

Second, many cases involving the treatment of internal minorities focus on the education that religious and cultural minority groups provide to their members. The Amish, for example, only allow their children to attend school to the age of fourteen; and the Doukhobors provided little if any education to their members. Moreover, many religious and cultural minority groups teach their members to obey authority for its own sake. As I mentioned above, groups such as the Fundamentalist Church of Jesus Christ of Latter Day Saints teach their members to obey authority without question (Musser 112, 52, 46). As one Satmar woman who violated the prohibition against reading the Talmud explains,

I now see why I'm not allowed to read the Talmud. My teachers have always told me, 'David had no sins. David was a saint. It is forbidden to cast aspersions on God's beloved son and anointed teacher.' Is this the same illustrious ancestor the Talmud is referring to? Not only did David cavort with his many wives, but he had unmarried female companions as well, I discover ... I am not aware at this moment that I have lost my innocence. I will realize it many years later. One day I will look back and understand that just as there was a moment in my life when I

realized where my power lay, there was also a specific moment when I stopped believing in authority just for its own sake and started to come to my own conclusions about the world I lived in. (Feldman 29)

As Deborah Feldman explains in this passage, many religious and cultural minority groups attempt to instill a belief in authority for its own sake. Members of these groups often are taught to obey the norms and practices of the community out of fear or devotion, rather than using their capacity to reason and deliberate. If a well-ordered community helps its citizens develop the intellectual capacities that are needed to rule and obey like freemen, the educational practices of many religious and cultural minority groups may not be justified.

Third, within some religious and cultural minority groups there is a relationship of suspicion and distrust between the members. For example, members of the Satmar who violate rules against watching television or using the internet have to cover their windows to conceal their activities from their neighbors (Winston 25). One Satmar woman who violated rules against using the internet and invited divorced male friends over for dinner started to receive threatening letters and phone calls from anonymous men, saying that ‘drastic measures’ would be taken if she did not change her ways. She suspected that her phone had been tapped, since people in the community began to know things that she had only talked about over the phone; and her friends in the community started to receive calls telling them not to visit her apartment (Winston 138).<sup>108</sup> Since there is a relationship of trust between the members of a well-ordered community, these practices cannot be justified.

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<sup>108</sup> When another woman started to violate the dress code of the community, she received a call from an anonymous man saying that she needed to ‘watch’ the way she was dressing (Winston 31). Although she and her husband decided to leave the community, she would not have been allowed to enroll her son in the local school if they had decided to stay (Winston 32).

Fourth, many cases involving the treatment of internal minorities focus on whether the members of the community are treated equally. For instance, in many Native American and First Nations communities, women who marry non-Indians or men from another tribe are denied membership benefits. The same policy does not apply to men, however: they are allowed to transmit band membership to their wives and children even if they marry outside the tribe. In 1978 a Native American woman sued the Santa Clara pueblo for sex discrimination in light of this policy (Smith 123). In Canada there have been similar disputes. According to Canada's Indian Act, women who marry non-Indians or men from another tribe lose their ability to transmit legal status and band membership to their children, reside on the reserve and inherit reserve property, vote and hold office in their band council, collect band annuities and treaty payments and receive tax exemptions and government program entitlements, e.g. education benefits (Dick 9, 198).

In 1985 the Canadian parliament passed legislation to try to address this situation. Bill C31 allows women who have lost their benefits to apply to have their legal status and band membership reinstated. Between 1985 and 1990 more than 133,000 women and children applied for reinstatement. Three bands from Alberta challenged the bill in court, however, claiming that it infringed their constitutional right to control band membership. Other tribes have refused to admit women who have petitioned for reinstatement (Dick 12-13; Deveaux 132-133). Some of the reasons cited by the bands include the financial cost of giving the reinstated women their part of Indian capital and revenue, e.g. from oil; limited reserve land base and lack of funding for community services; and the idea that liberal notions of individual rights are inconsistent with Aboriginal methods of conflict resolution and decision making (Dick 15-16). If *eunomia*

involves a relationship of equality between the members of a community, the practices of these tribes cannot be justified.

Fifth, the members of a well-ordered community do not exhibit *pleonexia*. During the past forty years, certain Native American tribes in the United States have come under critical scrutiny for denying citizenship status to the descendants of their former slaves (i.e. Freedmen). For example, under the terms of the Treaty of 1866 that reconciled the Cherokees with the United States, former slaves were adopted as citizens of the Cherokee Nation. Many Freedmen were listed on the Final Rolls of the Dawes Commission, which is used to determine citizenship in the Nation (Ray 390). The Rolls consist of lists of individuals designated as Cherokee by Blood, Minor Cherokees by Blood, Cherokee Freedmen, Minor Cherokee Freedmen, Delaware Cherokee and Intermarried Whites. Although the 1975 Constitution of the Nation does not distinguish between the different groups found on the Dawes Rolls, the Cherokees passed a statute in 1993 declaring that citizenship should be ‘derived only through proof of Cherokee blood.’ Lucy Allen, a descendent of the Freedmen, challenged the statute, claiming that it was more restrictive than the membership criteria listed in the 1975 Constitution (Ray 391).

In 2006 the Judicial Appeals Tribunal of the Cherokee Nation decided that the descendants of the Freedmen were entitled to citizenship. As a result of the Court’s decision, as many as 45,000 people were eligible to become citizens. The leadership of the Nation resisted the Court’s decision, however, claiming that the Cherokee people should be permitted to decide who is entitled to citizenship (Ray 392). In March 2007 the tribe held a special election to determine the status of the descendants of the Freedmen, and the Nation voted to deny them citizenship by a vote of 77 percent (Ray 394). As a result of the election, more than 2,000 descendants of the Freedmen will be expelled and thousands more will be denied citizenship

(Ray 396), which means that they will not be eligible for scholarships and housing and health care assistance and will not be allowed to participate in political decision-making processes (Barbery 3, 7).

This decision is especially problematic because the Cherokee Nation earned over a billion dollars last year through businesses such as gaming, Department of Defense contracts and federally funded programs (Barbery 2). The Cherokees' decision to deny citizenship benefits to the descendants of the Freedmen, and a similar decision by the Seminole Nation in 2000, seem to reflect motivations based on *pleonexia* and cannot be justified in a well-ordered community.<sup>109</sup>

#### **4.3 ADVANTAGES**

In this section of the chapter I will explain some of the advantages of using Aristotle's conception of *eunomia* to address questions related to the treatment of internal minorities and how it differs from other approaches that have been used to address these questions in the past.

As I pointed out in the introduction, virtually all of these approaches appeal either directly or indirectly to the liberal principle of legitimacy. According to this principle, the use of political authority is morally justified only if the individuals who are affected by the use of this authority have given their consent to it. One liberal who does not use a consent-based approach, however, is Susan Moller Okin. Instead, Okin appeals to the idea of individual rights to

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<sup>109</sup> In 2000 the Seminole Nation passed legislation denying citizenship to the descendants of its Freedmen. There was a federal court decision in favor of the Freedmen, after attorneys convinced the federal government to force the Seminole Nation to reinstate citizenship rights to its Freedmen descendants or forfeit federal funding, including a license to operate lucrative casinos (Barbery 11).

determine whether the norms and practices of religious and cultural minority groups are legitimate.<sup>110</sup> As she explains,

If a liberal state is discussing or negotiating with an internal cultural group collective rights that seem to reinforce the inequality of the sexes within the group, if the women (including the younger women) of the group have been consulted and adequately represented during the course of the negotiations, and if they have stated in large enough numbers and in clear enough terms that they support their group's illiberal norms and practices that seem oppressive to them, what should the state do? ...

The liberal would stress that basic rights – which arguably include, along with the rights to personal freedom and to be able to earn one's living without endangering one's life, the right to basic, legal equality in the most intimate sphere of life – should not be granted or withheld depending on the outcome of democratic procedures. They should be guaranteed for all – even for those who would adjure them for themselves. ('Multiculturalism' 86-87)

Unfortunately, the rights-based approach has been criticized as being incompatible with the cultural practices of many religious and cultural minority groups, undermining the solidarity of these groups and ignoring the complex relations between the members of these groups (Eisenberg and Spinner-Halev 4). Another problem with the rights-based approach is that, as many philosophers and political theorists have noted, the practices of these groups can be extremely problematic, even though they may not violate the rights of their members. It is unclear, for example, whether practices that teach the members of religious and cultural minority groups to obey authority for its own sake, or that create suspicion and mistrust among their

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<sup>110</sup> Okin favors the rights-based approach for religions (and religious and cultural minority groups) that have not been oppressed in the past. The Catholic Church, for instance, should not enjoy tax-exempt status as long as it discriminates against women in its hiring decisions and the distribution of institutional power, in the same way that it would be denied public support if it promoted racial discrimination. However, she favors the democratic approach for groups that have suffered from oppression in the past or still suffer oppression ('Multiculturalism' 86-87). Jacob Levy also favors a rights-based approach, although he thinks a deliberative process should be used for cases involving patriarchal norms that do not violate individual rights (Deveaux 89, 35).

members, or that promote an extremely unequal distribution of wealth violate their rights. Yet these types of practices seem problematic on a certain level.

So one advantage of using the idea of *eunomia* to address questions related to the treatment of internal minorities is that it does not appeal to the idea of individual rights. It also does not involve complicated questions related to consent. The approach that I have developed allows liberals to criticize practices of religious or cultural minority groups that do not violate the rights of their members, and to which members of these groups seem to consent, but that are problematic in certain respects. For example, groups such as the Amish and Doukhobors either do not send their children to school or withdraw them at an early age. In a well-ordered community these practices cannot be justified, since individuals develop the intellectual capacities needed for deliberation and *prohaeresis*.

Another advantage of using *eunomia* to resolve questions related to the treatment of internal minorities is that Aristotle's concepts of political excellence and justice as a virtue of character are consistent with the virtues that many religious and cultural minority groups try to instill in their members.<sup>111</sup> For example, groups such as the Doukhobors, the Hutterites and the Amish emphasize the importance of contributing to the community and try to discourage characteristics such as *pleonexia*. Aristotle's idea that moral virtue can differ between rulers and subjects, and between men and women, also is consistent with the teachings of many religious and cultural minority groups.

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<sup>111</sup> Particularly since political excellence is relative to the constitution to which the individual belongs, according to Aristotle: 'In the perfect state the good man is absolutely the same as the good citizen; whereas in other states the good citizen is only good relatively to his own form of government' (1293b6-8). So what is considered political excellence among the Doukhobors might be different from what is considered political excellence among the Church of Jesus Christ of Latter Day Saints. Both will involve making contributions to the community, and having certain rational and deliberative capacities; but the ways in which one should contribute, for example, will be different based on the community involved. For Aristotle the justice of particular laws also differs according to the community (1282b6-10).

The conception of political virtue that liberals such as Rawls embrace, on the other hand, require the development of characteristics that many religious and cultural minority groups might find objectionable. As Rawls explains,

Even though political liberalism seeks common ground and is neutral in aim, it is important to emphasize that it may still affirm the superiority of certain forms of moral character and encourage certain moral virtues. Thus justice as fairness includes an account of certain political virtues – the virtues of fair social cooperation such as the virtues of civility and tolerance, of reasonableness and the sense of fairness. (*Political Liberalism* 194)

As I will explain in the next section of this chapter, virtues such as civility, tolerance and reasonableness seem to be incompatible with the teachings of many religious and cultural minority groups, since they require that ‘the education of citizens will need to include an examination of the diversity of views about the good life and of the kinds of controversies this diversity tends to generate’ (Costa 68).

#### **4.4     OBJECTIONS**

In this section of the chapter I will consider three objections to the argument I have presented. These objections focus on whether *eunomia* would violate the liberal commitment to neutrality, how the educational practices of religious and cultural minority groups would need to be reformed and why the members of these groups should accept the normative principles associated with *eunomia*.

#### 4.4.1 Neutrality

The first objection is that using Aristotle's conception of *eunomia* to determine whether the norms and practices of religious and cultural minority groups are legitimate violates the liberal commitment to neutrality, since the justification of these principles is based on a particular conception of the good.

In responding to this objection, the first point I would like to emphasize is that the idea of neutrality, at least as developed by John Rawls, is meant to apply to the basic structure of society, i.e. constitutional essentials and matters of basic justice. Rawls does not address what he refers to as 'local justice,' or the type of justice that exists within associations, including religious and cultural minority groups.<sup>112</sup> As he explains,

Since justice as fairness starts with the special case of the basic structure, its principles regulate this structure and do not apply directly to or regulate internally institutions and associations within society. Firms and labor unions, churches, universities, and the family are bound by constraints arising from the principles of justice, but these constraints arise indirectly from just background institutions within which associations and groups exist, and by which the conduct of their members is restricted. For example, while churches can excommunicate heretics, they cannot burn them; this constraint is to secure liberty of conscience ...

One should not assume in advance that principles that are reasonable and just for the basic structure are also reasonable and just for institutions, associations and social practices generally. While the principles of justice as fairness impose limits on these social arrangements within the basic structure, the basic structure and the associations and social forms within it are each governed by distinct principles in view of their different aims and purposes and their peculiar nature and special requirements. Justice as fairness is a political, not a general, conception of justice: it applies first to the basic structure and sees these other questions of local justice and also questions of global justice (what I call the law of peoples) as calling for separate consideration on their merits. The principles of justice to be followed

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<sup>112</sup> One also might argue that using the idea of *eunomia* to determine whether the norms and practices of religious and cultural minority groups are legitimate, or if the authority used to enforce them is justified, violates the liberal commitment to neutrality because one cannot give public reasons to support these principles. But Rawls has argued that the public reason requirement does not apply to associations and communities, including religious and cultural minority groups (*Justice as Fairness* 94).

directly by associations and institutions within the basic structure we may call principles of local justice ... No attempt will be made here to deal systematically with local justice. In general, principles for the basic structure constrain (or limit), but do not determine uniquely, the suitable principles of local justice. (*Justice as Fairness* 10-12)

So even though Aristotle's conception of *eunomia* might be incompatible with the liberal commitment to neutrality, if used to decide questions related to constitutional essentials and matters of basic justice, it does not present this problem when determining whether the norms and practices of religious and cultural minority groups are legitimate. These are matters of local justice.

#### 4.4.2 Education

Another objection to the argument I have presented in this chapter is that using the idea of *eunomia* to determine whether the norms and practices of religious and cultural minority groups are legitimate would involve reforming the educational practices of many of these groups, an idea that they might find problematic. But liberals such as Rawls also believe that the practices of religious and cultural minority groups need to be reformed in certain respects. As he explains,

Various religious sects oppose the culture of the modern world and wish to lead their common life apart from its unwanted influences. A problem now arises about their children's education and the requirements the state can impose. The liberalisms of Kant or Mill may lead to requirements designed to foster the values of autonomy and individuality as ideals to govern much if not all of life. But political liberalism has a different aim and requires far less. It will ask that children's education include such things as knowledge of their constitutional and civic rights so that, for example, they know that liberty of conscience exists in their society and that apostasy is not a legal crime, all this to ensure that their continued membership when they come of age is not based simply on ignorance of their basic rights or fear of punishment for offenses that do not exist.

Moreover, their education should also prepare them to be fully cooperating members of society and enable them to be self-supporting; it should also

encourage the political virtues so that they want to honor the fair terms of social cooperation in their relations with the rest of society... Society's concern with their education lies in their role as future citizens, and so in such essential things as their acquiring the capacity to understand the public culture and to participate in its institutions, in their being economically independent and self-supporting members of society over a complete life, and in their developing the political virtues, all this from within a political point of view. (*Political Liberalism* 199-200)

As Rawls argues in this passage, the educational practices of many religious and cultural minority groups would need to be reformed so that their members are aware of their basic rights; can be fully cooperating, self-supporting members of society; and can develop political virtues such as tolerance, reasonableness and civility.

Liberals such as Victoria Costa and Eamonn Callan have argued that the virtue of reasonableness requires the acceptance of the burdens of judgment (Costa 107; Callan 25), which involves investigating ethical questions from multiple perspectives; exploring the effects of social position and experience on disparities among comprehensive doctrines; and appreciating the ways in which ethical doctrines 'select and order values ... as these give shape to conflicting ways of life' (Callan 35). Unfortunately, members of religious and cultural minority groups – who often try to insulate themselves from mainstream society – might find this idea problematic.

As Callan explains,

It is one thing to grant the truism that the concepts employed in framing our comprehensive doctrines are subject to hard cases or that we always select from an array of values that admit reasonable alternatives; it is quite another, when the doctrine I ardently uphold entails a particular resolution of a hard case or a certain choice from the range of available values, to acknowledge that opposing views are equally reasonable and that the political significance of the doctrine I cherish must be curtailed by deference to the reasonableness of beliefs I vehemently reject. (Callan 34)

In addition to the virtue of reasonableness, liberals such as Emily Gill have argued that tolerance and civility require citizens to be able to understand and evaluate different ways of life. This type of understanding requires ‘a sympathetic and imaginative engagement with other ways of life,’ capacities for critical reflection and the ability to recognize and respect the projects and values of others (Gill 219, 224).<sup>113</sup> As she argues,

Liberal democracy requires the inculcation of the virtues of tolerance and mutual respect. But in my view, this requires the imaginative capacity to view circumstances as others might, to recognize and respect their claims, and to restrain our own. And these dispositions in turn require the capacity to understand and evaluate different ways of life. That is, they require the development of the capacity for personal autonomy. This conclusion casts doubt on Rawls’s contention that the political virtues of toleration, mutual respect and the sense of fairness necessary for cooperation require ‘far less’ substantive civic education than would the inculcation of the comprehensive values of autonomy and individuality. (Gill 224)

Although Amy Gutmann does not address what might be involved in developing virtues such as reasonableness, tolerance or civility, she has argued that liberal democracies should teach children the skills necessary to understand and evaluate different conceptions of the good life and respect for viewpoints that are different from their own (Gutmann 30-31, 44). As she explains,

A democratic state must aid children in developing the capacity to understand and to evaluate competing conceptions of the good life and the good society. The value of critical deliberation among good lives and good societies would be neglected by a society that inculcated in children uncritical acceptance of any particular way or ways of (personal and political) life. Children might then be taught to accept uncritically the set of beliefs, say, that supports the view that the only acceptable role for women is to serve men and to raise children. A society that inculcated such a sexist set of values would be undemocratic not because sexist values are wrong (although I have no doubt that they are) ... but because that society failed to secure any space for educating children to deliberate critically among a range of good lives and good societies. (Gutmann 44)

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<sup>113</sup> William Galston thinks that tolerance only requires minimal awareness of other ways of life, however, and is compatible with an unreflective commitment to one’s own way of life (Gill 223).

So for liberals such as Gutmann, Callan and Rawls, the educational practices of religious and cultural minority groups need to be reformed so that their members can understand and evaluate different conceptions of the good life; investigate ethical questions from multiple perspectives; and become fully cooperating, self-supporting members of society. Although I agree that the educational practices of religious and cultural minority groups need to be reformed in certain respects, appealing to the idea of *eunomia* is in some ways less demanding than the liberal approach. Members of religious and cultural minority groups would need to develop their intellectual capacities in certain respects, so that they develop the capacities for deliberation and *prohaeresis*; but the approach that I have developed would not require them to expose their children to points of view that might be incompatible with their comprehensive doctrines or require them to become fully cooperating, self-supporting members of society.

#### **4.4.3 Normativity**

The last objection that I would like to consider involves whether religious and cultural minority groups should accept the normative principles found in Aristotle's conception of *eunomia*. As Kieran Setiya has pointed out, these principles might be inconsistent with the teachings of these groups and, because they seem to be based on a particular conception of the good, might be objectionable to political liberals. My response to this objection is that these principles are necessary for the well-being of the community: they provide the conditions needed for moral excellence, help to strengthen relationships between the members of the community, prevent faction and are necessary for the development of *homonoia*.

One aspect of a well-ordered community is that it prevents its members from being either very rich or very poor. According to Aristotle, it is important to prevent an unequal distribution

of wealth because a lack of wealth is a temptation to crime (1293b39), and the rich and the poor often have different conceptions of equality. As he explains,

In the many forms of government which have sprung up there has always been an acknowledgment of justice and proportionate equality, although mankind fail in attaining them ... Democracy, for example, arises out of the notion that those who are equal in any respect are equal in all respects; because men are equally free, they claim to be absolutely equal. Oligarchy is based on the notion that those who are unequal in one respect are in all respects unequal; being unequal, that is, in property, they suppose themselves to be unequal absolutely.

The democrats think that as they are equal they ought to be equal in all things; while the oligarchs, under the idea that they are unequal, claim too much, which is one form of inequality. All these forms of government have a kind of justice, but tried by an absolute standard, they are faulty; and therefore both parties, whenever their share in the government does not accord with their preconceived ideas stir up revolution. (*Politics* 1301a25-39)

These different conceptions of equality can lead to *stasis*, especially if people feel that they are not getting what they deserve. As Bernard Yack points out, what motivates people to struggle against each other within the political community is not merely the fact that they want something others will not give them, but that they believe they deserve something from others that they are not getting (Yack 219-220).

According to Aristotle, preventing an unequal distribution of wealth also encourages individuals to act virtuously. As he says,

Now in all states there are three elements: one class is very rich, another very poor, and the third in a mean. It is admitted that moderation and the mean are best, and therefore it will clearly be best to possess the goods of fortune in moderation; for in that condition of life men are most ready to follow rational principle. But he who greatly excels in beauty, strength, birth or wealth, or on the other hand who is very poor, or very weak, or of very low status, finds it difficult to follow rational principle. Of these two the one sort grow into violent and great criminals, the others into rogues and petty rascals...

[Again the middle class is least likely to shrink from rule or to be over-ambitious for it], both of which are injuries to the state. Again, those who have too much of the goods of fortune, strength, wealth, friends and the like, are neither willing nor

able to submit to authority ... On the other hand, the very poor, who are in the opposite extreme, are too degraded. So that the one class cannot obey, and can only rule despotically; the other knows not how to command and must be ruled like slaves. Thus arises a city not of freemen, but of masters and slaves, the one despising, the other envying; and nothing can be more fatal to friendship and good fellowship in states than this ... And [the middle class] is the class of citizens which is most secure in a state, for they do not, like the poor, covet other men's goods; nor do others covet theirs, as the poor covet the goods of the rich; and as they neither plot against others, nor are themselves plotted against, they pass through life safely. (*Politics* 1295b2-32)

As Aristotle argues in this passage, preventing the members of a community from being either very rich or very poor helps to establish a relationship of friendship between them and makes them more willing to act rationally.<sup>114</sup> It also makes them more likely to act virtuously, since they will not covet the goods of others, and more willing to submit to political authority.

Another aspect of a well-ordered community is that political rights should not be denied to individuals based on their socio-economic status. Aristotle thought that the poor should have a role in electing magistrates, and participating in the deliberative and judicial functions of government, so they can hold the leaders of the community to account (1281b31-34, 1282a26-27). As he explains,

Under such a form of government the citizens are sure to be governed well ... The persons elected will rule justly, because others will call them to account. Every man should be responsible to others, nor should anyone be allowed to do just as he pleases; for where absolute freedom is allowed there is nothing to restrain the evil which is inherent in every man. But the principle of responsibility secures that which is the greatest good in states; the right persons rule and are prevented from doing wrong, and the people have their due. (*Politics* 1318b33-1319a5)

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<sup>114</sup> As Ronald Glassman explains, 'Trouble would ensue because the poor, having no property and little education, would not be 'reasonable' or follow the rule of law, but tend to follow a tyrannical leader who would give them immediate economic relief. [Aristotle] also preferred the middle class polity to oligarchy because the rich too would be 'unreasonable,' for, though well-educated, they would be unwilling to compromise about sharing their wealth with the poor or their power with the middle class. They too might not follow the rule of law but believe themselves to be above the law' (Glassman 26-27).

Being able to hold political leaders to account is important, Aristotle argues, because it helps to ensure that they will rule justly and the people will receive what they deserve. Aristotle also believes political rights should not be denied to individuals based on their socio-economic status because political rule is similar to building a house, in the sense that those who use the house will be better judges than those who built it. As he explains,

There are some arts whose products are not judged of solely, or best, by the artists themselves, namely those arts whose products are recognized even by those who do not possess the art; for example, the knowledge of the house is not limited to the builder only; the user or, in other words, the master of the house will actually be a better judge than the builder, just as the pilot will judge better of a rudder than the carpenter, and the guest will judge better of a feast than the cook. (1282a17-23)

So according to Aristotle, those who use a product might be better judges than those who create the product. The pilot will be a better judge of the rudder, for instance, and the guest a better judge of the feast than the cook.

Finally, Aristotle believes that individuals should not be denied political rights based on their socio-economic status because individuals need to have political power – as well as goods like health and friendship – in order to achieve *eudaimonia*. As Matthew Cashen has pointed out, the relationship between *eudaimonia* and ‘external goods’ such as wealth and friendship can be understood in two different ways. According to Richard Kraut, Aristotle equates *eudaimonia* with virtuous action; and the external goods are the equipment one needs to attain it (Cashen 4). As Cashen explains,

If happiness is a life actively and self-consciously dedicated to virtue, then the external goods are valuable to happiness just insofar as they make it possible to actualize virtue: a person may need money to act liberally and political influence to act justly. (Cashen 5)<sup>115</sup>

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<sup>115</sup> See 1153b16 and 1178a31

According to Martha Nussbaum, John Cooper and Terence Irwin, on the other hand, external goods are constituents of *eudaimonia*; they impact happiness directly, regardless of their influence on virtuous action (Cashen 2).

Cashen believes the external goods are not only needed to act virtuously, but provide the context that makes the expression of virtue possible (Cashen 5). The deprivation of the external goods might make it difficult for a person to perform a task she has set for herself or take appropriate satisfaction in it. It also might impact happiness by changing a person's attitude toward behavior that potentially expresses virtue or preventing her from developing the attitudes that are needed to cultivate virtue. Poverty might prevent people from developing a real sense of satisfaction, for example, not only from taking satisfaction in magnanimous acts (Cashen 11-12).

So in addition to the idea that the poor might make better judges of political issues than the leaders of the community, and the role they should play in holding these leaders to account, Aristotle believed they should be given political rights because political power (as well as goods such as health and friendship) are needed to perform the tasks individuals set for themselves and develop the attitudes needed to achieve *eudaimonia*.

Another aspect of a well-ordered community is that questions related to distributive justice should be based on political excellence. As I mentioned earlier in this chapter, in a well-ordered community individuals such as Lysander and Cinadon should not be denied political rights or prestigious military or administrative positions. For Aristotle, distributive justice should be based on valor and justice. As he argues in the *Politics*,

For very likely some persons will say that offices of state ought to be unequally distributed according to superior excellence, in whatever respect, of the citizen, although there is no other difference between him and the rest of the community; for those who differ in any one respect have different rights and claims. But, surely, if this is true the complexion or height of a man or any other advantage will be a reason for his obtaining a greater share of political rights. The error here

lies upon the surface, and may be illustrated from the other arts and sciences. When a number of flute-players are equal in their art, there is no reason why those of them who are better born should have better flutes given to them; for they will not play any better on the flute, and the superior instrument should be reserved for him who is the superior artist ...

For if some be slow, and others swift, that is no reason why the one should have little and the others much; it is in gymnastic contests that such excellence is rewarded. Whereas the rival claims of candidates for office can only be based on the possession of elements which enter into the composition of a state. And therefore the well-born, or free-born, or rich may with good reason claim office; for holders of offices must be freemen and tax-payers: a state can be no more composed entirely of poor men than entirely of slaves. But if wealth and freedom are necessary elements, justice and valor are equally so; for without the former qualities a state cannot exist at all, without the latter not well. (*Politics* 1282b23-1283a21)

As Aristotle explains in this passage, decisions related to distributive justice should be based on excellence because qualities such as justice and valor are needed for the well-being of the community.<sup>116</sup> Individuals who make the greatest contributions to the community should have the greatest share in it, in the same way that a superior flute player should have the best flutes given to him ‘unless the advantages of wealth and birth contribute to excellence in flute-playing, which they do not’ (1282b41-1283a2). Likewise, Aristotle argues, claims to office should be based on the elements that enter into the composition of the state.

This is partly because Aristotle thought that individuals who have characteristics such as justice and valor will be better rulers, but also because he believed that individuals become politically disruptive if the community does not honor differentials based on merit (Glassman 29). As Ronald Glassman explains, ‘If the rich were superior simply because, as rich, they had

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<sup>116</sup> In fact, he argues, decisions related to distributive justice should be based on excellence because living well is the goal of the community: ‘For if men met and associated out of regard to wealth only, their share in the state would be proportioned to their property, and the oligarchical doctrine would then seem to carry the day. It would not be just that he who paid one mina should have the same share of a hundred mina, whether of the principal or of the profits, as he who paid the remaining ninety-nine. But a state exists for the sake of a good life, and not for the sake of life only ... [so] those who care for good government take into consideration political excellence and defect’ (1280a25-1280b5).

better access to education and military training, and more leisure time for cultural pursuits, the middle class and the poor might become jealous of such unequal ‘opportunity’ and turn on the rich’ (Glassman 34). So policies that base distributive justice on the contributions that individuals make to the community and give honors to the virtuous help to prevent *stasis*. They also help motivate people to act virtuously and lessen inequalities based on income and birth.

Finally, the principles associated with *eunomia* help to establish a relationship of *homonoia* between the members of a community. For example, a well-ordered community helps its members develop a regard for the *kalon*, which is needed to create the sense of disinterestedness that is essential to establishing *homonoia*.<sup>117</sup> As Walter Jones explains,

[*Homonoia*] is the specifically political form of friendship and as such implies an element of disinterestedness, a regard for ends transcending one’s individual advantage. Only when this exists will there be a settled course of policy aiming at what is both for the common weal and also just. Without it, as when men unite to promote sectional and selfish aims, there is faction. (Jones 81)

A regard for the *kalon* helps to develop the sense of disinterestedness that is needed for *homonoia* by encouraging individuals to act for the sake of the community without thinking of themselves, aim at things desirable for someone else’s sake and act virtuously for its own sake (1366b38-1367a5).

The principles associated with *eunomia* also help to develop *homonoia* by preventing *pleonexia*. This is needed not only to develop moral excellence, but to create agreement between

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<sup>117</sup> Some have argued that the best way to achieve *eunomia* is to work toward the attainment of *homonoia* (Jones 77). I understand the relationship in the opposite sense, however: the principles that characterize *eunomia* lead to the development of *homonoia*. As Walter Jones has noted, ‘Solon again is pictured as seeking in his laws to produce *homonoia* by abolishing or reducing extremes of wealth and poverty, and with the same aim to have enacted that in time of faction any citizen who did not take up arms on one side or the other should lose all civil and political rights’ (Jones 79). Aristotle’s idea of *eunomia* includes the ideas that citizens should be prevented from being either very rich or very poor and (unlike Solon) should not be denied political rights because they refuse to participate in the military. These principles lead to the development of *homonoia* because they are principles of a well-ordered community.

members of a community about what is in their common interest and a commitment to do what they have resolved in common. As Aristotle argues, the reason bad men cannot achieve *homonoia* is because they fail to perform public service and aim at getting more than their share of advantages. But a community that rewards individuals who contribute to its well-being, and encourages political excellence in other respects, is more likely to develop this type of agreement. As Aristotle notes, a community that has achieved *homonoia* also will tend to be more stable: ‘An oligarchy which is at unity with itself is not easily destroyed from within; of this we may see an example at Pharsalus, for there although the rulers are few in number, they govern a large city, because they have a good understanding among themselves’ (1306a9-10).

## **5.0 CONCLUSION**

The question of how religious and cultural minority groups should be allowed to treat their members has become an important issue in social and political philosophy over the past forty years. The issue is particularly difficult for political liberalism to address because it is committed to ideals such as toleration, equality and the protection of individual rights that conflict with each other in these types of situations. It is unclear, for instance, whether the liberal state should tolerate groups that deny their members freedom of speech or whether freedom of association should extend to groups that treat their members unequally.

Questions related to the treatment of internal minorities also are difficult for political liberalism to address because of its commitment to neutrality. Within a democracy there will be many different, equally valid and sometimes conflicting religious and political doctrines accepted by its members – an idea that Rawls has referred to as the fact of reasonable pluralism. According to political liberalism the state should remain neutral between these different doctrines and should not use its authority to promote a particular set of social, moral or political values. The commitment to neutrality raises important questions about what types of constraints the state should be allowed to impose on how individuals pursue their conception of the good and whether, by deciding to tolerate or not tolerate certain practices, it is promoting a particular understanding of what it means to live well.

Most liberals appeal, either directly or indirectly, to the idea of consent to resolve questions related to the treatment of internal minorities. For instance, Chandran Kukathas has argued that, if an individual has realistic options to leave the group and decides to stay, then she has consented to its practices – and the authority used to enforce these practices is legitimate. Marilyn Friedman argues that the norms and practices of religious and cultural minority groups are legitimate if all of the groups within the community that are affected by these practices have consented to them. The idea that the exercise of political authority is legitimate only if the individuals affected by the use of this authority have consented to it is sometimes referred to as the liberal principle of legitimacy.

I have argued that this principle should not be used to determine whether the norms and practices of religious and cultural minority groups are legitimate because it requires a conception of autonomy that cannot be satisfied by the members of these groups. The capacity for *sunesis* – which involves making accurate judgments about the actions, motivations and advice of other people, particularly about what is needed to live well – is needed to reflect on one's desires, reasons and motivations; evaluate alternative courses of action; and develop and revise one's conception of the good. Unfortunately, because many religious and cultural minority groups are socially and linguistically isolated, impose strict punishments for disobeying the norms and practices of the community and discourage their members from questioning the authority of their religious and political leaders, it could be difficult for the members of these groups to develop the capacity for *sunesis*.

I have argued that, in light of these problems, we should appeal to Aristotle's conception of *eunomia* to resolve questions related to the treatment of internal minorities. A well-ordered community, according to Aristotle, promotes political excellence and justice as a virtue of

character; gives honors to the virtuous; prevents its members from being either very rich or very poor; and makes legal decisions based on facts, rather than causing the judge to feel pity, prejudice or anger.

One advantage of this approach is that it allows liberals to address questions related to the treatment of internal minorities without appealing to individual rights or the idea of consent – approaches that have been controversial in the past. It allows liberals to criticize practices that do not violate individual rights, and to which members of these groups seem to consent, but are problematic in certain respects. For example, within some religious and cultural minority groups there is an extremely uneven distribution of wealth. Many groups also teach their members to obey authority for its own sake and impose strict punishments on individuals who question the authority of their religious and political leaders. These practices might be considered legitimate according to other approaches, since they do not necessarily violate individual rights and the members of the community might be understood to consent to them. A well-ordered community would prohibit these practices, however. Aristotle's conception of political excellence involves using the capacity for deliberation and choice, rather than fear or devotion, to obey the norms and practices of the community; and a well-ordered community prevents its members from being very rich or very poor.

Another advantage of this approach is that it is consistent with the virtues that many religious and cultural minority groups teach their members. For example, the Amish, the Hutterites and the Doukhobors instill virtues such as temperance among their members and teach them to avoid *pleonexia*. The political virtues that liberals endorse, however, often are inconsistent with the teachings of religious and cultural minority groups. Amy Gutmann, Eamonn Callan and John Rawls, for example, argue that the educational practices of these

groups would need to be reformed so that their members can understand and evaluate different conceptions of the good life; investigate ethical questions from multiple perspectives; and become fully cooperating, self-supporting members of society.

Although I agree that the educational practices of many religious and cultural minority groups need to be reformed in certain respects, appealing to the idea of *eunomia* is less demanding than the liberal approach. Members of these groups would need to develop the capacity for *prohaeresis*, but they would not be required to become self-supporting members of society or expose their children to points of view that might be incompatible with their comprehensive doctrines.

They also would not be required to develop the capacity for *sunesis*. While I have argued that this capacity is needed to critically reflect on one's desires and reasons, and develop and revise one's conception of the good, it should be possible for members of a liberal society to choose *not* to act autonomously. The consent of these individuals should not be used to determine whether the norms and practices of religious and cultural minority groups are legitimate or if the authority used to enforce these norms and practices is morally justified – but they should be allowed to belong to these groups. They should be allowed to reject liberal commitments to equal protection and individual rights – or to live in ways that are incompatible with these commitments – as long as they have the capacity to reason and can deliberate about what is better or worse to do, especially about things that involve controversy as to whether they are desirable.

Aristotle's conception of *eunomia* ensures that individuals have these capacities. It also ensures that the leaders of the community are accountable to its members and that they promote and respect fair punishments and just distributions of resources. Finally, Aristotle's conceptions

of political excellence and justice as a virtue of character help to establish a relationship of friendship and trust between the members of the community. While these ideas have not always been recognized as important goals for political liberalism, they are crucial to the well-being of these communities and the social and moral development of their members. The principles associated with *eunomia* ensure that, although the members of these communities might live in ways that are inconsistent with liberal commitments to equal protection and individual rights, they enjoy the respect for persons and sense of reciprocity that form the basis of a liberal society.

## BIBLIOGRAPHY

- Agence France Presse. ‘North Korea Prison Camp Expands, Guards Use Rape and Torture: Report.’ *Jakarta Globe* 5 December 2013.
- Aristotle. *The Complete Works of Aristotle: The Revised Oxford Translation*. Ed. Jonathan Barnes. Princeton: Princeton University Press, 1984.
- Barbery, Marcos. ‘From One Fire.’ *This Land* 16 May 2013.
- Barry, Brian. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Harvard University Press, 2001.
- Benn, Stanley. ‘Freedom, Autonomy and the Concept of a Person.’ *Proceedings of the Aristotelian Society* 76 (1975-1976): 109-130.
- Benson, Paul. ‘Autonomy and Oppressive Socialization.’ *Social Theory and Practice* 17.3 (1991): 385-408.
- . ‘Feminist Intuitions and the Normative Substance of Autonomy.’ *Personal Autonomy: New Essays on Personal Autonomy and its Role in Contemporary Moral Philosophy*. Ed. James Stacey Taylor. Cambridge: Cambridge University Press, 2005. 124-142.
- . ‘Taking Ownership: Authority and Voice in Autonomous Agency.’ *Autonomy and the Challenges to Liberalism: New Essays*. Ed. John Christman and Joel Anderson. Cambridge: Cambridge University Press, 2005. 101-126.
- Boesche, Roger. ‘Aristotle’s Science of Tyranny.’ *History of Political Thought* 14.1 (1993): 1-25.
- Bratman, Michael. ‘Identification, Decision and Treating as a Reason.’ *Philosophical Topics* 24.2 (1996): 1-18.
- Callan, Eamonn. *Creating Citizens: Political Education and Liberal Democracy*. Oxford: Clarendon Press, 1997.
- Cashen, Matthew. ‘The Ugly, the Lonely, and the Lowly: Aristotle on Happiness and the External Goods.’ *History of Philosophy Quarterly* 29.1 (2012): 1-19.
- Chamberlain, Charles. ‘The Meaning of *Prohairesis* in Aristotle’s Ethics.’ *Transactions of the American Philological Association* 114 (1984): 147-157.

- Christman, John. ‘Autonomy, Self-Knowledge and Liberal Legitimacy.’ *Autonomy and the Challenges to Liberalism: New Essays*. Ed. John Christman and Joel Anderson. Cambridge: Cambridge University Press, 2005. 330-358.
- . “Procedural Autonomy and Liberal Legitimacy.” *Personal Autonomy: New Essays on Personal Autonomy and its Role in Contemporary Moral Philosophy*. Ed. James Stacey Taylor. Cambridge: Cambridge University Press, 2005. 277-298.
- . *The Politics of Persons: Individual Autonomy and Socio-Historical Selves*. Cambridge: Cambridge University Press, 2009.
- Cooper, John. *Reason and Human Good in Aristotle*. Cambridge: Harvard University Press, 1975.
- Costa, M. Victoria. *Rawls, Citizenship and Education*. New York: Routledge, 2011.
- Dawes, Robyn. ‘Statistical Criteria for Establishing a Truly False Consensus Effect.’ *Journal of Experimental Social Psychology* 25.1 (1989): 1-17.
- Deveaux, Monique. *Gender and Justice in Multicultural Liberal States*. Oxford: Oxford University Press, 2006.
- Dick, Caroline. *The Perils of Identity: Group Rights and the Politics of Intragroup Difference*. Vancouver: University of British Columbia Press, 2011.
- Douglas, Heather. ‘Inductive Risk and Values in Science.’ *Philosophy of Science* 67.4 (2000): 559-579.
- Dworkin, Gerald. ‘The Concept of Autonomy.’ *The Inner Citadel: Essays on Individual Autonomy*. Ed. John Christman. New York: Oxford University Press, 1989. 54-62.
- . *The Theory and Practice of Autonomy*. Cambridge: Cambridge University Press, 1988.
- Dworkin, Ronald. ‘The Original Position.’ *Reading Rawls: Critical Studies on Rawls’ A Theory of Justice*. Ed. Norman Daniels. Stanford: Stanford University Press, 1989. 16-53.
- Ehrenberg, Victor. *Aspects of the Ancient World: Essays and Reviews*. New York: William Salloch, 1946.
- Eickhoff, Randy Lee. *The Odyssey: A Modern Translation of Homer’s Classic Tale*. New York: Forge, 2001.
- Eisenberg, Avigail and Jeff Spinner-Halev, eds. Introduction. *Minorities within Minorities: Equality, Rights and Diversity*. Cambridge: Cambridge University Press, 2005.
- Engelbrecht, Petra and Shirley Natzel. ‘Cultural Variations in Cognitive Style: Field Dependence vs. Field Independence.’ *School Psychology International* 18.2 (1997): 155-164.
- Erasmus, H.J. ‘Eunomia.’ Unpublished paper.

- Esau, Alvin. *The Courts and the Colonies: The Litigation of Hutterite Church Disputes*. Vancouver: University of British Columbia Press, 2004.
- Feinberg, Joel. *Harm to Self*. New York: Oxford University Press, 1986.
- Feldman, Deborah. *Unorthodox: The Scandalous Rejection of My Hasidic Roots*. New York: Simon & Schuster, 2012.
- Friedman, Marilyn. *Autonomy, Gender, Politics*. New York: Oxford University Press, 2003.
- Gabriel, Marsha and Joseph Critelli. ‘Narcissistic Illusions in Self-Evaluations of Intelligence and Attractiveness.’ *Journal of Personality* 62.1 (1994): 143-155.
- Garrett, Ruth. *Crossing Over: One Woman’s Escape From Amish Life*. New York: Harper Collins, 2003.
- Gauthier, Rene Antoine and Jean Yves Jolif. *L’Ethique à Nicomaque: Introduction, Traduction et Commentaire*. Louvain: Publications Universitaires de Louvain, 1958-1959.
- Gill, Emily. *Becoming Free: Autonomy and Diversity in the Liberal Polity*. Lawrence: University Press of Kansas, 2001.
- Glassman, Ronald. *Middle Class and Democracy in Socio-Historical Perspective*. Leiden: E.J. Brill, 1995.
- Graham, Sandra. ‘Most of the Subjects were White and Middle Class: Trends in Published Research on African Americans in Selected APA Journals, 1970-1989.’ *American Psychologist* 47.5 (1992): 629-639.
- Green, Leslie. *The Authority of the State*. Oxford: Oxford University Press, 1988.
- Grey, Alexander. *Aboriginal Family Education Centres, A.F.E.C.: A Final Report to the Bernard van Leer Foundation*, 1969-1973.
- Gutmann, Amy. *Democratic Education*. Princeton: Princeton University Press, 1987.
- Halliwell, Stephen. ‘Popular Morality, Philosophical Ethics and Rhetoric.’ *Aristotle’s Rhetoric: Philosophical Essays*. Ed. David Furley and Alexander Nehamas. Princeton: Princeton University Press, 1994. 211-230.
- Hanley, Robert. ‘In the Ashes of Arson at Kiryas Joel, Tensions of Bitter Factionalism.’ *New York Times* 29 July 1996.
- Hansen, Mogens Herman. *Reflections on Aristotle’s Politics*. Copenhagen: Museum Tusculanum Press, 2013.
- Haslanger, Sally. ‘On Being Objective and Being Objectified.’ *A Mind of One’s Own*. Ed. Louise Antony and Charlotte Witt. Boulder: Westview Press, 1993. 85-125.

- Hassig, Ralph and Kong Oh. *The Hidden People of North Korea: Everyday Life in the Hermit Kingdom*. Lanham: Rowman & Littlefield Publishers, 2009.
- Hatzistavrou, Antony. ‘Faction.’ *The Cambridge Companion to Aristotle’s Politics*. Ed. Marguerite Deslauriers and Pierre Destree. Cambridge: Cambridge University Press, 2013. 275-300.
- Heath, Malcolm. ‘Aristotle on Natural Slavery.’ *Phronesis* 53.3 (2008): 243-270.
- Hoffman-Ladd, Valerie. ‘Polemics on the Modesty and Segregation of Women in Contemporary Egypt.’ *International Journal of Middle East Studies* 19.1 (1987): 23-50.
- Hostetler, John. *Writing the Amish: the Worlds of John A. Hostetler*. Contributors: David Weaver-Zercher. University Park: The Pennsylvania State University Press, 2005.
- Huntington, Gertrude. ‘Persistence and Change in Amish Education.’ *The Amish Struggle with Modernity*. Ed. Donald Kraybill and Marc Olshan. Hanover: University Press of New England, 1994. 77-95.
- Inglis, Kristen. ‘Aristotle on the Character Virtues of Natural Slaves, Women and Children.’ Unpublished paper.
- . ‘Aristotelian Wish (*Boulēsis*).’ Unpublished paper.
- Jones, Celeste, Kristina Jones and Juliana Buhring. *Not Without My Sister*. London: Harper Element, 2007.
- Jones, Walter. *The Law and Legal Theory of the Greeks*. Oxford: Clarendon Press, 1956.
- Kahan, Dan et al. ‘Cultural Cognition of Scientific Consensus.’ *Journal of Risk Research* 14.2 (2011): 147-174.
- Kalimtzis, Kostas. *Aristotle on Political Enmity and Disease: An Inquiry into Stasis*. Albany: State University of New York Press, 2000.
- Kane, Joanne and Gregory Webster. ‘Heuristic Biases that Help and Hinder Scientists: Toward a Psychology of Scientific Judgment and Decision Making.’ *Handbook of the Psychology of Science*. Ed. Gregory Feist and Michael Gorman. New York: Springer Publishing Company, 2013. 437-459.
- Kennell, Nigel. *Spartans: A New History*. Oxford: John Wiley & Sons, Ltd. 2010.
- Keyt, David. ‘Injustice and *Pleonexia* in Aristotle: A Reply to Charles Young.’ *Southern Journal of Philosophy* 27 supplement (1988): 251-257.
- Koenig, Del. ‘Cognitive Styles of Indian, Metis, Inuit and Non-Natives of Northern Canada and Alaska and Implications for Education.’ Diss. University of Saskatchewan, 1981.

- Kozhevnikov, Maria. ‘Cognitive Style.’ *Oxford Handbook of Cognitive Psychology*. Ed. Daniel Reisberg. Oxford: Oxford University Press, 2013. 842-855.
- Kraut, Richard. *Aristotle: Political Philosophy*. Oxford: Oxford University Press, 2002.
- Leighton, Stephen. ‘Aristotle and the Emotions.’ *Essays on Aristotle’s Rhetoric*. Ed. Amelie Oksenberg Rorty. Berkeley: University of California Press, 1996. 206-237.
- Levin, Dan. ‘A Display of Disapproval that Turned Menacing.’ *New York Times* 16 December 2007.
- Liddell, Peter. *Civic Obligation and Individual Liberty in Ancient Athens*. Oxford: Oxford University Press, 2007.
- Liu, Brittany and Peter Ditto. ‘What Dilemma? Moral Evaluation Shapes Factual Belief.’ *Social Psychological and Personality Science* 4.3 (2013): 316-323.
- Longino, Helen. *Science as Social Knowledge: Values and Objectivity in Scientific Inquiry*. Princeton: Princeton University Press, 1990.
- Lord, Charles, Lee Ross and Mark Lepper. ‘Biased Assimilation and Attitude Polarization: The Effects of Prior Theories on Subsequently Considered Evidence.’ *Journal of Personality and Social Psychology* 37.11 (1979): 2098-2109.
- Macedo, Stephen. *Liberal Virtues: Citizenship, Virtue and Community in Liberal Constitutionalism*. Oxford: Clarendon Press, 1990.
- Mahmood, Saba. ‘Feminist Theory, Embodiment and the Docile Agent: Some Reflections on the Egyptian Islamist Revival.’ *Cultural Anthropology* 16.2 (2001): 202-236.
- . *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton: Princeton University Press, 2005.
- Marquand, Robert. ‘North Korea’s Hidden Labor Camps Exposed.’ *Christian Science Monitor* 21 May 2013.
- Mertel, Kurt Cihan Murat. ‘Toward a Substantive Right of Exit.’ MA thesis. Queen’s University, 2007.
- Mill, John Stuart. *The Basic Writings of John Stuart Mill*. New York: Random House, 2002.
- . *On Liberty*. Boston: Ticknor and Fields, 1863.
- Mohr, Jonathan and Ruth Fassinger. ‘Self-acceptance and Self-disclosure of Sexual Orientation in Lesbian, Gay and Bisexual Adults: An Attachment Perspective.’ *Journal of Counseling Psychology* 50.4 (2003): 482-495.

- Moore, Margaret. ‘Internal Minorities and Indigenous Self-Determination.’ *Minorities within Minorities: Equality, Rights and Diversity*. Ed. Avigail Eisenberg and Jeff Spinner-Halev. Cambridge: Cambridge University Press, 2005. 271-293.
- Munro, Geoffrey and Peter Ditto. ‘Biased Assimilation, Attitude Polarization and Affect in Reactions to Stereotype-Relevant Scientific Information.’ *Personality and Social Psychology Bulletin* 23.6 (1997): 636-653.
- Musser, Rebecca. *The Witness Wore Red*. New York: Grand Central Publishing, 2013.
- Nagel, Thomas. ‘Moral Conflict and Political Legitimacy.’ *Philosophy and Public Affairs*. 16.3 (1987): 215-240.
- Nam, H. Hannah, et al. ‘Not for All the Tea in China! Political Ideology and the Avoidance of Dissonance-Arousing Situations.’ *PLoS ONE* 8.4 (2013): 1-8.
- National Public Radio. ‘Amish Reel from Bizarre Beard-Cutting Attacks.’ 19 October 2011.
- Nickerson, Raymond. ‘How we Know – and Sometimes Misjudge – What Others Know: Imputing One’s Own Knowledge to Others.’ *Psychological Bulletin* 125.6 (1999): 737-759.
- Nielsen, Karen. ‘Aristotle’s Theory of Decision.’ Unpublished paper.
- Nussbaum, Martha. ‘Symposium on Amartya Sen’s Philosophy: Adaptive Preferences and Women’s Options.’ *Economics and Philosophy* 17.1 (2001): 67-88.
- Okin, Susan Moller. ‘Multiculturalism and Feminism: No Simple Question, No Simple Answers.’ *Minorities within Minorities: Equality, Rights and Diversity*. Ed. Avigail Eisenberg and Jeff Spinner-Halev. Cambridge: Cambridge University Press, 2005. 67-89.
- . ‘Mistresses of Their Own Destiny: Group Rights, Gender and Realistic Rights of Exit.’ *Ethics* 112.2 (2002): 205-230.
- O’Neill, Onora. *Bounds of Justice*. Cambridge: Cambridge University Press, 2000.
- Osbourne, H. ‘ΣΥΝΕΣΙΣ and ΣΥΝΕΙΔΗΣΙΣ.’ *The Classical Review* 45.1 (1931): 8-10.
- Ostwald, Martin. *Nomos and the Beginnings of the Athenian Democracy*. London: Oxford University Press, 1969.
- Park, Ju-Min and Michelle Kim. ‘Horror of North Korea Prison Camp Exposed at U.N. Panel Hearing.’ *Reuters* 20 August 2013.
- Parkes, Katharine. ‘Field Dependence and the Differentiation of Affective States.’ *British Journal of Psychiatry*. 139 (1981): 52-58.
- Physicians for Human Rights. *The Taliban’s War on Women: A Health and Human Rights Crisis in Afghanistan*. Boston: Physicians for Human Rights, 1998.

- Polman, Evan and J. Edward Russo. ‘Commitment to a Developing Preference and Predecisional Distortion of Information.’ *Organizational Behavior and Human Decision Processes* 119 (2012): 78-88.
- Ramirez, Manuel and Alfredo Castaneda. *Cultural Democracy, Bicognitive Development and Education*. New York: Academic Press, 1974.
- Rawls, John. *Justice as Fairness: A Restatement*. Ed. Erin Kelly. Cambridge: Belknap Press of Harvard University Press, 2001.
- . *Political Liberalism*. New York: Columbia University Press, 1993.
- . ‘The Priority of Right and Ideas of the Good.’ *Philosophy and Public Affairs* 17.4 (1988): 251-276.
- . *A Theory of Justice*. Revised edition. Cambridge: Harvard University Press, 1999.
- Ray, S. Alan. ‘A Race or a Nation? Cherokee National Identity and the Status of Freedmen’s Descendants.’ *Michigan Journal of Race and Law* 12.2 (2006-2007): 387-463.
- Raz, Joseph. *The Morality of Freedom*. Oxford: Clarendon Press, 1986.
- Redding, Richard. ‘Politicized Science.’ *Society* 50.5 (2013): 439-446.
- Riley, Patrick. ‘How Coherent is the Social Contract Tradition?’ *Journal of the History of Ideas* 34.4 (1973): 543-562.
- Ringbom, Marten. *Man as a Moral Agent in Aristotle*. Helsinki: Societas Philosophica Fennica, 2002.
- Rubin, Israel. *Satmar: Two Generations on an Urban Island*. New York: Peter Lang, 1997.
- Scott, Dominic. ‘One Virtue or Many? Aristotle’s *Politics* 1.13 and the *Meno*.’ *Aristotle & the Stoics Reading Plato*. Ed. Verity Harte et al. London: Institute of Classical Studies, University of London, 2010. 101-122.
- Segvic, Heda. ‘Deliberation and Choice in Aristotle.’ Unpublished paper.
- Shachar, Ayelet. *Multicultural Jurisdictions: Cultural Differences and Women’s Rights*. New York: Cambridge University Press, 2001.
- Shachtman, Tom. *Rumspringa*. New York: North Point Press, 2006.
- Skaine, Rosemarie. *Women of Afghanistan under the Taliban*. Jefferson: McFarland, 2002.
- Smith, Andrea. ‘Native American Feminism, Sovereignty and Social Change.’ *Feminist Studies* 31.1 (2005): 116-132.

- Smith, Elmer. 'Personality Differences between Amish and Non-Amish Children' *Rural Sociology* 23.4 (1958): 371-376.
- Spinner-Halev, Jeff. 'Autonomy, Association and Pluralism.' *Minorities within Minorities: Equality, Rights and Diversity*. Ed. Avigail Eisenberg and Jeff Spinner-Halev. Cambridge: Cambridge University Press, 2005: 157-171.
- Stark, Cynthia. 'Hypothetical Consent and Justification.' *Journal of Philosophy* 97.6 (2000): 313-334.
- Steinberg, Jules. *Locke, Rousseau and the Idea of Consent: An Inquiry into the Liberal Democratic Theory of Political Obligation*. Westport: Greenwood Press, 1978.
- Stewart, John. *Notes on the Nicomachean Ethics of Aristotle*. Oxford: Clarendon, Press, 1892.
- Taber, Charles and Milton Lodge. 'Motivated Skepticism in the Evaluation of Political Beliefs.' *American Journal of Political Science* 50.3 (2006): 755-769.
- Taylor, Shelley and Jonathan Brown. 'Illusion and Well-Being: A Social Psychological Perspective on Mental Health.' *Psychological Bulletin* 103.2 (1988): 193-210.
- Tenhouten, Warren. 'Application of Dual Brain Theory to Cross-Cultural Studies of Cognitive Development and Education.' *Sociological Perspectives* 32.2 (1989): 153-167.
- Valadez, Jorge. *Deliberative Democracy, Political Legitimacy and Self-Determination in Multicultural Societies*. Boulder: Westview Press, 2001.
- Waldron, Jeremy. *Liberal Rights: Collected Papers 1981-1991*. New York: Cambridge University Press, 1993.
- Warren, Elyse. 'Modeling Moral Personality: Moral Chronicity, Moral Identity and Moral Cognition.' Diss. Columbia University, 2008.
- Weinstein, Netta, et al. 'Parental Autonomy Support and Discrepancies between Implicit and Explicit Sexual Identities: Dynamics of Self-Acceptance and Defense.' *Journal of Personality and Social Psychology* 102.4 (2012): 815-832.
- Winston, Hella. *Unchosen: The Hidden Life of Hasidic Rebels*. Boston: Beacon Press, 2005.
- Wittmer, Joe. 'Old Order Amish and Non-Amish Youth: A Personality Comparison Utilizing the 16 PF.' *Personality* 1-2 (1970): 305-313.
- Wollstonecraft, Mary. *A Vindication of the Rights of Woman*. London: Penguin Books, 1975.
- Woodcock, George and Ivan Avakumovic. *The Doukhobors*. Toronto: Oxford University Press, 1968.
- Yack, Bernard. *The Problems of a Political Animal*. Berkeley: University of California Press, 1993.

Young, Charles. ‘Aristotle on Justice.’ *Southern Journal of Philosophy* 27 supplement (1988): 233-249.