

Political Liberalism and the Problem of Regulation

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Political Liberalism is partly characterised by its commitment to value-neutrality and limited state interference. In this paper, I will argue that these commitments do not enable Political Liberalism to provide effective regulatory policy proposals to cases of unethical institutional and corporate practises in the non-ideal world. Political liberals may view the regulating of institutions and corporations in the non-ideal world as outside the theory's scope. However, this view is misguided. The problem of regulation applies to Political Liberalism, as institutional and corporate behaviours that require regulation threaten individual free expression and autonomy; and these are values which Political Liberalism tries to defend. The printing press operating without regulatory standards can engage in manipulative tactics. This includes the forwarding of irrational narratives and distorted truths, while using the justification of instantiating free expression to escape accountability. Secondly, the growing power of corporations has led to an increase in selfish, unethical behaviours. As corporations become increasingly self-governing, this has increased their sphere of influence over individual action while limiting the extent to which they are accountable to political authority. If Political Liberalism can offer no regulatory solutions to these behaviours, this would highlight a troubling disparity between the ideal justification of value-neutrality and limited state interference, and the non-ideal world where such malpractice takes place.

Unlike Political Liberalism, perfectionist liberal approaches allow the state to forward incentives and directives towards certain courses of action (Raz, 1986, p. 417); and hold that a possible role of a legitimate liberal state is the forwarding of particular conceptions of the good life. By not adopting value-neutrality, and giving the state a more authoritative scope, Perfectionist Liberalism is better equipped to address the problem of regulation. This is explicated in Von Platz's theory of negative perfectionism. He (2012, p. 102) allows the state a role in discouraging and preventing objectively bad ways of life. I believe there is room to re-focus this perfectionist role of the state towards the prevention of means through which those

objectively bad ways of life might spread. Therefore, instead of waiting for objectively bad ways of life to develop, and minimising their negative effects, there is scope for the negative perfectionist stance to tackle the causes of these objectively bad ways of life. This could involve regulating the media to prevent irrational narratives from influencing individual thought-processes or imposing tighter regulation on corporate practises, tying their aims and ambitions to public rather than private ends.

In section one, I will outline what the problem of regulation is, and show how it applies to Political Liberalism. In section two, I will demonstrate how the problem of regulation makes Political Liberalism's commitment to value-neutrality and limited state interference controversial. Section three will shift the focus of the paper towards how a political or perfectionist liberal may approach the problem of regulation. Finally, in section four, I will outline reasons for embracing a negative perfectionist, rather than political liberal approach, by demonstrating how to modify Von Platz's negative perfectionist stance in ways which make it more attuned and responsive to the problem of regulation. While not discrediting all aspects of Political Liberalism, this paper will show that its commitment to value-neutrality and limited state interference are undermined due to its inability to address the problem of regulation. This counts against the theory, and highlights some advantages of adopting a perfectionist outlook.

I. What is The Problem of Regulation?

Political Liberalism attempts to construct an ideal political conception of justice. This regards issues of regulation in the non-ideal world outside of its scope. Its chief advocate, John Rawls, argued that the primary purpose of Political Liberalism is to show how, in ideal conditions, individuals can agree to a set of political values, despite having reasonable yet incompatible beliefs about other philosophical, religious or moral issues (Rawls, 2001, p. 183).

It is Rawls's belief, as well as the belief of prominent neo-Rawlsian liberals such as Jonathan Quong (2011 p. 1), that the liberal state must be value-neutral, by not asserting the truth or falsity of any particular set of doctrines (Rawls, 2001, p. 20). Also, the state should adopt a policy of limited interference, precluding it from offering incentives and directives for individuals to adopt particular courses of action (Quong, 2011, p. 16).

Political Liberalism's attitude towards institutions is that they should be set up in ways which enable 'economic freedom as well as free thought, free speech, freedom of association, and freedom of religion [...] which in turn pre-suppose freedom of speech and debate on public questions' (Schwarzchild, 2017, p. 300). For political liberals, institutional design should foster an environment which enables individuals to express opinions freely, without interference, and autonomously judge the merits of different ideas themselves. The centrality of free expression and autonomy to the ideal political conception highlights the importance of the commitment to value-neutrality. Quong (2011, p. 16) argues that not allowing the state or institutions to forward particular ends or directives is a 'justified political response to an important fact, namely, that people are deeply divided over conceptions of the good life or ideals of human flourishing'.

It is not the business of Political Liberalism to decide how individuals should live their lives, or what their conceptions of the good life must be (Quong, 2011, p. 1). Liberal institutions must respect the fact that any reasonable or rational view can have intrinsic worth to individuals (Rawls, 2001, p. 30), and allow both the exercise of individual autonomy in deciding which views to hold, as well as the free expression of these views. Prioritising state directives over the free deliberation of individuals is an example of 'oppressive use of government power' (Rawls, 2001, p. 21), because such activity is incompatible with the exercise of liberties such as free expression and it violates autonomy. The political liberal state cannot move citizens to think a certain way nor force institutions to abide by a set of regulatory measures. Instead, its justification for interfering with the free exercise of individual judgement is restricted to

limiting the rise and influence of unreasonable doctrines, and lessening their negative consequences. However, even with this minimal role, Quong (2011, p. 302) argues that interference is only justified if its aim 'is the long-term goal of containment'.

The problem of regulation represents the idea that without more effective safeguards and measures in place to regulate the activities of institutions in the non-ideal world, freedoms that Political Liberalism tries to uphold such as free expression and autonomy will become under threat. To understand the problem of regulation, I will demonstrate how certain unethical institutional and corporate behaviours undermine individual autonomy and free expression, despite these values being integral to these behaviours in the first place.

While the political liberal state champions the exercise of free expression (Schwarzchild, 2017, p. 300), it has 'little to say about the state's claims of order in the sense of preventing or redressing serious harm to others' (Green, 2013, p. 423). While free expression may be a robust instantiation of individual freedom, unregulated, untamed free expression does not necessarily entail greater freedom. Hate speech, the promotion of agendas or expressing opinions with the aim to manipulate or deceive others are also examples of free expression (in the sense that an individual is not prevented from doing it); but Political Liberalism is ambivalent with regards to how far its tolerance should extend to these instances (Schwarzchild, 2017, p. 303). Individual examples of hate speech or manipulative expression may be detectable and preventable; but when these practices are embodied in institutions with a wider scope, such as the printing press, the value-neutral, limited interference approach the state takes becomes more controversial.

Political Liberalism may view the activities of the printing press or the media more generally as operating in a sphere of society which is private, rather than political, and hence not its concern. Furthermore, since Political Liberalism should encourage citizens to engage in

rational self-determination, and develop their autonomous decision-making capacities, the imposition of regulatory standards which may thwart these are impermissible (Ahlin, 2017, no pagination). However, Ahlin (2017, no pagination) argues that this value-neutral attitude against imposing regulatory standards fails to take account of how these freedoms ‘are threatened by the development of political debate in the digital age’. The reach of the media is growing, and as its sphere of influence increases, individuals are becoming increasingly dependent on information they receive for the formation and justification of their own views. This process has not been met with a rise in regulatory standards and directives from the state which may keep in check the potential negative consequences of this growth in influence¹. Therefore, while the practises of the printing press and wider media are undoubtedly instances of free expression, they are free to employ strategies which express views at odds with facts; distort statistics to forward agendas; or engage in hate speech. The lack of core standards which the media must abide by internally threaten the free expression of those who are exposed to this information. Brettschneider (2010, p. 1007) claims that free speech rights are “inverted”. While one may feel as though they are instantiating free expression when expressing views acquired as a result of exposure to information, it is also possible that they have been manipulated towards these certain ends or viewpoints. This is an internal threat, as the undermining of an individual’s use of free expression is caused by the initial instantiation of free expression from media institutions.

One can ask whether the state could play a broader role (Green, 2013, p. 433), or whether, contrary to political liberal thought, that ‘there are genuine questions about whether there are limits to liberty, and if so, where the line should be drawn’ (Schwarzchild, 2017, p.

¹ While the Leveson Inquiry (2011) and the more recent ‘anti-fake news’ government department have tried to more effectively police the media, and impose sanctions for unethical practice, this has largely only been able to document current media practise, rather than effectively regulate or prevent the practises themselves. Also, many of the recommendations of the Leveson Inquiry have not been brought into legislation, suggesting that a different approach for effective regulation is required.

315). The problem of regulation outlines this worry for Political Liberalism. If the state is value-neutral, it is unable to claim that certain views are right, wrong, or harmful. Similarly, if it adopts a policy of limited interference, it is questionable as to whether it can counter the internal threat to free expression by preventing some unethical practises of the media.

The problem of regulation also applies to the growth in power, financial clout and influence of the modern corporation. Not sufficiently regulating corporations may take the form of relaxed legal constraints on their activities, perhaps due to a belief that they are governed by the rules of the market (Ciepley, 2004, p. 81). It also involves not addressing certain selfish, irresponsible corporate activities. Minimally interfering with corporate activities, and allowing them to be governed by the market may have heightened their productivity and output; but a consequence of this, Ciepley (2013, p. 140) argues, is that ‘the corporation became a pure creature of the market rather than a creature of government, exempting it from any duty to the public, or accountability to the public, or even publicity to the public’. Furthermore, as Jaffer (2014, p. 106) argues, ‘the misconception that markets govern themselves is greatest at the top of the cycle, where the danger is at its maximum’. Instead of effective regulatory measures from the state which protect public interests, misplaced faith in the regulating power of the market has led to vast increases in the power of corporate executives and management boards (Ciepley, 2004, p. 81). As state regulation of corporate activities has not kept pace with their increasing globalisation and reach, managers have increasingly been able to run the corporation in their own interests (May, 2015, p. 3). This has led to an increase in selfish behaviour, as corporate managers and executives chase ends beneficial to themselves, but detrimental to their employees. (Ciepley, 2004, p. 100). Corporation’s chasing their own selfish directives without regulation can also have detrimental impacts on wider society. A globalised corporation pursuing selfish ends and directives may put it at odds with advancing the public good. As Ciepley (2013, p. 140) argues, this transcends the political liberal state. The idealised political

liberal image of state-controlled institutions enabling economic freedom and fostering free expression is at odds with the actual practise of corporations in the non-ideal world. Their low-regulated behaviour enables them to move in separate spheres to the rest of society, advancing their own interests which at times is at the expense of the public good.

The problem of regulation highlights the possibility that limited state interference and value-neutrality have prevented the political liberal state from recognising and preventing unethical corporate behaviour. A commitment to value-neutrality precludes Political Liberalism from theorising toward public values that corporations must respect and act in accordance with. Also, by not interfering with controversial corporate behaviours, it is difficult to see how Political Liberalism can effectively punish corporations for unethical, selfish or irresponsible activities.

II - Consequences of not Regulating: Internal Threats and Obsolete Commitments

Despite the problem of regulation undermining value-neutrality and limited state interference, political liberals largely disregard it as having any importance to their ideal conceptions. Rawls (1996, p. lxi) argues that ‘debates about general philosophical questions cannot be the daily stuff of politics, but that does not make these questions without significance’. Political liberals may object to the problem of regulation on a number of grounds: they are concerned with ideal, rather than non-ideal justifications; the regulating of institutions and corporations is outside the scope of Political Liberalism; or that while the ‘stuff of daily politics’ continually changes, a correct ideal conception, once found and defended, is universally beneficial. In this section, I will dispel these arguments. I will begin by demonstrating that the problem of regulation is as severe a critique to Political Liberalism than critiques of its ideal theoretical method, or of the internal workings of the theory. Next, I will

demonstrate that the consequences of not regulating lead to a Political Liberalism characterised by internal threats, and obsolete commitments.

Political Liberalism is criticised in several different ways. It is referred to by Farrelly (2007, p. 859) as ‘armchair theorising’, with no application or relevance to the non-ideal world. Wedgwood (2014, no pagination) reiterates this, arguing that ideal theories such as the political conception of justice ‘shift back and forth’; when defending against objections, political liberals stress that their ideal should not be judged for its deficiencies of practical implementation, but when not faced with objections, they claim that it is a model for the non-ideal world (methodological criticism). Other critics argue against the lack of epistemic foundations in Political Liberalism (Raz, 1995, p. 31), claiming that by refraining from ascribing any epistemic truth values to the political conception of justice, political liberals are not attuned to ‘concerns which should dominate political philosophy today’ (epistemological criticism). Lastly, those faithful to the political liberal project criticise aspects of Political Liberalism, arguing that it ‘fails to live up to its self-image as a political conception’ (Wenar, 1995, p. 33). Rather than being accommodating of different views, Political Liberalism’s definition of a reasonable doctrine fails to include many citizens holding views that are not unreasonable (internal criticism).

Detailed analysis of these criticisms is beyond the scope of this paper. What is important is that the problem of regulation is at least as severe as the methodological, epistemological and internal criticisms. The problem of regulation highlights a narrow claim: when it comes to addressing the issue of regulating unethical institutional and corporate behaviour, ideal commitments such as value-neutrality and limited state interference are not suitable, effective or justifiable. It differs significantly from the epistemological and internal critique, as it is not attempting to modify Political Liberalism, nor show how it can be buttressed with epistemological considerations. The reason that the problem of regulation is a distinctive issue

for Political Liberalism is that it could accept these modifications, and yet still not be able to provide effective regulatory solutions to unethical institutional and corporate practises. If the focus of Political Liberalism was non-ideal, yet it remained committed to value-neutrality and limited state interference, it would still be ineffective as a regulatory political theory. If the ideal political conception was epistemically justified, it still might not apply straightforwardly to real instances of institutional and corporate malpractice. Lastly, even if the conception of reasonableness was more accommodating, this would only pertain in the idealised scenario. The epistemological, methodological and internal critiques may be beneficial in generating a more plausible conception of Political Liberalism. However, they are no closer to demonstrating how this more plausible conception can sufficiently address the problem of regulation.

Given the severity and distinctiveness of the problem of regulation, political liberals cannot legitimately consider it as outside their interests. To illustrate the importance of the problem of regulation, I will develop the idea that the failure to sufficiently regulate leads to internal threats to freedom, and obsolete commitments.

II.I Internal Threats

In the last section, I argued that an internal threat to free expression occurs when the instantiation of free expression by institutions with a wide sphere of influence (e.g. the printing press), correspondingly undermines the free expression of the individual who relies on such information when forming their views. This occurs when media outlets purposefully engage in manipulative strategies, by distorting statistics or reporting false information to promote a specific agenda. Without the individual exposed to the information realising, they can be manipulated towards certain outcomes, or conditioned to think a certain way. As a result, the idea that they have autonomously considered and freely expressed their own view comes under

threat. The commitment to value-neutrality makes it difficult for Political Liberalism to recognise, prevent or punish such manipulative strategies, as there are no core standards that media institutions must adhere to.

Political Liberalism's inability to sufficiently address and regulate against this internal threat to freedom is exacerbated when the manipulative practises of the media heightens its sphere of influence. Ahlin (2017, no pagination) claims that

‘in the digital age, the possibilities to influence public discourse [...] has been multiplied countlessly. With very limited means, some people and organizations manage to achieve positions as powerful directors of public debate’.

While the heightened opportunities to influence public debate could be positive, power is unequally shared. Those more successful at engaging in manipulative, persuasive strategies are often the ones with greater exposure. The result, Ahlin (2017, no pagination) claims is that ‘the truth is often simply overrun by the mere quantity of false information and the force of its proponents’. Ahlin (2017, no pagination) also identifies how information can harm the individual, arguing that the multitude of false information creates

‘irrational narratives that influence behaviour. These irrational narratives are stories of what is going on in society, how it should be interpreted, who the major actors are [...] The stories are nonsensical, yet they dominate much of the public's mindset. When ordinary people assess political propositions their frames of references are skewed. They are unable to make rational political judgments’

The initial inequality of influence that media institutions have leads to the promotion of irrational narratives. This interferes and manipulates individual free expression and autonomy,

as ‘many of us are unable to make real character assessments. We cannot effectively tell who is trustworthy and who is not’ (Ahlin, 2017, no pagination).

Political liberals may claim in response that while the individual is exposed to information which is tainted, this does not damage the “act” of free expression. The argument may be that one is not prevented from freely expressing, even if there is some manipulation towards certain ends occurring. I disregard this response for two reasons. Firstly, it is dodging the issue of regulation. The problem of regulation does not argue that one is coercively prevented from freely expressing, but instead highlights the possibility that ‘freedom is negated by the very law that grants it’ (Khiabany; Williamson, 2015, p. 574). In this case, free expression by powerful directors of public debate manipulates and influences free expression of the individual. Secondly, a commitment to value-neutrality may allow people to forward their own conceptions of the good life, and express opinions without being interfered with, but this is not sufficient to deal with regulation. While it may not harm the act of expression, it is just as ineffective at detecting and interfering with instances of manipulation which media institutions may practice. Political Liberalism’s commitment to value-neutrality prevents the legitimate criticism of directors of public debate. Without values and standards that keep manipulative free expression in check, ‘many directors’ products are as inaccessible to criticism as non-falsifiable statements are’ (Ahlin, 2017, no pagination).

Unregulated and untamed free expression of media institutions can lead to the ‘emancipation and de-emancipation’ (Khiabany; Williamson, 2015, p. 576) of an individual’s exercise of free expression. While the act of expression itself is not interfered with, the net result of being exposed to the manipulative strategies and irrational narratives of directors of public debate is that individuals ‘are not autonomous participants’ (Ahlin, 2017, no pagination). Consequently, there is little reason to think that value-neutrality will be of much

use when addressing the problem of regulation. Instead, value-neutrality aids media institutions in internally threatening individual free expression.

II.II Obsolete Commitments

As corporations grow financially and their sphere of influence increases, they infiltrate the lives of individuals and move further away from legitimate state control. The regulation of corporate activities is therefore paramount. I will argue that addressing these issues through the lens of limited state interference is ineffective, as corporations are able to straightforwardly avoid regulatory measures.

Ciepley (2014, p. 156) claims that ‘more than any other phenomenon, the rise of corporations challenges the adequacy of our liberal individualist frames and underscores the urgency of complicating them’. The modern corporation and its practises are at odds with the idea of ideally designed societies that Political Liberalism aims to promote. This disparity between the idealised political conception, and the actual behaviour of corporations in the non-ideal world is exemplified by selfish, unethical corporate behaviour. The result is that corporations can often operate outside of the scope of political liberal authority. While not directly the cause, the political liberal belief in limited state interference does little to counteract this process.

Examples of selfish, unethical behaviours of corporations is evidenced by the way they can escape regulatory measures which may be issued by political authority. In the current climate, Drezner (2002, p. 115) argues that corporations can engage in ‘regulatory arbitrage’. The effect of this is not only that corporations can escape initial regulations laid out by the state, but due to the state’s dependence on corporate finances, they can force political authority to change regulatory measures to accord with corporate interests. This is explicated through current corporate tax avoidance practises. The recent publication of the Paradise Papers

revealed how several corporations engage in practises which while not illegal, are examples of unethical behaviour². Where changes in tax regulations effect corporate interests, corporations can act in ways that alter or reverse changes in these regulatory measures. The process involves moving corporate headquarters

‘to countries with lax standards. Fearing a loss of their tax base, nation-states have little choice but to lower their regulatory standards to entice foreign investment and avoid capital flight. The end result is a world where regulatory standards are at the lowest common denominator’ (Drezner, 2002, p. 115)

While the Paradise Papers may have brought these controversial behaviours to the public eye, to effectively regulate corporations, it seems that tax avoidance practises that the Papers expose must be prevented. However, the prospects of doing this look bleak from the perspective of Political Liberalism. Part of the explanation of this inability, it is reasonable to suppose, has to do with how PL is currently conceived such that it gives us no real guidance as to how tighter regulation can be congruent with limited state interference.

This highlights the ineffectiveness of limited state interference, as the lack of tighter regulation on corporations encourages selfish behaviour (Jaffer, 2014, p. 100). Hence, regardless of Political Liberalism’s conception of ideally designed institutions, the way in which corporations are internally governed highlights how they are self-interested, and act only for their own benefit. Ciepley (2014, p. 153) claims that ‘their internal governance is, generally speaking, neither liberal nor democratic. Internally, corporations are for-profit governments whose rulers are, with few exceptions, not accountable to the governed’.

² One example of this, was the exposure of how Apple protects its low-tax regime and avoids paying tax by using tax havens such as the Island of Jersey to hide their money. The Papers also revealed that the private equity firm ‘Blackstone’ avoided tens of millions of pounds in UK taxes on property deals in London and Glasgow. (Source: <http://www.bbc.co.uk/news/world-41880153> [Accessed 16/03/2018])

To significantly address the problem of regulation from the perspective of Political Liberalism, tighter regulation on corporate activities are required. Rather than avoiding interfering with corporate activities, Ciepley (2014, p. 140) claims that if one wishes to formulate effective regulatory principles, corporations should be treated as a different category. He claims

‘Corporations are not of liberalism and cannot be satisfactorily assimilated to its categories. Instead, they need to be placed in a legal and policy category of their own – neither public, nor private, but “corporate” – to be governed by distinct norms and rules, so as to render them more intelligible, more accountable, more responsible, and more productive’.

The way corporations operate in modern society is guided by profit-based and selfish initiative, with little or no concern for the public good. The lax attitude to regulation embodied through a commitment to limited state interference has contributed to this, as corporations have increasingly been able to escape regulatory measures and manipulate political authority to designing policies in line with corporate interests. The problem of regulation highlights this and the need for tighter regulation is clear. Concordantly, the inadequacy of limited state interference to perform this task makes it a controversial, obsolete commitment. This limits the prospects of sufficiently addressing the problem of regulation through the perspective of Political Liberalism.

III. The Political Liberal and Perfectionist Approaches to Regulation

Thus far, I have analysed how the problem of regulation applies to Political Liberalism. I have demonstrated that the consequences of not addressing it lead to a conception of Political Liberalism comprised of internal threats and obsolete commitments. For the remainder of the

paper, I will analyse possible responses to the problem of regulation from the perspective of Political and Perfectionist Liberalism³.

I will argue that the perfectionist rather than the political liberal approach provides a better basis from which to tackle the problem of regulation. More specifically, the account of negative perfectionism provided by Jeppe Von Platz is the most effective approach, since his perfectionist considerations can be effectively re-focused towards the specific problem of unethical institutional and corporate behaviour.

Firstly, I will characterise what effectively addressing the problem of regulation might entail. What is required to effectively regulate media institutions is a set of core standards of practise that the printing press and digital media must act in accordance with. This may involve sanctions for reporting false information or forwarding irrational narratives with the aim to manipulate. These sanctions would act as a deterrent, and to be enforced, would require more effective policing and surveillance of the media. This would not have to go as far as censorship, as the media would not be forced to report certain agendas, but would operate more like a fact checking service, which keeps the integrity of what is reported in check. With regards to corporations, addressing the problem of regulation may involve extending legal measures to prevent selfish behaviours such as tax avoidance. Furthermore, if political authority is unable to lessen the power, scope and authority of corporate executives and managers, the state may need to act in ways which offer incentives and directives for corporations to act in accordance with the public good. This would better align corporate interests with the interests of wider

³ It is worth mentioning that no prominent thinker within either of these traditions has addressed the problem of regulation as I have articulated it. However, it is still possible to analyse how they might respond to the problem, and as such, to determine whether one particular conception fares better than another. It is not my aim to completely disregard one of these approaches at the expense of the other, and neither, I argue, should one feel justified in doing this.

society, and lessen the extent to which self-interested corporate activities infiltrate individual lives.

The debate surrounding whether Political or Perfectionist Liberalism is well-placed to address the problem of regulation depends on their responses to the following questions:

‘1. Must liberal political philosophy be based in some particular ideal of what constitutes a valuable or worthwhile human life? [...] 2. Is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value [...]?’ (Quong 2011, p. 12).

Quong (2011, p. 1) argues that the liberal state should not be based on a particular ideal of what constitutes the good life, nor is it permissible for it to promote or discourage activities on grounds relating to their intrinsic value. Instead, ‘the liberal state should restrict itself to the task of providing a fair framework of rules and institutions within which citizens can pursue their own conception of what makes for a valuable life’. The rationale behind this, is that ‘if people lead more valuable lives when they make their own choices and plans, then it may be undesirable to use the coercive power of the state to force people into making better decisions’ (Quong, 2011, p. 9). Furthermore, if individuals are able to form their own judgements, freely express and autonomously decide the merits of different views, then the inescapable result is a society consisting of reasonable yet incompatible doctrines (Quong, 2011, p. 139). As a result, the liberal state would be acting impermissibly if it interfered with individual decision-making, even if the end goal of such interference was to lead individuals towards a conception of the good life which the state deemed more desirable. This is an argument against perfectionism. Not only would the extent of reasonable disagreement make it difficult to quantify what the correct conception of the good life is, but the state deciding on behalf of its citizens what directives should be taken amounts to oppressive action, which impermissibly coerces citizens from making decisions themselves.

This stance embraces value-neutrality and limited state interference. Firstly, liberal authority must acknowledge that no particular pursuit of the good life or set of reasonable views should have priority over others. Secondly, to interfere beyond providing a framework through which individuals can decide upon and pursue their conceptions of the good life is impermissible. These attitudes are not sufficient to address the problem of regulation. To implement core standards and sanctions which could regulate the media, or provide incentives or directives to better align corporate activities with the public good would involve extending state power beyond what is reasonable. Under Political Liberalism, the state's role is to set up institutions, and a framework of rules, and accept that consequences which arise out of this are the result of reasonable disagreement. Despite its inapplicability to the problem of regulation, to demonstrate that this stance is unworkable, the onus is on the perfectionist. To demonstrate that a perfectionist approach embodies a more plausible approach to the problem of regulation, one must show both that a correct conception of the good life can be quantified, and that providing incentives and directives towards particular courses of action does not constitute oppression or coercion.

Raz (1986, p. 135) objects to the idea that government action is impermissible when it interferes with individual judgement. He asks whether it can 'really be that no moral reason can ever form a basis for governmental action?'. While in ideal conditions, all interference may be unjustified, this is not so in non-ideal conditions. This leads Kulenovic (2014, p. 41) to argue that

'it is not very hard to argue that a certain theoretical position – in this case perfectionism – is unconvincing if we can just imagine a political and social context in which the problem that this theoretical position is trying to resolve doesn't even exist'.

Quong's refusal to imagine a scenario whereby one may need to use perfectionist policies may justify for him, the refusal to use them, but the problem of regulation refers to scenarios which require perfectionist intervention. Chan (2012, p. 37) also criticises Quong's picture of the roles of the liberal state. He argues that 'the modern state is a complex institution performing many different functions. It is very plausible that there are different reasons at work in shaping and justifying the various functions and rules of this kind of institution'. Despite Quong's claims, there may be moral, perfectionist reasons for the state to interfere with the lives of individuals. The need to address the problem of regulation justifies perfectionist intervention from the state.

While the state may have permissible reasons to pursue perfectionist policies when addressing the problem of regulation, how this would be done and the form these policies may take is less clear. Firstly, one way of addressing the problem of regulation is to provide incentives and directives for corporations to take actions which are more in line with public interest. The worry for Quong is that a liberal authority adopting this stance cannot avoid being coercive or oppressive. However, Raz (1986, p. 417) argues that

'perfectionist goals need not be pursued by the use of coercion. A government which subsidises certain activities, rewards their pursuit, and advertises their availability encourages those activities without using coercion'.

When it comes to providing state directives for particular actions, these needn't take the form of coercive impositions, and could instead involve encouraging and facilitating action of the desired kind, or discouraging undesired modes of behaviour (Raz, 1986, p. 161).

Addressing the problem of regulation also entails providing core standards and issuing sanctions to media institutions which produce irrational narratives and internally threaten individual free expression. It is less clear how Raz's perfectionist stance can apply to this issue. To avoid the impact of irrational narratives, effective regulation would make one particular

option the one to follow (Raz, 1986, p. 30). In other words, effective sanctions would be able to identify irrational and false narratives from genuine ones and lessen the impact of irrational narratives by not allowing them to be published. There seems no support for such actions in Raz's perfectionist stance. Irrational narratives may require authoritative intervention, but Raz's comments about the role of perfectionist authority seem all-encompassing. He (1986, p. 73) claims that one ought to follow the directives of authority if 'following it will enable its subjects better to conform with reason'. Elsewhere, Raz (1986, p. 47-48) claims that

'the whole point and purpose of authorities...is to pre-empt individual judgement on the merits of a case, and this will not be achieved if, in order to establish whether the authoritative determination is binding, individuals have to rely on their own judgements of the merits'.

While effective regulation of media practises, and the prevention of the impact of irrational narratives requires authoritative intervention, this need not extend to all aspects of individual action. Addressing the problem of regulation in this way is too broad. Effectively regulating media institutions need not be tied to a conception of authority that pre-empts individual judgement in all instances. Therefore, while Raz's perfectionist stance offers more agreeable regulatory proposals than Quong's political liberal position, there remain some problems.

IV. Negative Perfectionism

I will lastly demonstrate that Von Platz's negative perfectionist stance provides the most plausible approach to the problem of regulation. The significant advantages of adopting this perspective, over that of Raz's perfectionism, is that it can be specifically situated towards the particular unethical behaviours of institutions and corporations. As such, it is not as wide-ranging over all individual action.

Von Platz (2012, p. 106-07) argues that using perfectionist considerations to promote a single way of life at the expense of others is problematic, as ‘there are serious epistemic obstacles to establishing the superiority of any particular ways of life’. While addressing the problem of regulation might involve using perfectionist considerations to lessen the impact of unethical behaviours that media institutions engage in, (e.g. the forwarding of irrational narratives), the standard by which one justifies this perfectionist action does not need to be as strong as Raz makes it. To justify perfectionist considerations, one needn’t appeal to the idea that the purpose of liberal authority should be to pre-empt individuals towards certain ends. Negative perfectionism tries to justify state intervention on the basis that ‘if some design of the basic structure of society promotes objectively bad human living, then this should count as a reason against it [...] it follows that we should avoid such designs of the basic structure’ (Von Platz, 2012, p. 101). Von Platz’s justification of authoritative intervention is not to pre-empt individuals towards certain ends, but rather to recognise and prevent certain ways of life that are objectively bad. He (2012, p. 122) argues that

‘if some ways of human living are objectively bad in themselves, or because they make happiness or moral conduct unlikely or impossible, or because they make a stably just society unlikely or impossible; and if some designs of the basic structure tend to promote such types of human living; then we have reasons to avoid these designs of the basic structure’.

The negative perfectionist stance aims to justify perfectionist intervention to discourage certain controversial ways of life that individuals may choose to pursue (i.e. neo-Nazis, Klu Klux Klan, and other ways of life that discriminate against other individuals). However, it is possible to re-conceive of Von Platz’s ideas and apply them to the problem of regulation. Rather than discouraging or preventing objectively bad ways of life, one can focus this justification of negative perfectionism towards areas which may be responsible for engendering and promoting

such attitudes, beliefs, and practises. In this regard, perfectionist intervention is applicable to the prevention of irrational narratives and hate speech which may be prevalent in the media.

To modify the negative perfectionist approach to address the problem of regulation, it will need to be shown both that the liberal state is justified in discouraging objectively bad ways of life, and that it is permissible to use coercive functions of the state to achieve this. Secondly, it is necessary to justify the regulation of institutional and corporate behaviours which engender these objectively bad ways of life and cause them to spread. Both claims can be justified using Von Platz's negative perfectionist stance.

Firstly, the idea that some ways of living and sets of attitudes can be more harmful to the stability of society is intuitively true. If our aim is the stability of society and the prevention of discrimination of any group within society (which is in keeping with the aims of liberal theory), then we are correct to judge that some ways of life are objectively more harmful than others. For example, a way of life or set of beliefs that do not see all people as free and equal, or discriminate against certain groups on the basis of racial, sexual or cultural reasons is from the point of view of liberal theory, objectively a worse way of living than a way of life or sets of beliefs that don't engage in such practises. Therefore, a legitimate function of the state is to lessen their impact. However, Von Platz (2012, p. 123) argues that the

‘sorts of personalities or moral psychologies a human being acquires is normally to a large extent determined by the economic and political institutions of the society she lives in and the social roles and opportunities that these institutions create and distribute. Some designs of the basic political institutions tend to engender objectively bad types of human living. If they do, we have reason to avoid them’.

The basic thought is that ‘some objectively bad ways of human living are promoted by some designs of the basic political and economic institutions’ (Von Platz, 2012, p. 122). Irrational

narratives propagated by the media can be influential in engendering objectively bad ways of life. This is not to suggest that an individual's exposure to irrational narratives and distorted truths in the media is the sole reason for their objectively bad views. But justifying a negative perfectionist stance only requires that these unethical institutional behaviours partly cause objectively bad ways of life. Ahlin (2017, no pagination) claims that through using manipulative strategies that take advantage of poor regulatory measures, 'powerful directors of public debate succeed in stigmatizing groups of morally blameless people'. Since it is evident that these practices engender and contribute to objectively bad ways of life, there are strong perfectionist reasons for preventing them, even if the extent to which they are responsible is debated.

The corresponding image of liberal authority that can address these irrational narratives that contribute to objectively bad ways of life is promising for addressing the problem of regulation. The state can act coercively to prevent certain media behaviours, if this is done with the aim of preventing the development of objectively bad ways of life. As such, 'the state is not a neutral umpire among competing views, especially when it comes to those views that challenge the very reasons and values that underlie rights' (Brettschneider, 2010, p. 1016). While solving the unethical activities of media institutions may require core standards and values that must be adhered to, the prevention of irrational narratives on the basis of their engendering objectively bad ways of life is a step in the right direction if one wishes to address the problem of regulation from within liberal theory. The advantages of the negative perfectionist stance over Raz's perfectionism is that the perfectionist goals are not justified on the basis of pre-empting individual action towards desired ends, but are instead justified on the basis of preventing the means by which objectively bad ways of life may spread. This also has comparative advantages over Political Liberalism. I have demonstrated that the political liberal commitment to value-neutrality and limited state interference make it unable to sufficiently

address the problem of regulation. I have also shown that contrary to the political liberal approach, there are sufficient reasons to justify perfectionist intervention from the state. The negative perfectionist stance can be modified in ways which apply it to institutional behaviours which engender or encourage objectively bad ways of life. In this instance, preventing the impact and damage of irrational narratives gives a strong reason for perfectionist intervention. This does not replace the need for the state to be value-neutral in some instances. Von Platz (2012, p. 103-04) claims that

‘whether or not the state should be neutral between the competing conceptions of the good depends on whether or not neutrality serves to promote objectively good (or prevent objectively bad) human living. If a neutral state is the best way to promote objectively good human living, then political perfectionism requires state neutrality’

The flexibility of the negative perfectionist stance is that individual instances of unethical institutional behaviour can be recognised. When it is evident that this promotes and engenders objectively bad ways of life, there are strong perfectionist reasons for intervening.

Conclusion

I have argued that the problem of regulation refers to unethical institutional and corporate behaviours which, taking advantage of ineffective regulatory mechanisms, operate in ways which may undermine the stability of the state, or harm individual autonomy and free expression. I have also given concrete examples of how these unethical behaviours manifest in the manipulative activities of the printing press, and through the selfish behaviours of corporations. I claimed that Political Liberalism’s commitment to value-neutrality and limited state interference mean that it is unable to sufficiently address the problem of regulation. While

this is not sufficient to reject the stance entirely, the comparative advantages of the negative perfectionist stance over Political Liberalism are clear. Von Platz's negative perfectionist stance is not wholly committed to value-neutrality or limited state interference. Therefore, where instances of unethical behaviours take place that interfere with individual autonomy and free expression, or engender and support objectively bad ways of life, perfectionist interventions from the state are justified, as they are able to discourage or prevent these behaviours from taking place.

It still may be argued by some political liberals that issues surrounding the regulation of institutions and corporations is outside of their scope. I have tried to offer reasons why this view is mistaken and demonstrated the bleak prospects of solving the problem of regulation within the purview of political liberal theory. Further research may look at how the negative perfectionist alternative I have suggested may approach concrete cases of unethical institutional and corporate behaviour in the non-ideal world. In this paper, I have shed light on the general plausibility and attractiveness of this approach.

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