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978-0-521-62753-5 - Liberalism, Equality, and Cultural Oppression

Andrew Kernohan

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## LIBERALISM, EQUALITY, AND CULTURAL OPPRESSION

Liberal political philosophy emphasizes the benefits of membership in a cultural group and, in the opinion of this challenging new book, neglects its harmful, oppressive aspects. Andrew Kernohan argues that an oppressive culture perpetuates inegalitarian social meanings and false assumptions about who is entitled to what. Cultural pollution causes harm to fundamental interests in self-respect and knowledge of the good, harm that is diffuse, insidious, and unnoticed. This harm is analogous to environmental pollution, and though difficult to detect, it is nonetheless just as real. The book's conclusion is that a liberal state committed to the moral equality of persons must accept a strong role in reforming our cultural environment.

“Kernohan makes out a strong and daring case that the liberal state should not be neutral regarding people's conceptions of the good but should favor an egalitarian ethic and actively promote it within popular political culture. Socialists with this view of the role of the state have usually also been critics of liberalism per se. In this respect they have been like conservative counterparts who agree that the state should avoid value neutrality, but differ about what values it should favor. By contrast, Kernohan's challenge is internal to liberalism. It thus cannot be dismissed by liberal theorists. The book will surely spark a lively and important debate.”

Frank Cunningham  
Professor of Philosophy  
University of Toronto

Andrew Kernohan is an independent scholar, writing and teaching philosophy in Nova Scotia.

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## PREFACE

**I**N *On Liberty*, John Stuart Mill saw clearly a problem whose importance contemporary liberals have forgotten. The following quotation from *On Liberty* will serve as a motto for this book.

. . . 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. . . .<sup>1</sup>

Mill saw that the social and cultural environment of a society can prevent its members from leading the best life possible just as surely as can repression by the state. To Mill, writing in the middle of the nineteenth century, it seemed that stringent protection for freedom of expression would produce the necessary reforms to the cultural environment. To us, living at the end of the twentieth century, there is now much less reason to be optimistic about the efficacy of Mill's *laissez-faire* attitude toward the cultural environment. Expression in its various forms produces and sustains our cultural environment, and that environment is still, more than a century after Mill wrote, polluted with racist, sexist, classist, ableist, and heterosexist attitudes. Mill's solution to the problem of our oppressive cultural environment has misled contemporary liberalism.

The aim of *Liberalism, Equality, and Cultural Oppression* is to show that the egalitarian liberal state, the state consistent with the views of contemporary egalitarian liberals like John Rawls and Ronald Dworkin, ought to participate actively in the reform of the cultural environment. To do this, egalitarian liberalism must drastically modify its understanding of state neutrality. State neutrality is the doctrine

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that any actions – coercive, economic, or ideological – that the liberal state takes in society should not be based on the grounds that some conception of the good life is true or false. State neutrality, as liberals understand it, is implemented through unrestricted freedom of expression and a laissez-faire approach to the cultural marketplace. By contrast, I argue that the egalitarian liberal state ought, on the grounds of its own internal principles as properly understood, to adopt an advocacy strategy toward cultural reform. The advocacy strategy involves putting the non-coercive power of the state, its economic and ideological powers, actively behind cultural reform. The state should take an activist role on behalf of equality, both directly through participation in public forums and indirectly through support of groups working for social change. The advocacy strategy offers a new alternative to the familiar choice between coercive censorship and unrestricted freedom of expression, an alternative that the current debate has ignored.

The advocacy strategy retrieves from liberalism's most basic principles a more effective means for combatting cultural oppression. Again following Mill's *On Liberty*, liberalism allows that, just as the state should curtail the liberties of individuals to prevent harm to others, so also the state should modify its neutrality to prevent harm. I shall argue that the advocacy strategy is justified within liberalism by showing that certain aspects of a cultural environment can be harmful. A cultural environment is created and sustained by the expressive activities of its members. Now, there is already some awareness among liberals of the harmful consequences of free expression and the ways in which widespread cultural images and representations can legitimate and perpetuate unjust practices. For example, because people identify with their racial and ethnic groups, hate speech directed at a given group can be offensive and destructive of self-respect. For this reason, some liberals think that speech codes or legislation against hate speech can be justified. Without detracting from the importance of such harms, I wish to emphasize another harm caused by the cultural environment that is equally important, more pervasive, and even more difficult to detect. This is the harm of interfering with one of an individual's most important interests: her interest in forming a conception of what is meaningful and valuable in her life.

Liberals, such as Will Kymlicka, who have recognized the importance of the cultural environment in the formation of a person's conception of the good have seen cultural membership as beneficial to learning about the good. On this view, cultural membership provides a

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range of options from which people can choose their conceptions of the good life, and it shows them the content, meaning, and value of these options. In this book, however, I shall emphasize the harmful side of cultural membership. As Michael Walzer has pointed out, cultural membership also attaches social meanings to options that implicitly show people what their legitimate expectations are. Social meanings show not only what value options have but also how options should be distributed. Within the shared social meanings of a culture, people see themselves as entitled, or not entitled, to the options that make a good life possible. This is most blatant in a caste society, where someone's caste is understood to determine how his life should go. Though less obvious, it is still prevalent in non-caste societies, where people come to understand the appropriateness of roles, occupations, and lot in life to be determined by race, gender, and natural ability. If people form their conceptions of the good on the basis of false distributional assumptions, then their interest in knowing the good is harmed. They are harmed even if their self-respect is not undermined. People who are socialized into accepting subordinate roles will not be offended by expression that reinforces those roles.

In general liberals do not take a stand on the truth or falsity of a person's beliefs about what constitutes the good life. That is the point of the liberal commitment to tolerance and the neutrality of the state. They believe that it is better for a person to work out her own mistakes. However, there is one ethical belief on which egalitarian liberals must make a stand: egalitarian liberals are committed to the equal moral worth of persons. Furthermore, they are committed to a strong version of moral equality. On the one hand, they think that people should be responsible for the choices they make. So it is fair that how well a person's life goes should reflect the decisions he has made. On the other hand, they think it is unfair that how a person's life goes should reflect factors for which he is not responsible. So he does not deserve any less chance of a good life because of factors which are arbitrary from a moral point of view, factors such as his race, gender, natural abilities, or sexual orientation. For egalitarian liberals this commitment to the moral equality of persons is conceptually prior to their commitment to tolerance and state neutrality. Tolerance and neutrality are an interpretation of moral equality. Consequently, someone's belief that she deserves less out of life because of her gender is a false belief within egalitarian liberalism's own framework. If she forms a conception of her good on the basis of this false belief, her knowledge of the good is undermined. If

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her false belief arises because of the distributional social meanings attached to goods by her culture, then she has been harmed by her cultural environment.

Egalitarian liberals can make sense of a harm to someone's interest in knowing her good only if they are cognitivists in metaethics. Cognitivism is the view that ethical knowledge is possible, that value judgements are beliefs about value that can be true, justified, and not dependent on other false beliefs. It contrasts with noncognitivism, the view that value judgements are no more than expressions of emotion, subjective preferences for one thing or another. In the past, liberals typically have been noncognitivists about the good and have seen judgements of value as expressions of preference. This has fitted well with a defence of economic markets as mechanisms of distribution; intensity of preference is revealed by willingness to pay in a free market. The view that judgements of value are expressions of preference gives a plausible account of very simple choices that people make, like choosing a drink at a bar, but it cannot account for more sophisticated reasoning about ultimate ends. Deliberation about ends, about the projects, relationships, and ethical or religious convictions that give meaning to a life, is not like choosing a drink. Recently, I argue, egalitarian liberals like Rawls and Dworkin have tended toward views that are implicitly cognitivist in outlook. The attempt to give an adequate account of deliberation about ends has pushed egalitarian liberals to the view that value is something about which people form and test beliefs, and seek knowledge.

This incipient cognitivism has important implications for understanding cultural oppression. Once a person's interest in knowing the good is recognized, it becomes possible to see the harm that cultural membership can bring about. Typically someone is thought to be harmed when she is prevented from getting what she wants, or is made to take what she does not want. Harm is overt; people realize that they are being harmed. An oppressive cultural environment does not harm overtly; rather, it "enslaves the soul itself." People are not discontented or unhappy, for they accept inequalities as natural. On the cognitivist view, a person's wants – not her tastes in ice cream, but her ultimate ends in life – are based on beliefs about what is valuable and gives meaning to life. Her beliefs about what is good for her will depend on her beliefs about what she may legitimately expect. If the content of her beliefs about her legitimate expectations is infected with false, inegali-



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tarian social meanings, then her knowledge of her good will be undermined. She can be harmed by her cultural environment even if she does not realize it.

There is a second reason why the harm done by an oppressive cultural environment is difficult to recognize. Such a harm is cumulative in nature; it cannot be traced back to any single expressive act or cultural representation. Inegalitarian social meanings are created and sustained by a multitude of expressive acts – “society collectively” – not by any individual act of expression. The harm done by an oppressive cultural environment is analogous to the harm done by certain types of environmental pollution. Sometimes harm is caused by point-source pollution, as, for instance, by a particular factory smokestack or farm manure pile. At other times, however, harm is brought about by non-point-source pollution, as, for instance, by the millions of cars in a large city. Pollution of the cultural environment is non-point-source pollution; the harm of cultural oppression cannot be blamed on any particular person’s conduct. Analogously, Marilyn Frye has likened oppression to a cage; one bar of the cage will not hold the prisoner, but all the bars together will. The liberal harm principle has often been interpreted as applying only to individual conduct, not to the prevention of a more general harmed condition. This weak interpretation of the harm principle would not permit state action to prevent non-point-source environmental pollution. However, the strong interpretation of the harm principle would permit state action against both non-point-source pollution and an oppressive cultural environment, though it should be the smallest intervention possible that could still prevent the harm. The coercive power of the state is too blunt an instrument for dealing with the subtleties of cultural reform. Consequently, the advocacy strategy, not the censorship strategy, is the best response to cultural oppression.

This introduction has presented the argument of the book in reverse, starting with its conclusion that the egalitarian liberal state should play an activist role in cultural reform, and sketching the arguments that lead to it. The body of the book gives the argument in the other direction. It begins with a characterization of cultural oppression as an accumulative harm to someone’s interest in knowing the good, describes how egalitarian liberals have become implicit cognitivists about the good, sets out what egalitarian liberalism should mean by “the moral equality of persons,” sketches how people can take up inegalitarian

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social meanings from their culture, interprets state neutrality as requiring state action to prevent or mitigate such cultural harms, and finally defends the advocacy strategy for cultural reform against the standard liberal concerns about freedom of expression.

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