

## Chapter 1

### Introduction

In this book, I shall present a view about government and the good life, one intermediate between two familiar extremes. At one extreme are views that the connection between government and the good life is internal – that living well requires governing as well as being governed, as Aristotle thought, or that the state exists to realize some other vision of the good. At the other extreme is the view that there is *no* connection between government and the good life – that the state should simply be neutral toward all conceptions of the good. Between these extremes, there is room for a third type of view, one that does not seek to *ground* the state in any particular conception of the good, but nevertheless holds that a government may legitimately *promote* the good. The view that I shall advance is of this third sort. To defend it, I must defuse the main reasons to deny that the state may seek to promote the good; to motivate it, I must develop a conception of the good that is worth promoting. These, accordingly, are the book's two main aims.

#### I

In recent years, many who call themselves liberals have maintained that the state should not favor, promote, or act on any particular conception of the good. Instead, it should simply provide a neutral and just framework within which each citizen can pursue the good as he understands it. To provide this framework, a government must sometimes interfere with liberty. It must restrict its citizens' options in order to insure security and stability, promote prosperity and efficiency, and make available various public goods. Also, if justice requires more equality than unconstrained markets can provide, the

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state must intervene to equalize opportunity or resources. But, according to the view under discussion, this is *all* that government should do. If in addition it tries to make citizens more virtuous, to raise their level of culture or civility, or to prevent them from living degraded lives, it oversteps its bounds. Even if some traits or activities are genuinely better than others, no government should promote the better or suppress or discourage the worse. About all questions of the good life, the state should remain strictly neutral.<sup>1</sup>

Even in summary statement, this neutralist picture is instantly recognizable. It is, indeed, a picture that no contemporary Westerner can altogether escape. Although barraged by competing ideologies and social schemes, we have all absorbed, by a kind of cultural osmosis, the ideas that self-expression, choice, and diversity are paramount, and that how a person lives is less important than whether he lives as he prefers and chooses. We also worry, unfortunately with justification, that by tolerating departures from official neutrality, we risk allowing the state's coercive apparatus to be captured by fanatics, bullies, or worse. Neutralism also draws support from our uncertainty about where our deepest values lie and which ways of living really are best – an uncertainty that is the inevitable by-product of our (on the whole extremely salutary) critical attitude toward all belief. Given this confluence of factors, there is a strong sense in which all, or all but a very few, contemporary Americans and Europeans must feel the pull of neutralism. Thus, while my stance will be critical, my criticism will embody many of the liberal assumptions, and more of the spirit, of the view I criticize.

Nonetheless, I do think it is important at least to trim back some of liberalism's more extravagant claims, and so I must explain why. The

1. Because the neutrality principle has been so widely discussed, I cannot exhaustively enumerate the works in which it is defended. However, a partial list includes John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971); Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974); Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980); Ronald Dworkin, *A Matter of Principle* (Cambridge, Mass.: Harvard University Press, 1985); Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987); D. A. Lloyd-Thomas, *In Defence of Liberalism* (Oxford: Basil Blackwell, 1988); Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Oxford University Press, 1989); Richard Arneson, "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare," *Philosophy and Public Affairs* 19, 2 (Spring 1990), pp. 158–94, and "Primary Goods Reconsidered," *Nous* 24, 3 (June 1990), pp. 429–54. In addition, closely related theses can be extracted from such important works as John Stuart Mill's *On Liberty* (Indianapolis: Bobbs-Merrill, 1956) and Thomas Nagel's "Moral Conflict and Political Legitimacy," *Philosophy and Public Affairs* 16, 3 (Summer 1987), pp. 215–40.

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most straightforward reason, of course, is that it is important to believe truth and avoid falsehood, and – so I will argue – there is good reason to believe that neutralism *is* false. But quite apart from this, reliance on untenable principles and bad arguments is unlikely to help the liberal cause. Like Mill – himself the quintessential liberal – I believe that truth (and error) have a way of emerging; and I believe, too, that overstated claims tend to backfire. Thus, the best way to protect what is true and important about liberalism is to distinguish it clearly from what is exaggerated and untrue.

Even by themselves, these considerations would amply warrant a close examination of neutralism. But there is also a further and, to my mind, still more important reason – namely, that any truly neutral state must needlessly cut its citizens off from important goods. If, as I believe, some traits, activities, and ways of relating to people really are superior to others, and if there are no defensible reasons for governments *not* to promote these, then many citizens of neutral states will end up with lives that are not as good as they could be. Conversely, by combining some state efforts on behalf of the good with some liberal strictures against state excess, we may hope to increase significantly the likelihood that many citizens *will* live genuinely good lives.

## II

But how, exactly, can we accomplish this, and what are the costs and risks? My full answers must of course await the discussion to follow; but some initial discussion is in order. Hence, in this section, I shall simply state, without defense or much nuance, a few of the book's main claims about government. In the next section, I shall similarly sketch the book's claims about value.

### REASONS IN POLITICS

Consider first an objection that, if sound, would make short work of neutralism. To warrant serious consideration, the neutralist ideal must be one that governments can at least approach, even if not fully attain. But many believe that no government *can* even approach neutrality, since every law, policy, and political institution must automatically favor many conceptions of the good while disfavoring

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many others. For example, even an institution as necessary as a police force or army must require and reward traits like discipline, courage, and respect for authority. In so doing, it must favor all conceptions of the good that prize these traits over (say) spontaneity, gentleness, and compassion. This, it seems, is an obvious breach of neutrality. Moreover, the case is not isolated: governments also favor specific conceptions of the good by adopting particular tax structures, zoning laws, and environmental policies, and by taking countless other actions. But if breaches of neutrality are so pervasive and inevitable, then isn't neutralism doomed from the start?<sup>2</sup>

If this objection succeeded, there would be little point in going on. But most neutralists believe it does not, and their reasons are instructive. The standard response is to distinguish a stronger and a weaker version of neutralism. The stronger version asserts that governments may not adopt any laws or policies that *have the effect of* promoting any particular conceptions of the good, whereas the weaker asserts only that governments may not take any actions *in order to* promote any such conceptions. In Will Kymlicka's useful terms, the stronger version demands consequential, the weaker only justificatory neutrality.<sup>3</sup> This distinction is important because the current objection – that *any* government action must favor some conceptions of the good over others – tells only against the possibility of consequential neutrality. Hence, the obvious way to meet it is to interpret neutralism solely in justificatory terms. Under this interpretation, neutralism is exclusively a thesis about the *reasons* for which governments may act.

Like most neutralists, I believe the fundamental issue is one of justification; but, unlike them, I do not believe that any kinds of reasons are in principle inadmissible in politics. Instead, I believe it is no less legitimate for governments than for private individuals to try to promote the good. I believe, as well, that such efforts remain legitimate when made by individuals seeking to influence their government's laws, policies, or basic structure. In saying this, I do not mean to imply either that the reasons provided by the good can never be overridden or that role-related duties, such as the duties of the police to enforce the law or of diplomats to implement official policy, can never preempt reasons that otherwise would be decisive.

2. For argument along these lines, see Brian Barry, *Political Argument* (New York: Humanities Press, 1965), pp. 74–97.
3. Will Kymlicka, "Liberal Individualism and Liberal Neutrality," *Ethics* 99, 4 (July 1989), p. 884.

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I do mean, however, that in our prior deliberations about which laws and policies to adopt, questions about how it is best to live may never simply be “taken off the agenda.” In public as well as private life, the operative distinction is not between legitimate and illegitimate reasons, but rather between good and bad ones.

### DEMOCRACY

Even this very partial sketch of my position is likely to set off warning bells. If governments may act on beliefs that some *ways of living* are better than others, it seems a short step to the view that they may act on beliefs that some *types of persons* are better than others. This suggests that governments may legitimately discriminate in favor of some citizens – the “better” ones – at the expense of others. Just as disturbingly, it suggests that the state’s decisions are best made by a select class of overseers. In both ways, the resulting vision of politics may appear objectionably elitist.

But, in fact, both worries are groundless. To the suggestion that a nonneutral politics might sanction discrimination, the obvious reply is that even if no reasons for political action are in principle off limits, it hardly follows that all reasons are equally weighty, or even that every alleged reason must be taken seriously. It is, for example, quite clear that “reasons” of race, caste, and the like have no moral weight. They are, quite simply, bad reasons. Hence, even if arguments for (say) racial discrimination are not ruled out because they are nonneutral, they will be ruled out because their premises are indefensible. We can therefore admit the legitimacy of nonneutral political reasoning without worrying about legitimizing abhorrent forms of discrimination. Indeed, to show that a form of discrimination is *illegitimate*, the best strategy is publicly to consider, and decisively to refute, the best arguments advanced on its behalf.

Nor, second, does admitting nonneutral arguments require a decision-making elite; for the question of which grounds for political decisions are legitimate is quite different from the question of who should *make* those decisions. Because these questions are so different, the view that governments may adopt policies on the grounds that these will promote the good has no special link to the view that governments must be run by elites. To forge a link, one would have to argue that only an elite few can know enough about the good to make informed decisions about it. But, at least offhand, this is no

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more plausible than the comparable claim about (say) international economics or nuclear deterrence. Because even neutralists agree that government must address these issues, the charge of elitism is not one that they can easily press.

Because this book is not about political authority, I shall not try to decide among the competing theories of decision making. Instead, I shall simply assume that our own system of representative democracy is at least among the legitimate options. Thus, I shall argue that a democratic polity may, through its representatives, induce or even compel its own members to live what it collectively judges to be good lives. Although the idea of collective self-compulsion is, as always, faintly paradoxical, it is no more paradoxical when the aim is to promote the good than when it is (say) to maintain public order or protect the environment.

PROTECTIVE ARRANGEMENTS

I have just suggested that a nonneutral state need not be elitist. But in urging that nonneutral policies be adopted democratically, I may seem only to replace one danger with another. The new danger, of course, is that the majority will deal tyrannically with those who hold unpopular conceptions of the good. As liberals have long realized, we need protection both from the depredations of dominant groups and from the conflicts that arise when no group can achieve dominance. To shield us from these dangers, liberals advocate a fixed constitution, a system of divided government, and various procedural and substantive rights. If a nonneutral state must dismantle these structures, then any retreat from neutrality will be a retrograde step.

But this fear, too, is ungrounded, since a nonneutral state can retain most, if not all, of the classical liberal protections. Such a state is obviously compatible with a fixed constitutional framework, a settled procedure for amending the constitution, and the separation of different branches of government. It is no less compatible with the full range of procedural civil rights. Even if democratic governments may adopt laws whose aim is to promote the good, it does not follow that they may enforce these laws in arbitrary or oppressive ways. Even a nonneutral state can guarantee every accused person a speedy trial, and can protect every citizen from self-incrimination, cruel and unusual punishment, and arbitrary search and seizure.

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It can also guarantee most if not all of the substantive rights that liberals have traditionally favored. At first glance, this may not be obvious; for if citizens have rights to express themselves, practice their religion, travel, and own property, then governments cannot promote the good in any ways that these rights prohibit. But the ability to promote the good is not all-or-nothing, and even a set of rights that does protect some activities must leave many others unprotected. Hence, a democratic (or, for that matter, undemocratic) government can both acknowledge many substantive rights and still leave much latitude for nonneutral legislation.

The interesting question, of course, is how far that latitude should extend, and how the rights that limit it can be justified. If we reject the ideal of neutrality, we cannot say, with Ronald Dworkin, that civil rights exist precisely to disallow the policies that are most likely to be adopted for nonneutral reasons.<sup>4</sup> But even without this justification, there remain various reasons to protect especially sensitive or strategic areas of life. Although this approach is unlikely to validate all the rights that liberals have advocated or claimed to find in our Constitution – that, indeed, is what gives my position its bite – it is quite capable of allaying the most pressing liberal fears.

### III

To say that governments may legitimately try to promote the good is to take no special position about what *is* good. Moreover, to tie the case against neutralism to any single conception would be strategically unwise, since in a pluralistic society, no single conception can be expected to command general assent. Still, even granting this, there remain two compelling reasons to take and defend a position about the good life. One reason, internal to my argument, is that some who favor neutralism do so precisely on the grounds that no such position *can* be rationally defended. The most effective way to answer them is to offer an argument of the kind that they say cannot be produced. But another, even more important reason to mount such an argument is that the neutrality debate does not take place in a cultural vacuum. It occurs at a time when long-held values of virtue, excellence, and reason are under wide attack. Although the critics' positive proposals are often unclear, their challenge to the

4. Dworkin makes this suggestion in his important essay "Liberalism," in *A Matter of Principle*, pp. 196–97.

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familiar values is legitimate and urgent. In arguing for a very traditional list of the elements of a good life, I shall explore one possible way of meeting that challenge.

One way to classify substantive theories of the good is on a continuum from subjective to objective.<sup>5</sup> At the subjective end, we find the view that all value depends on people's actual preferences, choices, or affective states. Simply by wanting, choosing, or enjoying something, a person (somehow) *confers* value on it. A bit less extreme, but still quite subjective, is the view that what is valuable is not what persons actually want, choose, or enjoy, but what they *would* want, choose, or enjoy under (more) ideal conditions – for example, if they were more instrumentally rational, better informed, or better able to imagine alternatives. Still less subjective is the view that while the value of a trait or activity does depend on certain facts about the individual who has or engages in it, the relevant facts concern neither his actual nor his ideal desires, choices, or enjoyments, but certain broad capacities that all members of his species share. On this account, the good life for humans is the one that most fully realizes these fundamental capacities. Finally, at the extreme objectivist end of the spectrum, we find the view that the value of a trait or activity depends on nothing at all except its own nature. Because this view implies that the trait or activity would have the same value *whatever* else were the case, it alone treats that value as simply intrinsic.

This scheme is crude in various respects. For one thing, it ignores what many consider an important distinction between theories of what is good *for persons* and theories of what is good *simpliciter*. For another, it makes no mention of mixed theories, such as the view that both desire-satisfaction *and* various traits, activities, or types of relationship are good just in themselves. Still, despite these omissions, the scheme provides enough structure to allow me to introduce some definitions. In what follows, I shall call any variant of the first two views – any theory that traces all value to some combination of actual or ideal desires, choices, or enjoyments – a form of *subjectivism*. By contrast, if a view *denies* that these factors exhaust the determinants

5. By “substantive theories,” I mean theories that single out specific traits or activities as superior to others. Thus, as defined, the continuum does not include expressivism or any other variant of noncognitivism; for the primary question that these theories seek to answer is not Which things are good? but What do we mean (or what are we doing) when we say that something is good?

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of value, I shall call it a form of *perfectionism*. Because one version of what I shall call perfectionism grounds the good life for humans in the realization of their fundamental capacities, and because these fundamental capacities are distinct from any of the specific activities or traits that realize them, some whom I classify as perfectionists do not believe that any activities or traits are *intrinsically* valuable. The related form of value that they do attribute I shall instead call *inherent*. Thus, on my account, one may qualify as a perfectionist by saying that certain activities and traits are either intrinsically or inherently valuable.<sup>6</sup> By introducing these definitions, I imply that subjectivism and perfectionism are exhaustive categories.<sup>7</sup> I imply, too, that if someone holds the mixed view that some value is conferred by actual or ideal desires, choices, or enjoyments while some is not, he counts as a perfectionist rather than a subjectivist.

Because “perfectionist” has no canonical meaning, it may be helpful to compare my definition to a number of others. Perhaps the most significant division is between those who interpret perfectionism only as a view about the good, and those who also take it to involve a view about the right. Of the latter thinkers, the most prominent is John Rawls, who defines perfectionism as the view that we should maximize human excellence.<sup>8</sup> (Later in *A Theory of Justice*, Rawls extends this definition to encompass the more moderate view that promoting excellence is only one duty among others.)<sup>9</sup> Among those who construe perfectionism only as a view about the good, some

6. My definition of perfectionism thus brings together two quite distinct ways of thinking about it; and this is an advantage because both are well represented in the literature. Vinit Haksar nicely captures the difference when he distinguishes weak perfectionism, which asserts that some forms of human life are superior to others because they “are more suited to human beings,” from strong perfectionism, which says that there are *x*’s and *y*’s such that “whatever human nature turns out to be . . . it would still be the case that *x* would be superior to *y*” (Vinit Haksar, *Equality, Liberty, and Perfectionism* [Oxford: Oxford University Press, 1977], pp. 3–4).
7. Because the two categories are exhaustive, any substantive approach to value that I have not yet mentioned will have to fall in one or the other. Given the definitions I have introduced, the different variants of the Divine Command (or, as we might say, Divine Approval) theories will count as subjectivist, whereas a theory like Nozick’s, which identifies a thing’s value with its degree of organic unity, will count as perfectionist. (For discussion, see Robert Nozick, *Philosophical Explanations* [Cambridge, Mass.: Harvard University Press, 1981], ch. 5.) These classifications seem intuitively acceptable.
8. Rawls, *A Theory of Justice*, p. 25. See also Thomas Hurka, “Perfectionism,” in Lawrence Becker, ed., *The Encyclopedia of Ethics* (New York: Garland, 1992), pp. 946–49, and Thomas Hurka, *Perfectionism* (Oxford: Oxford University Press, 1993).
9. Rawls, *A Theory of Justice*, pp. 325–32.

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take it to equate the good with excellence or perfection itself,<sup>10</sup> others take it to equate the good with the advanced development, or perfection, of certain characteristically human capacities,<sup>11</sup> and still others take it to say only that some traits, activities, or forms of life are intrinsically better (or more “perfect”) than others.<sup>12</sup> Although my definition differs from all of these, it coincides roughly with the conjunction of the last two. Also, although I do not include any of the other claims in my definition, I do agree that excellence is one (though not the only) perfectionist good and that both individuals and the state ought to promote (though not maximize) such goods. Thus, in the end, my view will incorporate much, though far from all, of what most perfectionists have wanted to say.

One need not, of course, be this or any other kind of perfectionist to be opposed to neutralism. Instead, even someone who believes that only enjoyment or desire-satisfaction has value can take the position that some activities, traits, or relations are more conducive to it than others; and he can say, further, that the state should promote these value-conducive activities and traits while discouraging or suppressing others. Such a person would clearly be a subjectivist rather than any kind of perfectionist; but because he would believe that the state should promote (what he takes to be) the good, he would, on at least some readings, not be a neutralist.

Still, despite this possibility, the affinities between neutralism and subjectivism remain clear and close. Other things being equal, each person can be presumed to know his own desires and tendencies best, and each can be presumed to care more than others about his own satisfaction and enjoyment. These facts give subjectivists special reasons to doubt that governments can effectively promote the good. Also, because the (criminal) law affects behavior by attaching penalties to some choices, it is not a promising mechanism for promoting any values that stem *from* people’s choices. For both reasons, it is easiest to hold that governments should not try to promote the good

10. This, for example, is the view of the good that Rawls sometimes seems to associate with perfectionism; see *A Theory of Justice*, p. 325 (though for remarks that may imply a different view, see p. 331).
11. One contemporary philosopher who understands perfectionism in this way is James Griffin in *Well-Being* (Oxford: Oxford University Press, 1986), ch. 4. The classic theory of this sort is of course Aristotle’s.
12. This view is what Vinit Haksar calls “strong perfectionism” (see note 6). Another philosopher who seems to accept this definition of perfectionism is Arneson in “Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare.”