

PERFECTIONISM AND NEUTRALITY

Exam Strategies: Come off the fence, say what you are arguing for and why – be precise. Pay good attention to the question and its nuances. Do not merely discuss neutrality in the abstract, but also the motivation for the state trying to be neutral.

Questions to think about:

- Is it possible for the state to be neutral between different conceptions of the good life?
- KEY: Is a political conception of justice different from a conception of the good? If the state should abstain from promoting ideals of the good because reasonable people disagree about them, should it not also abstain from promoting ideals of justice because reasonable people disagree about them as well?
- Given that people have an interest in leading fulfilling lives, then does not the state have a reason to support valuable conceptions of the good through the use of education, subsidies and tax exemptions?

My own position (tentative): *Liberal neutrality of the state is an ideal that is conceivable in theory, but almost impossible to implement in practice. The sceptic's critique of liberal neutrality does not work, because it is not that we have to be sceptics about our own beliefs, but rather because reasonable people can reasonably hold different views. I can think others' beliefs to be false without holding them unreasonable (Quong). In practice however, states do advocate certain ideals of the good, because leaders are people and have their own opinions. It is very hard to convince a non-liberal to hold his belief but also let others believe theirs (Barry).*

Conceptions of the good are making value judgements, but conceptions of justice are about what is right, how we should treat each other as free and equal citizens – thus, PL can be defended by referring to the distinction between the right and the good.

Additional Flair to add:

- The role of the state! Why is the state unique?

DEFINITIONS AND CLARIFICATIONS

- > What is a **conception of the good life**?
 - > Broadly, it denotes some **moral conviction of how we should lead our lives** – can include religious beliefs, judgements of value and other moral guidelines (Barry 1991). We might say that one interpretation of the conception of the good is simply a “*controversial normative claim*” (Sher)
- > What is **perfectionism**?
 - > It is “*the view that one of the legitimate functions of the state is to directly promote or encourage people to lead more worthwhile lives, or discourage citizens from pursuing disvaluable activities or ways of life*” – Quong 2011
 - On the perfectionist view, it **should be the state's task to advance a certain conception of the good life** that it deems beneficial to citizens even if they do not recognize so.
 - This can be achieved by making activities illegal, by subsidizing an activity or by making an activity more costly than its alternatives.
 - > State perfectionism may be classified into two main types (Chan 2000) – this distinction rests on the fact that there are different kinds of judgement in the term “conceptions of the good life”
 - **Extreme perfectionism:** holds that the state may adopt a comprehensive doctrine as the basis of state policy and promote the good life in accordance with the requirement of that doctrine. It is *coercive* in its means of pursuit, *pure* in its *exclusive* concern for the good life and *state-centered* in its principled preference for the state as the direct and primary agent of the promotion of the good life.

- > **Political liberalism requires that fundamental political matters should not be decided by reference to any controversial moral, religious or philosophical doctrines over which reasonable people disagree (Quong 2011)**
 - “political liberalism presents, then, a political conception of justice for the main institutions of political and social life, not for the whole of life”
 - > Liberalism must restrict itself to a core set of political principles that are, or can be, the subject of consensus among all reasonable citizens.
- › Citizens in a free society will have disparate worldviews: Each reasonable citizen has her own “**comprehensive doctrine**”, a view about right and wrong, good and bad... – but reasonable citizens also understand that deep issues about religion, philosophy and morality are ones on which people of good will can disagree and so they will be **unwilling to impose their own worldviews** on those who have reached conclusions different than their own.
- > Thus, the diversity of worldviews in a democratic society may represent not merely pluralism, but **reasonable pluralism**.
- › Perfectionism is controversial because it 'requires the state to produce different outcomes which people disagree upon'. *Political liberalism*, in virtue of providing common ground and consensus, does not yield such disagreements. Reasonable people can disagree about conceptions of the good, but they cannot really disagree about conceptions of justice -- being reasonable just is wanting to respect people as free and equal, wanting to respect them as having the two moral capacities.
- › Political liberalism seeks common ground and is **neutral in aim**, meaning that institutions and policies are neutral in the sense that they can be endorsed by citizens generally. However, political liberalism is **not neutral in justification or procedure**, which means it cannot be legitimated or justified without appealing to some values at all. **Justice as fairness does aim for common ground and overlapping consensus.**

In his Theory of Justice, Rawls treats justice as fairness itself as a comprehensive doctrine. But the idea of a society in which “everyone accepts... the same principles of justice” is in conflict with neutrality of justice as fairness understood as a comprehensive doctrine. Thus, **Rawls attempts to correct these problems in Political Liberalism by adjusting the scope of justice as fairness**; it is not comprehensive, but narrowly political. It thus only applies to the basic structures of society.

- > In short, Rawls would want to claim that Justice of Fairness can be legitimate without appealing to some values (= **good**). Rather, it appeals to the **right** (conception of justice) instead.
The key here is the distinction between the right and the good
- > **Nagel** believes that if liberalism is to be defended as a higher-order theory and not just “another sectarian doctrine”, **it must be shown to result from an interpretation of impartiality itself**, rather than from a particular conception of the good that is to be made impartially available. The problem this poses is: **How to justify making people doing things against their will?** Liberalism should provide the devout with a reason for tolerance.
- > **Radical feminist critique:** The distinction between comprehensive doctrines and the political implicitly excludes feminist considerations from justice as fairness (**MacKinnon**). According to MacKinnon’s view, the supposedly objective, neutral state is in fact “male”.
 - > but **Brake** argues that Rawls’s liberalism is compatible with feminist goals and that neutrality itself indeed will require substantive feminist reform. Rawls’s defence of reasonableness in political justification coincide with feminist values by excluding sexist beliefs and hierarchical political systems.

ISN'T PL ITSELF APPEALING TO A VALUE PREMISE?

- > The charge at PL takes the following two forms:

1. PL **appeals to a value**, which is at best plausible (but not universal), and not grounded any more foundationally than any other less popular value claim, e.g. pursuing a certain religion
 2. PL **makes a metaphysical claim** that is as problematic as the value claim. Worry is that Rawls starts from a not universally accepted foundational premise, while criticising perfectionists for starting with a controversial foundational premise. Those two don't seem that different, so Rawls seems guilty of the same foundationalism
Larmore argues here that Rawls should state this explicitly as a foundational metaphysical premise of his theory.
- > **Responses:**
- > To 1, PL can appeal to the **distinction between the right and the good**. Theory of the good is about what makes states of affairs valuable (e.g. utility content, aesthetic content...). Theory of the right is a claim about how we should treat each other. PL is not really making a value claim about the good – it is not saying that “peace and harmony are valuable states of affairs” or that “a diverse society is better than a homogenous one”.
 - Rather, it is saying: **We owe it to each other (it is *right*) that we treat each other equally, as free and equal citizens.** (or as Rawls would put it, as people possessing the two moral capacities).
 - **This can be seen in light of Parfit's distinction between telic and deontic!**
 - > To 2, the response would be to appeal to Rawls's **distinction between a metaphysical and conception of justice**. In short, the justification of Rawls's fundamental premise (that we should treat people as free and equal citizens) is not metaphysical, but rather a political premise. It is a premise already shared by a vast majority in society. Thus, Rawls would say we don't really need to justify this premise, but rather assume it as a prerequisite for asking questions of justice.
 - Question then becomes: “Given that we want to treat each other as equals, what principles should we use to govern our society?”.
- > Asked in a different way: **What is the difference between conceptions of the good and conceptions of justice?**
- > Conceptions of good are theories about what is a good life for human beings
 - > Conceptions of justice, or the right, are about how society should be ordered.
 - Perfectionists see a fairly straightforward link between those two concepts.
 - But neutralists think the two need not be connected
 - **Example:** A deeply religious person (who thinks the good life = worshipping God properly) can still be reasonable and have liberal conceptions of justice. Maybe they think God wants people to reach their own conclusions.
 - Similar: Locke's argument for toleration
 - **Quong:** A jury member can believe the person on trial is guilty for sure, but also see why other jury members are concluding the opposite, and respects the jury process (as metaphor for having a conception of justice)
- > Should the state be **neutral between conceptions of justice because reasonable people might disagree with them?**
- > A Rawlsian answer would be: All reasonable views of justice ultimately must converge on one
 - > But perhaps they don't, but one still needs to be chosen (the state needs to act) and if the set of options are reasonable then everyone (since they are reasonable) will be okay with that – this is kind of the point of being reasonable.

ARGUING FOR NEUTRALITY

Intuitive appeal of neutrality: A perfectionist view, one on which it would be permissible for the state to implement restrictive laws etc. is not compatible with a vision of politics where citizens are free and equal and owe each other justifications for the regulation of their public life. A non-neutral view implies a patronizing state and a view on people claiming that “*they don't know what is best for them*”

RESPECTING PERSONS

- › Let us assume a Kantian interpretation of respect, i.e. **treating people as ends in themselves**.
 - > Distinctive feature of persons is “*that they are beings capable of thinking and acting on the basis of reasons*” (Larmore 1996) and to respect another person one must engage his capacity to respond to reasons.
- › From a contractualist view of state legitimacy, if we were to force people to serve ends with which they may reasonably disagree, then we would give them no respect as **people as ends**.
 - > Arg.: Conceptions of the good life are objects of reasonable disagreement. We should treat people as ends. Respecting people as ends implies that we should not force them to serve an end with which they may reasonably disagree. Hence, the state should not enforce conceptions of the good life (Nagel 1995)
 - Obj.: Not all conceptions of the good life are objects of reasonable disagreement (Chan 2000). It is also questionable whether forcing people to serve ends they disagree with is to disrespect them.
 - Example: Court decisions: As long as trial procedures are fair and observed, the court can convict criminals, and they can disagree with the decision – but this does not entail that the court treats the criminal as a means.
- › Consider what would be the unattractive alternative – **state paternalism**:
 - > State perfectionist measures which aim to encourage some pursuits and discourage others on the grounds that they have greater ethical value presumes that some citizens are not fully capable of forming, pursuing and revising a conception of the good (Quong 2011). It sends an insulting message that goes beyond violating one’s autonomy.
 - Resp.: It is no insult to a person’s status as a moral equal to treat her in ways that presume that her rational capacities are not perfect, but subject to error.

COERCION

- › Gaus (2003) derives a basic coercion-limiting principle from the fact that morality requires “*taking up a point of view that addresses reasons to all.*”
 - > The principle holds that **governments ought never to act without impartial justification**, where impartial justification is understood in terms of providing reasons that would be acknowledged as justificatory by every fully rational citizen who is coerced by the state’s action.
 - > This supports state neutrality, because claims about the good life or about human perfection “rarely if ever” provide the kind of reasons which could justify state coercion.

ARGUMENT FROM AUTONOMY

- › What is Personal Autonomy?
 - > Darwall 2006: An agent has personal autonomy, when she is “*determining her conduct by her own most highly cherished values*”. A person must see themselves as sovereign in deciding what to believe and in weighing competing reasons for action (Scanlon 1972)
 - > Intuitively, we think autonomy is a good in itself, not for the things that it enables us to do.
- › Why should the value of autonomy lead to neutrality?
 - > Resort to Mill’s Harm Principle: The only reason for which we could legitimately interfere with the liberty of individuals against their will is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.
 - Obj.: Perfectionist could say that harm would be imposed on people if they did not follow the certain conception of the good.
 - Example: Climate Change

ARGUMENT FROM INTOLERANCE AND INSTABILITY

- › Arg.: A permanent feature of modern liberal-democratic societies is the diversity of conceptions of the good life. In these societies **a single conception of the good life can be maintained only by the oppressive use of state power**. This not only goes against the spirit of tolerance but would also endanger the social unity and stability of these societies.
 - > Obj.: **Perfectionists need not be radicals**. The pursuit of the good life may be tempered by other values, e.g. peace and harmony of the state. Aristotle writes that the state should not pursue perfectionist goals at the expense of stability, public acceptability, social harmony. Perfectionism only says that the pursuit of the good life is one important, legitimate task of the state.

OBJECTIONS

- › Objection: Scepticism
The sceptical critique argues that political liberalism requires that we should abstain from relying on our views about the good life because we should be uncertain about the truth of those views. This **kind of scepticism however is itself a controversial epistemic position** which many reasonable people reject. So political liberalism is internally incoherent.
Rawls seems to face a dilemma: Either he must label dogmatists, religious believers etc. as unreasonable, or he must admit that one of the most important premises of his argument is not acceptable to all reasonable persons.
 - > Reply: The epistemic restraint required of citizens in political liberalism does not assume or imply any version of scepticism about our ability to know the good life. "*Liberal neutrality is motivated not by scepticism about our own views, but rather by a desire to justify fundamental political principles to others*". (Quong 2011). **We can coherently view other people's beliefs as false, without thinking it is unreasonable to hold these view.**
 - Example: I have a friend who was raised Christian. Given his upbringing, his epistemic position and the difficulty of the issue of religion, I can come to see that it is perfectly reasonable for him to hold Christian beliefs. But me with a different background, might not hold these beliefs.
 - > In Rawls's work then, it is **not scepticism about our own beliefs which motivates epistemic restraint**, but rather the moral motivation to find and abide by principles that all other reasonable citizens can accept.
- › Objection: The liberal state is itself a conception of the good. (see objection under PL)
 - > Reply: **Liberalism is not self-refuting**, since the liberal conception of equality is a principle of political organizations that is required **by justice**, not a way of life for individuals (Dworkin 1986)

NEUTRALITY IN PRACTICE

- › Addressing the question "*Is neutrality possible*" or feasible in practice? (distinct from "is it desirable")
 - > Barry (1991) argues that it is not really: It is not the case that the neutrality principle itself is neutral between different belief systems and conceptions of the good – one necessarily has to have an outlook that is broadly liberal. Thus, the arguments available are not convincing to those who haven't already got a broadly liberal viewpoint in the first place. For someone to be prepared to say: "**Homosexuality is wrong but that's just my private opinion**", **someone must already have swallowed a large dose of liberalism.**
 - **The problem with neutrality is that it asks people with moral convictions to treat them as external preferences or matters of personal opinion.** A dogmatist is consistent by holding his beliefs dogmatically.
 - Thus, there is little chance to sell neutrality to non-liberals, so it is a better strategy to discredit their beliefs instead of making them try to hold their beliefs but also respect others.
- › Can a liberal state still support art?
 - > Dworkin (1986) argues that state support should only be designed to **protect structure rather than to promote any particular content** for that structure. This would mean it can provide infrastructure

(museums, facilities, etc.) but does not decide upon what particular art should be provided. This is not subject to the objections of paternalism because the structural frame which makes aesthetic values possible in the first place is benefitting everyone.

ARGUING FOR PERFECTIONISM

- › **Arg. 1:** Support for valuable forms of life requires political action. Some things are worth preserving, and without state interference this would not be possible. **People care about leading a good life, so state should assist citizens to promote valuable conceptions of the good life (Chan 2000)**
 - > **Raz 1986:** Strict adherence to state neutrality “*would undermine the chances of survival of many cherished aspects of our culture.*”
- › **Arg. 2:** Proponents of state neutrality overvalue goods associated with agreement and undervalue other goods (Wall 1998)
- › **Objections:**
 - > Perfectionism is compatible with assigning different weights to the perfection of different human beings – some humans will lead more worthwhile lives – and so this entails judgement and hierarchies
 - **Reply:** One can hold a less extreme view, a prioritarian version of perfectionism. Holds that we should value the perfection of each human being, but count the greater perfections more. (SEP)
 - But this might have inegalitarian implications for the distribution of resources: When a society wants to foster the creation and preservation of what is best, then it can only pursue it by recognizing and exploiting natural inequalities between persons (Nagel 1991).
 - Example: Some persons will be encouraged to specialize in certain areas of work

PERFECTIONISM: A MORE COMPLEX RESPONSE

- › **State neutrality and perfectionism are not strictly incompatible:** There can be nuances between them, and perfectionism do not have to reject all forms of state neutrality
 - > **Value pluralism:** The view that there is a plurality of good, but incompatible forms of life fully worthy of respect. This could explain how reasonable people can adopt and pursue different ideals of the good. The intuition behind this is that there is not just ONE worthy way of life.
 - > **Wall (2010)** says that perfectionists could propose a restricted principle of state neutrality: If more than two ideals of the good are conceivable for those living in a political society, and if these ideals cannot be ranked by reason, then the state, **to the extent that it aims to promote the good in this political society**, should be neutral between these ideals.
 - This principle is reconciling political liberalism and a political perfectionist

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