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Authors	Claassen, Rutger
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AUTONOMY AND JUSTICE

Rutger Claassen

Introduction

When persons are autonomous, they are able to lead lives of their own making. The idea of self-authorship (Raz 1986, 369) is the common core of theories of autonomy. What does this idea imply for the ideal of a 'just society'?

Autonomy is taken here as a property of individual persons, as 'personal autonomy'. That doesn't preclude the possibility of collectives being autonomous, but the focus here is on autonomy as an attribute of individual persons. Moreover, autonomy is an ideal that focuses on the origins of a person's values and choices, not on their content. Autonomous persons may make unwise, even stupid choices; autonomy certainly doesn't guarantee you happiness. Finally, personal and moral autonomy are not the same thing. Personally autonomous individuals may make morally problematic choices. The focus is on their choices being 'their own', not on them being the morally right ones.

Being personally autonomous is itself a moral value or ideal, for its defenders. As a moral ideal, it states that people owe each other mutual respect for their personal autonomy (Blake 2002, 267). To the extent that they do, this leads to a further question, one of *political* morality: to what extent do people owe each other the adoption of political and social institutions which express respect for autonomy? This question is the focus of this contribution. The same question has often been expressed in terms of justice. Is autonomy a – or even 'the' – requirement of justice? Justice is a property of societies, or relations between persons in a group. Justice is reached when each is 'given their due', given what she is, in some sense, entitled to. If one thinks justice is about 'bread and games', then the appropriate distribution of bread and games amongst the members of a given society defines justice.[1] This chapter explores the notion that justice is 'equality of autonomy', or 'equal access to autonomy' (Colburn 2010, 84). In a just society, all members are able to lead their lives as autonomous persons. What would this idea mean? Would it be an attractive conception of justice? What would it require in practice? The chapter will try to answer these questions.

In Section 1, I will present the three basic components of any autonomy-centered theory of justice: a conception of autonomy, a list of autonomy's social conditions, and a distributive principle for implementing these conditions. In the remaining sections, I will build on this basic framework to propose a list of seven duties for the autonomy-minded state. In Section 2,

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I argue that such a state needs to set fair thresholds marking sufficient levels of autonomy competences and opportunities, in specific domains. This is a preliminary task for the four substantive duties of justice, which I outline in Section 3. These specify how to deal with situations where citizens are above or below the threshold. In Section 4, I specify two auxiliary duties, which require the state to practice good judgment and exercise authority fairly. Together, these seven duties give us a picture of what citizens in a just society owe each other, if what is owed is best expressed in terms of their opportunities to live an autonomous life.

1. Autonomy-Based Justice: Its Central Components

All autonomy-centered theories of justice need to incorporate some version of each of the following three basic components: a conception of autonomy, a list of autonomy's social conditions, and a distributive principle for implementing these conditions. Let's review these, in turn.

First, an autonomy-centered theory of justice needs to specify its *conception of autonomy*. Here, one can think of a number of parameters along which such specification can proceed. I will restrict myself to two important ones, but this is not exhaustive.

One parameter relates to the distinction between internal and external aspects of a person's autonomy. Sometimes, autonomy is restricted to the internal dimension of a person's decision-making process. A person is autonomous to the extent that she has the cognitive and other capacities necessary to make her own decisions, in contrast to be being brainwashed by others into believing that certain things are good or bad for her. A wider use of the term relates autonomy also to the external dimension, i.e. the ability to actually live according to these decisions, to implement them in reality. John Rawls's widely used terminology can illustrate the distinction. He said a person should have 'the capacity to have, to revise and rationally to pursue a conception of the good' (Rawls 2001, 19).[2] The 'having and revising' part refers to autonomy in deliberation. The 'executing' refers to autonomy in action. In both these internal and external dimensions, one's autonomy can be hampered.[3] In its external component, theories of autonomy overlap with theories of negative freedom, in which only these external options (opportunities or freedoms) to act in specified ways are central (Steiner 1994; Carter 1999).

Focusing on the internal part, another important parameter is whether one operates with a procedural or a substantive theory of autonomy. Procedural theories emphasize competences for rational deliberation. If the process of reasoning has proceeded without external coercion and on the basis of these competences, then whatever decisions the reasoner settles on are judged to be autonomously chosen. Substantive theories are suspicious of this model, to the extent that it seems to be compatible with oppressive or submissive life choices that are – on the surface of it – autonomously adopted. Hence, they impose stronger conditions on the reasoning process, such as that the reasoner must see oneself as possessing self-worth, so that certain substantive values can be ruled out (Christman and Anderson 2005). Obviously, this will have implications for justice, since the theories diverge on whether certain social situations in which people seem to voluntarily accept submissive social roles need to be deemed unjust (Claassen 2018, 142–154).

Second, based on its preferred understanding of autonomy, the next step for an autonomy-based theory of justice is to specify the *conditions* for autonomy. Societies and their governments cannot 'distribute' or 'hand out' autonomy itself, as this is an intangible 'state of being' of a person. Governments distribute money or other resources, and specify legal rights and duties for persons. They must work through these schemes of rights and resources

to protect and promote persons' autonomy. What are these conditions? For illustrative purposes, let's mention Elizabeth Anderson's view. She has argued that there are three sets of conditions (or 'capabilities').[4] One relates to socio-economic conditions, such as access to food and water, shelter and medical care. A second set is made up of conditions for participating in society and the economy, including the freedom to occupational choice, access to education, access to the means of production, etc. Finally, there are political conditions: being able to participate in politics, and function as a citizen in a democratic society, including freedoms to associate, express one's opinions, and practice one's beliefs (Anderson 1999, 317–318).

As such a list makes clear, persons aren't born autonomous; neither is their autonomy 'guaranteed' at any later stage in life. To have its members achieve autonomy is a societal achievement which depends on a great number of conditions being met. One should note that more or less the same items on this list of autonomy-conditions also figure centrally in other theories of justice. For example, in basic needs theories, one also finds many of the socio-economic conditions mentioned above. When autonomy is the organizing principle, however, these conditions are presented as instrumental to autonomy. As David Copp argued, 'people must have the ability to meet their basic needs in order to be fully autonomous' (Copp 1992, 234). Non-autonomy-centered theories object to such an instrumentalization, and see these conditions as being intrinsically valuable.[5] Indeed, in basic needs theories, the relation is often reversed, and autonomy is sometimes itself put on the list as one of the basic needs amongst others (Gough 2014). Then, basic needs as a heterogenous category are the organizing concept, and autonomy is only one of the elements within that larger framework.

Note also that the political conditions specify that citizens should relate to each other as equals, in terms of their possession of equal rights to political decision-making. A case for the democratic nature of the political regime follows from the conditions for personal autonomy. This means that living in a society which is collectively autonomous is a condition for leading an individually autonomous life.[6] If individual and collective autonomy are related in this way, then the determination of what counts as functioning as an autonomous person, and which conditions the state needs to guarantee, is at least to some extent *up to citizens themselves*, interpreting their own society's demands (Christman 2009, 225). This raises fundamental questions about the relative contributions of academic (e.g. philosophical) theory and democratic practice in determining the ideal of a just society (Claassen 2011). Moreover, this will lead to diversity in practice. As Joel Anderson aptly phrases it, different societies will implement different 'regimes of autonomy', in terms of both 'what gets you autonomy' and of what 'autonomy gets you' (Anderson 2014).

Third, an autonomy-centered theory needs to specify the *just distribution* of these conditions for autonomy. These conditions can be guaranteed to a smaller or larger extent. How far should we go? Should these conditions be so lavishly provided that any life plan can be executed, however eccentric or expensive? Or is a bare minimum sufficient?

I think we can safely reject the idea of a maximizing distributive principle, which would hold that each person has an entitlement to a *maximal* set of conditions. In popular culture, the ideal of autonomy is sometimes associated with egocentric individuals demanding that society should serve all of their wishes. However, as a regulative ideal for societies, 'autonomy' refers to a scheme in which the autonomy of one person is harmonized with the autonomy of others. A theory of justice is such a harmonizing program. One person's aspiration for autonomy must be reconciled with a similar aspiration on the part of all others. This would still leave open a distributive formula with a maximizing element, like the one proposed by John Rawls for his principle of basic liberties: 'each person is to have an equal right to the

most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others' (Rawls 1999, 53). In a similar spirit, one could propose an autonomy-based theory of justice as giving everyone an entitlement to the 'most extensive scheme of autonomy-conditions compatible with the same scheme for others'.

In the literature on autonomy, a sufficientarian approach is more common.[7] The hallmark of sufficientarian approaches to justice is that one should guarantee something (here: autonomy) to all, up to a *threshold* level (Anderson 1999; Axelsen and Nielsen 2015; Claassen 2018).[8] Autonomy is one of those concepts of competence for which we tend to think in terms of a threshold. Although there is an underlying set of capacities which persons may possess to a smaller or greater degree, there is a cut-off point above which people are equally suited or competent.[9] As Joel Feinberg states: 'it is the threshold conception of natural competence – minimal relevant capability for a task — that is used in stipulations of necessary and sufficient conditions for their sovereign right of self-government ascribed to individuals' (Feinberg 1986, 30). As the word 'right' in this quote makes explicit, law deals with competence in terms of thresholds. The allocation of rights relies on cut-off points to distinguish the autonomous from the non-autonomous. The *just* distribution of rights then is a matter of setting the threshold right.

2. Preliminary Duty of Justice: Setting the Threshold

With this general outline of an autonomy-centered theory of justice in mind, let's now zoom in on the demands such a theory imposes on the state. In the following, I will argue that such a state has seven duties of justice. In doing so, the state is taken to be the central representative agency of society, charged with making society just. This is a fiction adopted here for simplifying purposes, which ignores duties of international organizations as well as the duties of justice of substate organizations (both public and private).

The first duty is for states *to set a threshold of autonomy*. As we saw above (Section 1), the internal structure of autonomy-theories relies on a set of conditions for autonomy which one can have to a smaller or larger degree. A threshold level needs to be defined. This is not just for pragmatic reasons, because in many policy contexts one needs to 'know where to stop' so as to be able to allocate scarce resources over multiple ends. Importantly, for autonomy-theories, the interest in setting a threshold relates to the value of *responsibility*. It is often assumed that an autonomous person can be held responsible for her own actions, while a non-autonomous person cannot (both of these are controversial assumptions, but I will go along with them here). If so, both deserve a different treatment.

To drive this point home, let's start with a familiar example. Imagine you are a parent of several children, and imagine you are convinced, it is very important for your children to live autonomous lives. What would it mean to treat your children justly? A first thing you'll note is that your youngest, an eight-month-old baby, is not in any sense an autonomous being. On the contrary, she is completely dependent on your decisions, for every dimension of her survival and well-being. Still, she initiates movements of her own, and to let her grow, you need to let her try out the effects of these, and not stifle these by replacing them with your own initiatives. Your six-year-old is able to make certain reasoned decisions for herself, while needing extensive help with others. Your 14-year-old adolescent is at yet another spot on the autonomy-scale, claiming extensive rights to make his own decisions, even though these are not always good ones in your eyes. It is immediately clear that treating your children justly does not mean treating them equally in the sense of 'identically'. That would be a recipe for parental disaster. A just treatment requires differentiation, attunement

to the specific characteristics of each child. This would be true if the object of our theory of justice was 'bread and games' (the baby definitely needs different food and toys than the adolescent!). It is certainly also the case if the object of justice is autonomy.

Autonomy is special in that its distribution requires us to constantly do two things at the same time. The first is to distribute our best efforts to help our children to become autonomous persons, i.e. to develop their capacities for autonomous decision-making. At each stage, we need to ask ourselves: which question do I have to ask now, which suggestion to make, which opportunity to offer, in order for my child to take the next step in gaining the awareness, skills, and experience that she can decide for herself? The second thing, however, is that we also need to ask ourselves: what should I *not* do, given that my child has already reached a certain level of autonomy? If she is voicing a shallow or insulting opinion, or taking risky or imprudent actions, should I respect this exercise of her decision-making capacities, because it came from an already autonomous person? Or should I interfere, for her own good? To make autonomy one's compass in treating people justly, means constantly navigating between helping them (in developing their capacities for autonomy) and respecting them (in the exercises of their autonomy). The first is intrusive, for their long-term good. The latter is hands-off. Autonomy requires always taking both into account, and doing the right thing at the right moment. The cut-off point, where one switches from one disposition to the other, is the threshold point.

What is true for parents and children is true for the state. In setting thresholds, I suggest, the autonomy-minded state needs to keep two considerations in mind.

First, it must work with one threshold where possible, but multiple thresholds where necessary. Most societies have defined an across-the-board level of autonomy, which relates to a person having legal capacity. This kicks in with the age of majority, and has ramifications across a wide range of issues. Politically savvy teenagers are assumed not to have enough political wisdom to vote, traffic savvy teenagers are assumed not to have the capacities to drive. The age of majority functions as a socially determined line of demarcation. This general legal capacity can be taken away, even for adults, in case of severe mental retardation. Beyond this, however, the law adopts domain-specific approaches to determine the extent to which people can exercise their own capacities for decision-making in specific contexts (children of a certain age can legally buy groceries, and be subject to a regime of criminal punishment. This domain-specific approach determines what justice requires in each of these domains. Such differentiations are practically necessary, for the concrete conditions are specified in different ways. For example, in education, the threshold may relate to a basic level of educational attainment (to be specified further in terms of language and math levels, etc.). In health care, it may relate to metrics/indicators of relative health determining allocation over different patients, etc.

A second consideration is that, in setting these thresholds, care must be taken neither to set the threshold too high, nor too low. Setting a threshold too low has the effect that almost all citizens qualify automatically. This may seem sympathetic, but stimulates under-development. This may be both individually and collectively damaging. Individuals will not train their capacities for autonomy and reach lower levels than they would under a more ambitious threshold. Collectively, society will be worse off, since it cannot profit from the 'wisdom of the crowd' that is inherent in a population of autonomous individuals. Setting the threshold too high, on the other hand, may mean that it becomes unachievable for many citizens. Joel Anderson has warned against the dangers of 'autonomy gaps' between the societal expectations of individual functioning embedded in social systems and the actual functioning exhibited by the most vulnerable groups. If the threshold is very high, substantial amounts

of people would be socially marginalized or excluded from participation in these social contexts (Anderson 2013). Hence, a middle ground must be struck:

(1.) Duty to set thresholds: the state must set one general, and several domain-specific, thresholds of autonomy, each of them neither too low nor too high.

3. Substantive Duties of Justice, Static and Dynamic

With the preliminary work of setting adequate thresholds done, the autonomy-minded state can move to the four main duties of justice. These explain how to treat persons, depending on how these persons relate to the threshold. There are four of such substantive duties. The first two relate to what I call a static framework, two latter two relate to a dynamic framework.

The static framework takes as a given that a person has developed a level of autonomy *x* (where this level is a generalized expression of an underlying bundle of competences and opportunities) with respect to a domain of choice *y*. It asks us to think about the state's duties in this situation. We can distinguish two possibilities: either the person's level of autonomy is below or it is above the threshold. This triggers the following two duties:

(2.) Duty of substitution: the state must substitute its own judgments when a person has not developed a sufficient level of autonomy with respect to *y*.
(3.) Duty of respect: the state must respect a person's choices when they have already developed a sufficient level of autonomy with respect to *y*.

The distinction between cases of (2) and (3) is based on Feinberg's distinction between hard and soft forms of paternalism (Feinberg 1986). Hard paternalism legitimizes interference with the choices of autonomous persons. This is suspect in a liberal state. A sufficiently autonomous person knows best what is good for her. This is expressed in what I call the *duty of respect*. By contrast, soft paternalism legitimizes interventions in people's choices to the extent that they can't make autonomous choices themselves. It is generally legitimate in a liberal state, since to leave persons to make decisions they aren't 'equipped' to make, is to show disrespect as well, in a different way. It may lead to neglect of a person's interests, beyond her own fault. Preventing such neglect is expressed in what I call the *duty of substitution*. Beyond this distinction between soft and hard paternalism, there are policy questions about nudging paternalism, which also have implications for autonomy. I cannot deal with these here (Thaler and Sunstein 2008; Anderson 2010).

This is the static framework, which presumes a determinate level of autonomy development at one point in time. In a dynamic framework, this level is itself a variable. Two further duties come into play:

(4.) Duty of investment: the state must invest in the development of the autonomy competences of all its citizens, up to the threshold level(s).
(5.) Duty of preservation: the state must preserve above-threshold levels of autonomy, by preventing differences in citizens' autonomy levels to lead to private domination.

These are perhaps the core duties of the autonomy-minded state. The fourth duty can be seen as the justificatory basis of a wide range of welfare state services (Rothstein 1998), from education to health care, from social services to financial assistance. For example, in actual

practice, states may have all kinds of goals in educating children, from literacy to historical consciousness, from national values to math proficiency, etc. An autonomy-centered theory of justice asks us to put the development of children's critical capacities at the heart of education, and thinks about all of these areas of learning in relation to this central desideratum.

Parts of these welfare state services are perhaps best construed as falling under the duty of substitution, where the state helps people when they are unable to care for themselves. However, even in these cases, helping out will always, in a just society, be mixed with efforts to ensure that persons themselves, as much as possible, can live their own lives without help in the future. Moreover, on the road to this idealized end-state, we should not understand the duty of investment as implying that the state needs to do everything itself. To the contrary, persons to a large extent develop autonomy simply by growing up, practicing their skills themselves, and being helped by countless others around them. Relative to these efforts, the state's duty is *remedial* in nature (Claassen 2018, 176). It should do what families and neighborhoods, friends and others cannot do. In modern, complex societies, this may be quite a lot (in terms of percentage of GDP), but the justificatory structure is nonetheless that the natural process of autonomy development comes first, and the state jumps in where the gaps fall.

The duty of preservation is similarly crucial. For a level of autonomy, once attained, is not immune from retrogression. Opportunities open to individuals can always be closed off again. Competences once acquired may sometimes be lost. A particularly important threat is that of private domination: one or more individuals exercising arbitrary power over others, thus pushing the latter beneath threshold levels of autonomy. These threats can be of various natures. Sometimes, autonomy is impaired through sheer violence, and state duties lie in the sphere of criminal justice. Other threats are economic, and have to do with wealth differentials leading to domination. In general, we can think of differences in autonomy levels as 'proxies' of a person's power. Hence if two persons differ widely in terms of their autonomy levels, there is a risk that one person can exercise power over the other. This risk points to the need for the state to scrutinize above-threshold differences in autonomy. It cannot just be satisfied by lifting everyone up to the threshold, but must also guard against the possibility of harmful dynamics between above-threshold persons, due to large autonomy differentials between them.[10] With the duty of preservation, an autonomy-based theory gives a place to the concern with domination which is the hallmark of republican theories (Claassen and Herzog 2019).

This finishes off an overview of the four main substantive duties of justice. These together form a demanding program for an autonomy-minded state.

4. Auxiliary Duties of Justice: Good Practical Judgment and the Fair Exercise of Authority

Finally, I will now argue, we need to accept two additional, 'auxiliary duties of justice'. These auxiliary duties specify *how* the state must execute the four substantive duties above. To start with, let's state the duty of good practical judgment:

(6.) Duty of good practical judgment:
(6a) the state must exercise practical judgment to distinguish instances of (2) and (4) from instances of (3) and (5);
(6b) and when dealing with instances of (2) and (4), it must find a way to respect the level of autonomy which is already developed.

Practical judgment is the skill to do justice to concrete situations, to handle practical problems with the care and sensitivity they deserve. There is always a gap between a practical principle and its application to a case. In bridging the gap between the general statement of the four substantive duties outlined above, and their instantiation in concrete cases, the state must exercise sound judgments.

The (a) part of the duty points to the problem that it is not always easy to judge whether a person has met the threshold or not. Sometimes the threshold is set by a relatively clear and uncontroversial indicator, which can be straightforwardly applied. At other times, however, controversial judgments must be made, on the basis of imperfect information. The (b) part of the duty of practical judgment addresses an additional complication. In below-threshold cases, some level of autonomy competence is already developed, since autonomy development is a gradual process. While this level is not enough, it must somehow count for something, in the content of the decisions the state makes. Moreover, this must be so in proportion to the developed level of autonomy. Babies are to be treated differently from teenagers. In both cases, while substituting one's judgments for those of one's children, parents must negotiate the 'playful' way of practicing real-life situations which marks children's development of autonomy competences (Schapiro 1999). Similarly, states must finetune their approach to their citizens' autonomy levels. This applies especially in collective sector contexts, when discussing access to health care, education, housing, social work, pensions and other social benefits.

All of this is further complicated by the fact that persons themselves may also have a view about their own autonomy levels. It has been a longstanding problem for theories of autonomy (or positive freedom) that they require an external judgment by an external observer. If internal obstacles to my reasoning competences, such as a drug addiction or a problematic childhood socialization, hamper my autonomy, then I cannot be the judge of my own autonomy. Hence, we need an external observer to judge whether we truly are autonomous. This external party however risks imposing its own judgments about what should count as the right way of living, under the guise of judgments about what counts as the absence of problematic addictions, the presence of a proper childhood socialization, etc. Hence, we run the risk of a totalitarian state under the supposedly beneficial banner of making us 'truly free'. For some theorists, this is a reason to retreat to the supposedly less problematic ideal of negative freedom (Berlin 2002; Taylor 1985; Carter 1999). Without throwing out the baby with the bathwater, the autonomy-minded state should be aware of the risks involved, especially in those cases where it makes judgments about acquired autonomy competences that are contrary to the judgments voiced by persons themselves. Hence the duty of the fair exercise of authority:

(7.) Duty of fair exercise of authority: in executing the duty of good practical judgment, the state must be able to justify its assessments when they diverge from a person's own view about their level of autonomy, and be open to adjust them where this would be reasonable.

We can think of this duty as imposing a higher burden of proof under circumstances where judgments diverge, triggering additional inquiry and possibly procedural safeguards against state abuse.

To be able to execute both auxiliary duties, the state needs to develop judgmental capacities and standards of fairness in exercising its authority. These auxiliary duties thus also point to the need for the state to develop itself. An autonomy-minded state needs a self-reflexive awareness of its own power and the potential shadow sides and dangers involved in the

discretionary judgments it needs to make. The state itself must become a highly sensitive organization, up to the task, which constantly monitors its own performance, organizes and improves its own capabilities and opens itself up to justified criticisms. Here again, we are led back to the crucial role played by the political conditions for autonomy, which point to the organization of collective autonomy as a way to shape the state.

I. Preliminary duty	1. Duty to set a Fair Threshold	
II. Substantive duties	*below-threshold*	*above-threshold*
Static duties	2. Duty of substitution	3. Duty of respect
Dynamic duties	4. Duty of investment	5. Duty of preservation
III. Auxiliary Duties	6. Duty of good practical judgment	
	7. Duty of fair exercise of authority	

Conclusion

The present contribution has been limited to sketching the content of an autonomy-centered theory of justice. No attempt has been made to defend the attractiveness of autonomy-centered theories of justice against competing theories of justice. Why not opt for a welfare-centered theory of justice instead? Or a theory which makes a conception of negative freedom central? Or a so-called 'luck egalitarian' theory? Also, important dimensions of justice have been left untouched. In working with the 'state' as the main public representative of justice, questions of global justice have been bracketed. Questions about justice toward non-human animals and others lacking capacities for autonomy also need fuller treatment. Finally, the focus on individual persons leaves open questions about justice toward (cultural and other) groups.

These are interesting and important questions, but it is important first to have a better handle on what it is exactly that one accepts, if one makes individual autonomy the keystone to one's views on justice. This has been the aim of this chapter. If I am right, then this seemingly simply suggestion requires a complex, internal structure, involving at least seven different duties of justice. Building a just society, then, is a highly ambitious challenge which requires sophisticated, self-reflexive state structures carefully navigating the boundary lines between interfering and respecting, working for and working with citizens. Autonomous individuals deserve nothing less but to make this a reality they will have to create such a society themselves, collectively.

Notes

1 What we think the appropriate object, or as theorists of justice call it, the 'distribuendum' of justice is, depends on one's theory of justice. There have been lots of different proposals for distribuenda, such as welfare, resources, or capabilities (Sen 1979). In a just society, all members reach an equal level of welfare, resources, or capabilities. For each of these alternatives, the link with justice can be specified as treating people *equally* with respect to the distribuendum.

2 Some dispute Rawls held a theory of autonomy. I agree with Colburn that Rawls's second 'moral power', quoted here, amounts to as much. See Colburn 2010, 65–66.

3 Similarly, Joseph Raz distinguishes 'inner capacities' for autonomy, but also requires the presence of an 'adequate range of options' in society.

4 Anderson specifies the conditions in terms of capabilities. This is not the only option, but certainly an attractive one, as argued in Claassen 2018, 51–53. N.B. Anderson's conditions are conditions

for 'democratic equality'; she doesn't put this in terms of autonomy, but in terms of 'the social conditions of living a free life' (E. Anderson 1999, 315).

5 For illustration, see the way in which Griffin's autonomy-based theory of human rights (Griffin 2008) has been attacked by Tasioulas 2002; the issue is further discussed in Claassen 2018, 40.

6 Amongst defenders of autonomy, this is one way to construe the relation between individual and collective autonomy, however. An important alternative is to see both forms of autonomy as 'co-original' (Habermas 2001).

7 Steven Wall explicitly argues against the maximizing autonomy, on somewhat different grounds (Wall 1998, 183–189).

8 Sufficientarian principles of distributive justice are not fully incompatible with the competing distributive principles of prioritarianism or egalitarianism. For explanation and discussion, see Claassen 2018, 109–125.

9 The threshold expresses what is owed as a matter of justice. This can be combined with the view that differences in abilities above the threshold do not make a person more autonomous, or that they do, but that these further differences are immaterial for justice. I remain agnostic here about this issue (but see the end of Section 3, on domination as a result of above-threshold differences).

10 This points to an egalitarian distributive principle in certain instances, in addition to the baseline formed by a sufficientarian principle (Claassen 2018, 117ff).

References

Anderson, Elizabeth. 1999. "What Is the Point of Equality?" *Ethics* 109 (2): 287–337.

Anderson, Joel. 2010. "Review of: Nudge. Improving Decisions about Health, Wealth, and Happiness, Richard H. Thaler and Cass R. Sunstein." *Economics and Philosophy* 26: 369–406. https://doi.org/10.1017/s0266267110000301

———. 2013. "Autonomy Gaps." In *Autonomy Gaps: Joel Anderson and Critics*, edited by David Owen. London: Bloomsbury Academic.

———. 2014. "Regimes of Autonomy." *Ethical Theory and Moral Practice* 17 (3): 355–368.

Axelsen, David, and Lasse Nielsen. 2015. "Sufficiency as Freedom from Duress." *Journal of Political Philosophy* 13 (4): 406–426.

Berlin, Isaiah. 2002. *Liberty*. Oxford: Oxford University Press.

Blake, Michael. 2002. "Distributive Justice, State Coercion, and Autonomy." *Philosophy & Public Affairs* 30 (3): 257–296.

Carter, Ian. 1999. *A Measure of Freedom*. Oxford: Oxford University Press.

Christman, John. 2009. *The Politics of Persons. Individual Autonomy and Socio-Historical Selves*. Cambridge: Cambridge University Press.

Christman, John, and Joel Anderson. 2005. *Autonomy and the Challenges to Liberalism*. Cambridge: Cambridge University Press.

Claassen, Rutger. 2011. "Making Capability Lists. Philosophy versus Democracy." *Political Studies* 59 (3): 491–508.

———. 2018. *Capabilities in a Just Society. A Theory of Navigational Agency*. Cambridge: Cambridge University Press.

Claassen, Rutger, and Lisa Herzog. 2019. "Why Economic Agency Matters: An Account of Structural Domination in the Economic Realm." *European Journal of Political Theory* online fir. https://doi.org/10.1177/1474885119832181.

Colburn, Ben. 2010. *Autonomy and Liberalism*. London: Routledge.

Copp, David. 1992. "The Right to an Adequate Standard of Living: Justice, Autonomy, and the Basic Needs." *Social Philosophy & Policy* 9 (1): 231–261.

Feinberg, Joel. 1986. *Harm to Self*. Oxford: Oxford University Press.

Gough, Ian. 2014. "Lists and Thresholds: Comparing the Doyal-Gough Theory of Human Need with Nussbaum's Capabilities Approach." In *Capabilities, Gender, Equality. Towards Fundamental Entitlements*, edited by Flavio Comim and Martha Nussbaum, 357–381. Cambridge: Cambridge University Press.

Griffin, James. 2008. *On Human Rights*. Oxford: Oxford University Press.

Habermas, Jürgen. 2001. "Constitutional Democracy: A Paradoxical Union of Contradictory Principles?" *Political Theory* 29 (6): 766–781.

Rawls, John. 1999. *A Theory of Justice*. Revised. Oxford: Oxford University Press.
———. 2001. *Justice as Fairness. A Restatement*. Cambridge, MA: The Belknap Press.
Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Clarendon Press.
Rothstein, Bo. 1998. *Just Institutions Matter. The Moral and Political Logic of the Universal Welfare State*. Cambridge: Cambridge University Press.
Schapiro, Tamar. 1999. "What Is a Child?" *Ethics* 109 (4): 715–738.
Sen, Amartya. 1979. "Equality of What." In *The Tanner Lectures on Human Values*, Vol. 1, edited by S. McMurrin, 197–220. Cambridge: Cambridge University Press–.
Steiner, Hillel. 1994. *An Essay on Rights*. Oxford: Blackwell.
Tasioulas, John. 2002. "Human Rights, Universality, and the Values of Personhood." *European Journal of Philosophy* 10 (1): 79–100.
Taylor, Charles. 1985. "What's Wrong With Negative Liberty?" In *Philosophy and the Human Science*, 211–229. Cambridge: Cambridge University Press.
Thaler, Richard, and Cass Sunstein. 2008. *Nudge. Improving Decisions About Health, Wealth & Happiness*. London: Penguin Books.
Wall, Steven. 1998. *Liberalism, Perfectionism and Restraint*. Cambridge: Cambridge University Press.