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## 1

EQUALITY, TOLERANCE,  
AND CULTURAL OPPRESSION

**L**IBERALISM is the dominant political ideology in North America and Western Europe. Liberalism is not a unified doctrine; its proponents range from Scandinavian social democrats to American libertarian capitalists. All varieties of liberalism, however, share a commitment both to the equal moral worth of persons and to the tolerance of diverse points of view on how lives should be lived. Liberalism originated in seventeenth- and eighteenth-century struggles against the aristocratic state and its established church. So one of its original tasks was to defend equality by arguing for the equal moral worth of the members of all social groups, both aristocrats and commoners. Its other important task was to defend tolerance by giving a theoretical account of how diverse religious views, both established and nonconformist, could coexist in one state. By failing to contest cultural oppression, I shall argue, contemporary liberalism has overemphasized tolerance at the expense of equality.

## LIBERALISM, EQUALITY, AND TOLERANCE

Tolerance has remained a major feature of twentieth-century liberalism in both its libertarian and egalitarian variants. Tolerance for competing versions of the good life distinguishes libertarians from Christian fundamentalists, however much they may agree on government economic policy. And a commitment to tolerance distinguishes liberal egalitarians from the socialist egalitarians of the old USSR. Recent liberal writing incorporates tolerance through the principle of state neutrality. Dworkin defines neutrality like this:

Liberalism commands tolerance; it commands, for example, that political decisions about what citizens should be forced to do or prevented from doing must be made on grounds that are neutral among the competing convictions about good and bad lives that different members of the community might hold.<sup>1</sup>

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The liberal state is to remain agnostic about the truth or falsity of different substantive conceptions of how to lead a good life. That a life should be lived as a hermit in the desert is a disputable conception of the good. However, it is not for the state to resolve the debate. But what are the limits to tolerance? That a life should be lived promoting the subordination of women to men is also a disputable conception of the good life. Should the liberal state be neutral in this regard? If not, what is the relevant difference? Does liberalism require the “general tolerance of illiberal bigots”?<sup>2</sup>

Liberalism does distinguish between the foregoing two substantive views of the good life. Reasonable people might disagree about the value of a life lived as a hermit, but the view that women should be subordinated to men is not just disputable, it is inconsistent with fundamental liberal premises. Liberalism is committed to *the equal moral worth of persons*, the ethical principle that no person intrinsically matters more than any other. At the most abstract level, every person has a highest-order interest in leading as meaningful, valuable, and worthwhile a life as possible. To the liberal, then, the interests of all individuals in leading as good a life as possible matter equally, contrary to the view that women’s interests should be subordinated to those of men. Reasonable, liberal people should not disagree about the wrongness of the subordination of women. Let us examine how this conclusion follows from Rawls’s argument for tolerance.

Though all persons are alike in possessing an abstract interest in a good life, each person’s concrete interests, his or her conception of the good, will be unique. Rawls gives an account of why reasonable people, people who are willing to propose and abide by fair terms of cooperation with other free and equal persons, will differ in their substantive conceptions of the good.<sup>3</sup> The most conscientious attempts to reach agreement on how to live a good life can founder on what he calls the “burdens of judgement.” The burdens of judgement are cognitive factors that unavoidably hamper the pursuit of ethical knowledge. People can quite reasonably make different judgements about the good because, among other reasons, the empirical evidence either way is conflicting, the appropriate weights to be given to various considerations are not determinable, the concepts employed are vague, and the people involved differ in terms of cultural background. Different people can quite reasonably come to believe in the truth of different comprehensive doctrines about the good. Because of the indeterminacy of ethical

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knowledge, a democratic society will come to contain a plurality of reasonable comprehensive ethical doctrines.

Reasonable people, Rawls thinks, will accept the consequences of these epistemic impediments to agreement when using the coercive power of the state. This claim leads to the following argument for tolerance:

... reasonable persons will think it unreasonable to use political power, should they possess it, to repress comprehensive views that are not unreasonable, though different from their own. This is because, given the fact of reasonable pluralism, a public and shared basis of justification that applies to comprehensive doctrines is lacking in the public culture of a democratic society. But such a basis is needed to mark the difference, in ways acceptable to a reasonable public, between comprehensive beliefs as such and true comprehensive beliefs.<sup>4</sup>

Because of the burdens of judgement, no procedure exists by which reasonable people could agree to declare false the belief that life is best lived as a hermit. A democratic society of reasonable people cannot repress this conception of the good on the grounds that it is false, for no reasonable agreement to this effect will exist. The liberal state must be neutral between reasonable doctrines of the good life.

Now consider the moral belief that women do not matter as much as men and therefore should play subordinate roles. This belief is inconsistent with a fundamental assumption behind the project of Rawls's political liberalism. One fundamental idea implicit in the public culture of a democratic society is the view that all persons are equal who, to the requisite minimum degree, have the capacity for a sense of justice, a conception of their own good, and the powers of reason.<sup>5</sup> Political liberalism aims to specify "the fair terms of social cooperation between citizens regarded as free and *equal*"<sup>6</sup> (emphasis added). The equal moral worth of persons is not a postulate with which reasonable people in a democratic society are asked to agree or disagree; agreement to this principle is a precondition of being a reasonable person in a democratic society. Reasonable people are required to regard a belief in the equal moral worth of persons as an antecedent condition of the justification of principles of justice.<sup>7</sup> So a reasonable public, despite the burdens of judgement, does have a basis for judging that a belief in the subordination of women is false. Rawls's argument for tolerance does not apply to a belief that persons in one group matter less than persons in another. Rawls's liberalism is committed to both tolerance

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and equality; the difference is that tolerance emerges as the conclusion of an argument from epistemic constraints, while equality is an underlying presupposition. The liberal state should be agnostic about the value of being a hermit, but it should not be agnostic about the equal value of people.<sup>8</sup>

Similarly, Dworkin's ethical liberalism begins from the "abstract egalitarian thesis" that "from the standpoint of politics, the interests of the members of the community matter and matter equally."<sup>9</sup> He develops his position on equality of resources, tolerance, and state neutrality from an interpretation of what people's highest-order interests are and from an interpretation of what it means to treat these interests equally. His strategy of argument "hopes to arrive at neutrality in the course of rather than at the beginning of the argument, as a theorem rather than as a methodological axiom."<sup>10</sup> For Dworkin, tolerance is the conclusion of an argument whose premise is equality.

So liberalism must distinguish between (1) conceptions of the good whose truth or falsity is a matter on which reasonable people might disagree and (2) conceptions of the good that are inconsistent with the fundamental ideas implicit in a democratic society. Of beliefs about the good that reject the equal moral worth of persons, Rawls says the following:

Political liberalism also supposes that a reasonable comprehensive doctrine does not reject the essentials of a democratic regime. Of course, a society may also contain unreasonable and irrational, and even mad, comprehensive doctrines. In their case the problem is to contain them so that they do not undermine the unity and justice of society.<sup>11</sup>

Dworkin's liberalism is also committed to tolerance and state neutrality, though for different reasons, reasons that I shall later discuss at length. Nevertheless, he does impose a similar qualification on liberal tolerance:

Nor is liberal equality's tolerance global. Any political theory must disapprove other theories that dispute its principles; liberal equality cannot be neutral toward ethical ideals that directly challenge its theory of justice. So its version of ethical tolerance is not compromised when a thief is punished who claims to believe that theft is central to a good life. Or when a racist is thwarted who claims that his life's mission is to promote white superiority.<sup>12</sup>

Liberalism requires tolerance of all manner of views on how to lead a worthwhile life, but not of views that deny the fundamental assumption of moral equality. Liberal neutrality requires that the liberal state

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neither promote beliefs about the good on the grounds that they are true nor hinder their communication on the grounds that they are false. But it does permit the state to take action against conceptions of the good which, falsely, deny the equal moral worth of persons.

However, this way of interpreting the limits to tolerance overstates the liberal position. The logical inconsistency between unjust beliefs and liberal principles is not enough to legitimize the repression of someone who holds these beliefs. For instance, we can imagine a solitary monarchist who, from her soapbox in the park, preaches the ideal of the aristocratic state to an audience of jeering school children. Her beliefs contradict liberalism's principle of equal rights, but because she has no support, her views present no danger to society and are harming nobody.<sup>13</sup> The limits to tolerance are set not by a theoretical challenge to liberal principles but by a practical challenge to a liberal society and its members. We can imagine, instead, that the monarchist leads a large political party running a promising election campaign on a platform that consists in replacing the liberal constitution with an aristocracy of party stalwarts. In this context, the liberal state will be justified in opposing these aristocratic views by coercive means. For example, the Weimar Republic would most certainly have been justified in outlawing the National Socialist German Workers' Party in the 1920s, as is the present German state for outlawing it now.<sup>14</sup>

It follows that liberalism must divide ethical doctrines into at least the following categories:

- (1) Doctrines whose truth or falsity is a matter on which reasonable people can disagree.
- (2) Doctrines whose falsity is a matter on which reasonable people must agree, because the doctrines make claims that are inconsistent with respecting the equal moral worth of persons, and thus with liberal principles.
- (3) Doctrines of the second sort whose practice or promulgation harms, or threatens to harm, liberal society.

Also, the harm done by a monarchist political party whose demonstrations disrupt traffic and litter the city with leaflets differs from the harm done by a monarchist party which seizes the reins of government. Liberalism will need to distinguish a fourth category:

- (4) Doctrines of the third sort which harm fundamental, highest-order interests.

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When Rawls talks of setting aside tolerance for doctrines that “undermine the unity and justice of society,” and Dworkin of doing the same for doctrines that “directly challenge” liberalism’s theory of justice, we best interpret them as referring to doctrines of the fourth type. The liberal state must take an activist stance toward this last category of ethical doctrines.

Monarchists and fascists present both a theoretical challenge to liberal principles and, in sufficient numbers, a practical challenge to liberal society. Liberal tolerance comes to an end for views like these that are false, inconsistent with liberal principles, and threaten significant harm to society as a whole. But it should also be concerned with false, unjust views that are harmful to individual members of society. Again the same pattern emerges. In a society truly free of racism, one in which all traces of legal discrimination, economic discrimination, and culturally formed racist attitudes and behaviour patterns had disappeared, a solitary white man preaching the subordination of people of African descent would be a tolerable eccentric, though his views would be both false and inconsistent with liberal equality. It would be only when a large number of others had joined him in his attitudes and behaviour that his views would generate the network of force, threats of force, economic discrimination, and cultural attitudes that would amount to oppression.

People most often think of oppression only as something that a state does to its citizens. The use of armed force against its own citizens, as in Stalinist Russia, is both obvious and in violation of the liberal principle of state neutrality. But oppression can take a more subtle form when the actions of citizens themselves bring it about. In *On Liberty*, Mill warned against social oppression, as well as state oppression:

... when society itself is the tyrant – society collectively, over the separate individuals who compose it – its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating more deeply into the details of life, and enslaving the soul itself. Protection, therefore against the tyranny of the magistrate is not enough: there needs protection also against the tyranny of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the

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development, and if possible, prevent the formation, of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own.<sup>15</sup>

Social oppression, “the tyranny of society,” arises from a diffuse source, “society collectively,” and can “enslave the soul” of an individual, bringing her attitudes into conformity with the norms of the culture.

Social oppression takes many forms: violence, threats of violence, threats of ostracism, economic discrimination, and so on. I am going to be concerned, in this essay, chiefly with just one form that oppression takes: the cultural formation of attitudes and beliefs about inequality. This form of oppression underlies and sustains the others. Susan Sherwin, in her summary of feminist thinking on oppression, writes:

The most obvious systems of oppression are those maintained by the power of the state through the use of armed force . . . But other systems of oppression, including sexism, are so well established that they have been internalized by both those who suffer under them and those who benefit from them; they remain invisible to many of the people most directly involved. Many women have learned to accept as natural the socially determined obstacles that they confront and do not perceive such obstacles as restrictive.<sup>16</sup>

Many members of subordinate groups find overt forms of discrimination natural, acceptable, normal, and unremarkable. One reason is that they come to believe their projects to matter less than the projects of members of the dominant group. They fail to notice overt forms of oppression as wrong because they implicitly believe in their own unequal worth as persons. This theoretical belief usually is not explicitly formulated and avowed. It is tacitly believed without ever being reflected on critically. When inequality is accepted as natural, oppression has, in Mill’s words, “enslaved the soul itself.”

Reasonable people must agree on the moral equality of persons. A belief in the moral equality of persons cuts two ways. It implies both that a person must regard others as her equals and that she must regard herself as the moral equal of others. Consequently, if someone comes to believe that her good matters less than the good of others because of her membership in some group, then, for the liberal, her belief is false. Liberalism must recognize enculturated beliefs in moral inequality as false because they are inconsistent with its foundational assumption of the equal moral worth of persons. A regime of cultural oppression often falls selectively on different groups, systematically making members of one group undervalue the worth of their own projects. An oppressed

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group is labelled as being of lesser moral worth by the dominant culture, and its members frequently believe that labelling. Because of her group membership, someone may value her own projects falsely and come to believe that her good matters less than does the good of members of another group. An oppressive culture misrepresents to members of oppressed groups both the value of their projects and their entitlements to resources. Cultural oppression thus perpetrates a harm somewhat akin to a fraud.

Can liberalism, consistent with its own principles, challenge cultural oppression? Does liberalism justify the state taking up an activist stance toward pollution of the cultural environment? Liberalism is a multifarious doctrine. Its various theoretical foundations include the contractarianism of Hobbes and Gauthier, the utilitarianism of Mill, the self-ownership rights of Nozick, the political liberalism of Rawls, and the ethical liberalism of Dworkin and Kymlicka. I am going to take up these questions only with regard to egalitarian liberal theorists like Rawls, Dworkin, and Kymlicka. For one thing, focussing on egalitarian liberalism serves to keep the project within manageable limits. For another, convincing egalitarian liberals to address issues of cultural oppression is a task more likely to succeed than is convincing libertarians of the same point. A theorist who is prepared to countenance the unequal distributions of economic goods permitted by libertarian theories is unlikely to take seriously the problem of cultural oppression. Finally, I believe that egalitarian liberalism has a better theory of justice than does any of the other liberalisms, though I shall not argue this large conclusion here.<sup>17</sup>

Kymlicka, by way of illustration, recognizes the existence of cultural oppression but argues that the liberal state should maintain its neutral stance and not intervene:

Liberals tend to believe that cultural oppression cannot survive under conditions of civil freedom and material equality. But there may be some false and pernicious cultural representations that are invulnerable to social criticism, that survive and even flourish in a free and fair fight with the truth. Pornography and other cultural representations of women, are an example. Liberals believe that if pornography does not harm women, then the falseness of its representations of sexuality is not grounds for restricting it, not because ideas are powerless, but because freedom of speech and association in civil society is a better testing ground for ideas than the coercive apparatus of the state.<sup>18</sup>

On the contrary, I shall contend that the liberal state is justified in taking an activist stance in dealing with the misrepresentation of oppressed



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groups. It is so justified because the false representation of the oppressed as morally unequal is a harm to them. But the nature of this harm needs spelling out.

The pattern of harm in cultural oppression is analogous to the pattern of harm generated in important cases of pollution of the natural environment. Rachel Carson described the pattern of harm brought about by pesticides in her famous book *Silent Spring*:

We know that even single exposures to these chemicals, if the amount is large enough, can precipitate acute poisoning. But this is not the major problem. The sudden illness or death of farmers, spraymen, pilots, and others exposed to appreciable quantities of pesticides are tragic and should not occur. For the population as a whole, we must be more concerned with the delayed effects of absorbing small amounts of the pesticides that invisibly contaminate our world. Responsible public health officials have pointed out that the biological effects of chemicals are cumulative over long periods of time, and that the hazard to the individual may depend on the sum of the exposures received throughout his lifetime. For these very reasons the danger is easily ignored.<sup>19</sup>

Pesticides accumulate in the environment and in people from a variety of sources. In some cases there is a determinate cause of the harm; in others, there is no one source that can be pointed to as the cause of the harm. Some sources of pollution, such as large factories, can generate harmful amounts of pollution all by themselves. However, the pollution created by a single small source often does not overload the earth's natural stabilizing mechanisms. The atmosphere and the land can easily cope with the emissions of just one automobile. Nevertheless, the emissions of millions of cars can accumulate, as they do in Mexico City, to a level that causes serious harm to people. Similarly the practices of a solitary racist, in isolation, have negligible effect on the cultural environment. Yet the situation is different when a significant portion of the society either openly espouses or implicitly accepts racist ethical doctrines. In this context, cultural oppression exists, and serious harm can be done to members of the group being labelled less than equal. The widespread practice and promulgation of racist ethical doctrines contribute to the pollution of the general cultural environment.

Cultural oppression, the pollution of the cultural environment by the expression of views that deny the equal moral worth of persons, is the topic of this essay. The essay will stress the analogy between cultural oppression and pollution of the natural environment, so it is worth pointing out where the analogy breaks down. The difference is that in

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non-point-source pollution of the natural environment the harm is often overt. People in Mexico City are well familiar with teary, irritated eyes and breathing problems. People can dispute about what the thresholds are, but at some level of pollution they will agree on the existence of a problem. Cultural oppression is not like that. Cultural oppression is covert; it functions to make inequality of moral worth seem natural to both dominant and subordinate groups. Those afflicted by cultural pollution frequently will truly believe inequality to be appropriate. Unlike the people in Mexico City, they will not notice their affliction. However, we can draw a parallel to another type of environmental pollution where the harm is hidden, and we must appeal to theory to discover it. For instance, it often takes chemical analysis to reveal the presence of pesticides in the drinking water, and it may take further scientific research to decide what the threshold of harm is. Cultural pollution is more like the pesticide case. As in the pesticide case, we have to appeal to theory – here, the agreed-upon liberal principle of the equal moral worth of persons – to see that people’s beliefs in inequality are false. Then, to justify state action, we have to seek further argument to show that leading people to have false ethical beliefs is a harm.

If it can be shown to be a harm, the damage to victims of cultural oppression will resemble the damage to victims of an undiscovered fraud. Both harms involve misrepresentation and false belief, though in one case a false ethical belief, and in the second, a false factual belief. Both harms are covert; a victim of an undiscovered fraud does not know she has been defrauded, and a victim of cultural oppression thinks her plight to be natural. But the analogy breaks down in the genesis of the harms. A fraud can be perpetrated only by a determinate individual who through a determinate action or set of actions knowingly or recklessly misrepresents important information on which he intends that his victim will rely. Cultural oppression, however, is not perpetrated by the malicious acts of a determinate individual, but by the normal practices of a group. Cultural oppression is what Joel Feinberg calls an “accumulative harm,” or so I shall argue in the next section.<sup>20</sup> There is no determinate individual who is at fault. It is perpetrated by the practices of a group of people who often are not intending anything in particular toward the victim.

Table 1 summarizes examples of the various types of harm under discussion. Physical violence is a paradigm harm. It is perpetrated by a determinate individual and is perfectly obvious to its victim. Fraud is also a harm recognized by liberalism. It also has a determinate individual