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Liberal Individualism and Liberal Neutrality*

Will Kymlicka

A distinctive feature of contemporary liberal theory is its emphasis on “neutrality”—the view that the state should not reward or penalize particular conceptions of the good life but, rather, should provide a neutral framework within which different and potentially conflicting conceptions of the good can be pursued. Liberal neutrality has been criticized from many angles, but I will be concerned here only with the connection critics draw between neutrality and individualism, particularly in the context of Rawls’s theory of justice. One of the most persistent criticisms of Rawls’s theory is that it is excessively individualistic, neglecting the way that individual values are formed in social contexts and pursued through communal attachments. I will distinguish three different ways that critics have attempted to connect neutrality and individualism and argue that all rest on misinterpretations of Rawls’s theory. However, there are important aspects of the relationship between individual values and social contexts which Rawls does not discuss, and I hope to show that the dispute over liberal neutrality would be more fruitful if both sides moved away from general questions of “individualism” toward more specific questions about the relationship between state, society, and culture in liberal democracies.

DEFINING LIBERAL NEUTRALITY

What sort of neutrality is present, or aspired to, in Rawls’s theory? Raz distinguishes two principles which he believes are present, and inadequately distinguished, in liberal writings on neutrality. One, which Raz calls “neutral political concern,” requires that the state seek to help or hinder different life-plans to an equal degree—that is, government action should have neutral consequences. The other, which Raz calls the “exclusion of ideals,” allows that government action may help some ways of life more than others but denies that government should act in order to help some ways of life over others. The state does not take a stand on which ways of life are most worth living, and the desire to help one way of life over another

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is precluded as a justification of government action. The first requires neutrality in the consequences of government policy; the second requires neutrality in the justification of government policy. I will call these two conceptions consequential and justificatory neutrality, respectively.

Which conception does Rawls defend? Raz argues that Rawls endorses consequential neutrality,¹ and some of Rawls's formulations are undoubtedly consistent with that interpretation. But there are two basic tenets of Rawls's theory which show that he could not have endorsed consequential neutrality. First, respect for civil liberties will necessarily have nonneutral consequences. Freedom of speech and association allow different groups to pursue and advertise their way of life. But not all ways of life are equally valuable, and some will have difficulty attracting or maintaining adherents. Since individuals are free to choose between competing visions of the good life, civil liberties have nonneutral consequences—they create a marketplace of ideas, as it were, and how well a way of life does in this market depends on the kinds of goods it can offer to prospective adherents. Hence, under conditions of freedom, satisfying and valuable ways of life will tend to drive out those which are worthless and unsatisfying.

Rawls endorses such a cultural marketplace, despite its nonneutral consequences. Moreover, the prospect that trivial and degrading ways of life fare less well in free competition is not something he regrets or views as an unfortunate side effect. On the contrary, the liberal tradition has always endorsed civil liberties precisely because they make it possible "that the worth of different modes of life should be proved practically."²

Consequential neutrality is also inconsistent with Rawls's explanation of the role of "primary goods." They are supposed to be employable in the pursuit of diverse conceptions of the good. But not all ways of life have the same costs, and so an equal distribution of resources will have nonneutral consequences. Those who choose expensive ways of life—valuing leisure over work, or champagne over beer—will get less welfare out of an equal bundle of resources than will people with more modest tastes. This is unlike an equality of welfare scheme, in which those with expensive tastes would be subsidized by others in order to achieve equality of welfare. On an equality of welfare scheme, resources would be unequally distributed so that every way of life is equally helped, no matter how expensive—those who wish beer get enough money for beer, those who wish champagne get enough money for champagne.

Rawls favors equality of resources, despite its nonneutral consequences and, indeed, because it prohibits excess demands on resources by those with expensive desires:

It is not by itself an objection to the use of primary goods that it does not accommodate those with expensive tastes. One must argue

1. Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), p. 117.
2. J. S. Mill, *On Liberty*, ed. David Spitz (New York: Norton, 1975), p. 54.

in addition that it is unreasonable, if not unjust, to hold people responsible for their preferences and to require them to make out as best they can. But to argue this seems to presuppose that citizens' preferences are beyond their control as propensities or cravings which simply happen. Citizens seem to be regarded as passive carriers of desires. The use of primary goods, however, relies on a capacity to assume responsibility for our ends. This capacity is part of the moral power to form, to revise, and rationally to pursue a conception of the good. . . . In any particular situation, then, those with less expensive tastes have presumably adjusted their likes and dislikes over the course of their lives to the income and wealth they could reasonably expect; and it is regarded as unfair that they now should have less in order to spare others from the consequences of their lack of foresight or self-discipline.³

Since individuals are responsible for forming "their aims and ambitions in the light of what they can reasonably expect," they recognize that "the weight of their claims is not given by the strength or intensity of their wants and desires."⁴ Those people who have developed expensive tastes in disregard of what they can reasonably expect have no claim to be subsidized by others, no matter how strongly felt those desires are.⁵

So the two fundamental components of liberal justice—respect for liberty and fairness in the distribution of material resources—both preclude consequential neutrality. However ambiguous his terminology is, Rawls has to be interpreted as endorsing justificatory neutrality.⁶ As

3. John Rawls, "Social Unity and Primary Goods," in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), pp. 168–69; see also Rawls, "Fairness to Goodness," *Philosophical Review* 84 (1975): 553.

4. John Rawls, "Kantian Constructivism in Moral Theory: The Dewey Lectures 1980," *Journal of Philosophy* 77 (1980): 545.

5. This principle of responsibility is also central to Dworkin's equality of resources scheme: the cost to others of the resources we claim should "figure in each person's sense of what is rightly his and in each person's judgment of what life he should lead, given that command of justice" (Ronald Dworkin, "What Is Equality? Part 2," *Philosophy and Public Affairs* 10 [1981]: 289). Indeed, Dworkin's scheme does a better job than Rawls's difference principle of distinguishing the costs that people are responsible for from the costs that are an unchosen part of people's circumstances. Some people argue that an accurate assessment of individual responsibility requires going beyond either primary goods or equality of resources to "equal opportunity for welfare" (Richard Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 55 [1989]: 79–95), or "equal access to advantage" (G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics*, in this issue). While these critiques of Rawls's account of primary goods are important, they are not moves away from justificatory neutrality.

6. Although I cannot argue the point here, I believe that the other major statements of liberal neutrality must similarly be interpreted as endorsing justificatory neutrality—e.g., Bruce Ackerman, *Social Justice in the Liberal State* (New Haven, Conn.: Yale University Press, 1980), pp. 11, 61; Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), chap. 3, esp. pp. 44–47; Ronald Dworkin, "Liberalism," in *Public and Private Morality*, ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978), p. 127, and *A Matter of Principle* (London: Harvard University Press, 1985), p. 222; Robert Nozick, *Anarchy, State and Utopia* (New York: Basic, 1974), pp. 272–73 (for an extended exegetical discussion of these passages, see David Knott, *Liberalism and the Justice of Neutral*

Rawls puts it, government is neutral between different conceptions of the good, “not in the sense that there is an agreed public measure of intrinsic value or satisfaction with respect to which all these conceptions come out equal, but in the sense that they are not evaluated at all from a social standpoint.”⁷ The state does not justify its actions by reference to some public ranking of the intrinsic value of different ways of life, for there is no public ranking to refer to. This kind of neutrality is consistent with the legitimate nonneutral consequences of cultural competition and individual responsibility. Indeed, and I’ll return to this point, one might think that good ways of life are most likely to establish their greater worth, and individuals are most likely to accept responsibility for the costs of their choices, when the state is constrained by justificatory neutrality—that is, when individuals cannot “use the coercive apparatus of the state to win for themselves a greater liberty or larger distributive share on the grounds that their activities are of more intrinsic value.”⁸

NEUTRALITY AND POSSESSIVE INDIVIDUALISM

I now want to consider three versions of the claim that liberal neutrality, as envisioned by Rawls, is excessively individualistic. The first version, advanced separately by Schwartz and Nagel shortly after the publication of *A Theory of Justice*, focuses on the content of people’s aims and ambitions. Rawls claims that a state which gives each individual the largest possible share of resources and liberties to pursue their disparate ends, consistent with the claim of others to an equal share, lives up to the requirements of justificatory neutrality. But, according to Schwartz and Nagel, this presupposes a kind of possessive individualist theory of human motivation. It suggests that what people want in life is to maximize their share of social resources (rather than promote the good of others), and indeed to maximize their material good (rather than promote their spiritual or emotional well-being). Such a theory of motivation may suit the self-

Political Concern [D.Phil. thesis, Oxford University, 1989], chap. 2.) Hence, I will be using “liberal neutrality” and “justificatory neutrality” interchangeably. It is quite possible that ‘neutrality’ is not the best word to describe the policy at issue. Rawls himself has avoided the term until recently because of its multiple and often misleading meanings—e.g., neutrality in its everyday usage usually implies neutral consequences (John Rawls, “The Priority of Right and Ideas of the Good,” *Philosophy and Public Affairs* 17 [1988]: 260, 265; cf. Raz, chap. 5). He has instead used the term “priority of the right over the good.” But that too has multiple and misleading meanings, since it is used by Rawls to describe both the affirming of neutrality over perfectionism, and the affirming of deontology over teleology. These issues need to be kept distinct, and neither, viewed on its own, is usefully called a matter of the “priority of the right”; see my “Rawls on Teleology and Deontology,” *Philosophy and Public Affairs* 17 (1988): 173–190, for a critique of Rawls’s usage of “priority of the right.” Given the absence of any obviously superior alternative, I will continue to use the term “neutrality.”

7. Rawls, “Social Unity,” p. 172; cf. Rawls, *A Theory of Justice* (London: Oxford University Press, 1971), p. 94.

8. Rawls, *Theory of Justice*, p. 329.

seeking and materialistic culture of contemporary capitalist cultures, but it penalizes those who value other ends. "Consider a socialist somewhat in the lines of the early Marx. This individual believes that a good life must rest on self-realization through labor . . . and that a person is morally harmed by the possession of more than a certain minimal amount of wealth."⁹ Such a socialist will claim "that his good is furthered by just enough wealth so that he is decently fed, housed, and clothed" and that

he would be harmed by living in a society based on a preference for a greater rather than a lesser amount of wealth. He could say that living in such a society he would devote valuable time to thinking about material wealth and trying to decide whether or not to avoid the temptation of attempting to acquire more possessions. . . . In addition, the socialist could claim that a system based on a preference for a greater amount of wealth would be against his interest since it would prevent him from forming strong ties of affection with other human beings. He could claim that, in such a system, people would tend to be more interested in wealth than in other people.¹⁰

Now this might seem at first glance to be attacking the idea of consequential neutrality, since Schwartz emphasizes that not all ways of life will fare equally well in a Rawlsian society. But the objection is not simply that communal ways of life will fare less well. After all, they might fare badly, not because primary goods are less useful for communal ways of life, but simply because most people choose not to use them for that purpose. Rather, the claim is that primary goods (beyond a certain point) are only useful for individualistic ends, and so Rawls's demand that society aim to increase the share of primary goods available to individuals reflects a decision that individualistic ways of life should be promoted at the expense of nonindividualistic ways of life, a decision which violates justificatory neutrality. The problem is not simply that communal ways of life do less well but, rather, that the reason they do less well is that Rawls's account of primary goods is arbitrarily and unfairly biased against them, since that account is based on (nonneutral) assumptions about people's individualistic aims.¹¹

But this critique misinterprets Rawls's justification for the importance of primary goods.¹² Rawls does not assume anything like a possessive

9. Adina Schwartz, "Moral Neutrality and Primary Goods," *Ethics* 83 (1973): 302.

10. *Ibid.*, p. 304; cf. Jurgen Habermas, *Communication and the Evolution of Society*, trans. Thomas McCarthy (Boston: Beacon, 1979), pp. 198–99.

11. Thomas Nagel, "Rawls on Justice," *Philosophical Review* 82 (1973): 228–29.

12. Both Schwartz and Nagel use the issue of individualistic conceptions of the good to make broader claims about Rawls's theoretical project. According to Schwartz, this issue is one example of the way in which Rawls invokes more than "minimalist" assumptions about reason and morality; according to Nagel, this issue is one example of the way in which Rawls exaggerates the relationship between impartiality and choice under ignorance. Both of these broader claims could be true even if, as I will argue, the particular example they cite is misconceived.

individualist theory of motivation. On the contrary, one of the things that people can do, and indeed are expected to do, with their resources and liberties is to join or create meaningful associations and attachments, including spiritual and emotional ones. Schwartz claims that material resources (above a certain minimum) are not useful in the pursuit of nonmaterialistic ends, and so Rawls's primary goods scheme is biased against the socialist who sees the good life as self-realization through labor and views material wealth as positively harmful. But Schwartz's discussion here is far too quick. The socialist needs resources in order to pursue a life of self-realizing labor—she needs access to land or other raw materials and to the technology which enables work to be creative and variable rather than merely onerous and repetitive. Someone who only has enough wealth to be decently clothed has no way to ensure that her labor is self-realizing, since the conditions under which she works will be determined by the exigencies of nature or by the aims of those who own the land and tools. Even if she wishes to live in harmony with nature and use only simple tools and techniques (perhaps the socialist is converted to deep ecology), she must still have control over resources. The desire to keep an ecological habitat in its natural condition requires restrictions on the way other people use not only the immediate habitat but also the surrounding land, air, and water. These nonindividualistic and nonmaterialistic ways of life require that substantial amounts of social resources be set aside for their purposes. It is entirely wrong to suppose that the less materialistic someone is, the less of an interest she has in Rawls's primary goods.¹³

Indeed, it is difficult to imagine a viable way of life which is genuinely harmed by, or even indifferent to, increases in the availability of material resources. One would not need resources if there was nothing in one's life which could go better or worse, nothing which would count as success

13. Schwartz's claim that material resources are harmful depends, I think, on confusing equality of resources with equality of income. People should be free to decide how and when their labor, or the fruits of their labor, will be sold in the economic marketplace, and many valuable ways of life will seek partial or total exclusion from it. People will not sacrifice all their leisure, or accept the degradation of their work conditions, in return for additional income, and some people put leisure and quality of work well above income in their scale of priorities. But this emphasis on values other than income, far from conflicting with a desire for resources, requires access to resources. We all want to do things, or produce things, which are not marketable, but these activities require resources which other people desire for conflicting purposes. The socialist prefers developing her personal skills, and the monk prefers celebrating God, to selling goods and services in the market. But the socialist and monk require land and other resources to pursue their nonmaterialist ends. One way to legitimately acquire those resources is to spend part of one's time acquiring income through the provision of goods and services others desire. But the more one desires to pursue nonmarketable activities, and to avoid income-producing activities, then the more dependent one is on acquiring resources through one's claim to a fair division of society's wealth. The groups which are least interested in earning income for a materialistic life-style are precisely the groups which are most dependent on their fair share of society's wealth.

or failure in the pursuit of one's goals. But so long as there are things that matter in one's life, things that are worth defending and promoting, then there will be threats to the promotion of those values. Resources help one to exercise some control over the social and natural environment, and hence control the direction and consequences of those environments for the pursuit of one's values.

There may be some ways of life which are not aided by increased amounts of Rawls's primary goods. Rawls cites the case of religious lifestyles which include a vow of personal poverty, although that too may be a little quick. Monks committed to personal asceticism often belong to monastic orders that have large land holdings, revenues from which help pay for the land, buildings, and maintenance of their community and which are used in promoting their good works. Moreover, the vow of poverty is often understood as a renunciation of their legitimate entitlements under a theory of fairness, not, as Schwartz and Nagel require, a renunciation of things which they think should not be part of a legitimate theory of fairness. In any event, such examples do not show that access to primary goods harms these ways of life, or favors individualistic and materialistic ways of life.¹⁴

Rawls's emphasis on what individuals are entitled to may seem misplaced for people who deploy their resources in group relations and activities. But a theory of individual entitlement is required, even for communally oriented people, because it teaches each person what is available for the pursuit of their attachments. As Dworkin says, "We are free to make decisions [about our attachments] with respect to the resources that are properly assigned to us in the first instance, though not, of course, to dispose in this way of resources that have been assigned, or rather are properly assignable, to others. Equality enters our plans by teaching us what is available to us, to deploy in accordance with our attachments and other concerns."¹⁵ Rawls invokes a standard of individual entitlement, not because of an individualistic theory of motivation, but because of his principle of individual responsibility. If people are to be legitimately held responsible for any expensive aims and attachments they may have, then there must be a standard of individual entitlement in the light of which they can adjust those aims.

This requirement of justice holds just as much for communally oriented people as for materialistic people. Communally oriented socialists can have expensive desires. The Marxian socialist wants a piece of land on which to labor cooperatively so as to "humanize" the natural world.¹⁶ But the naturalist wants the same land left unhumanized, and the monk

14. Rawls, *Theory of Justice*, pp. 142–43.

15. Ronald Dworkin, "In Defense of Equality," *Social Philosophy and Policy* 1 (1983): 31.

16. Karl Marx, *Economic and Philosophical Manuscripts* (London: Lawrence & Wishart, 1977), pp. 306–9.

wants it for sacred purposes, to build a community that will honor God. Each of these aims has costs for other people, who must forgo their aims with respect to that land. It is naive to expect that the desired land will automatically be available for one's preferred purposes, and it is selfish to demand that it be automatically available. The test of what is properly available for the pursuit of these ends is given by the difference principle. The naturalist may want more resources set aside than is allotted him under the difference principle, but he is responsible for adjusting his claims to the rightful claims of others, and to demand excess resources for his naturalist aims would be just as unfair as it would be for a materialistic person to demand excess resources in order to purchase consumer goods. The nonindividualistic content of their aims does not excuse socialists or naturalists from taking into account the legitimate claims of others.

Schwartz and Nagel might accept that we should take into account the cost of our choices for other people but claim that the problem with Rawls's theory is that the costs are assessed in a biased way, since a Rawlsian society produces people whose basic preference is for more wealth. Costs would be assessed differently in a society that is designed to produce socialist individuals: the socialist's desire for land would not be as costly, since fewer people would have conflicting desires.

But while it is true that Rawls's theory makes the costs of a particular choice dependent on the extent to which other people's aims coincide or conflict, that does not show that the primary goods scheme is biased against communal ways of life. For the extent to which other people share one's ends will depend on the judgments the others freely make when considering the various ways of life available to them. If socialists are unable to convince others of the worth of that way of life, then it will be difficult to acquire the resources necessary to start up a socialist community. On the other hand, if materialists are unable to convince people of the value of a high income and a consumer life-style, then they will have difficulty attracting people to choose income over leisure, or monotonous but productive labor over enjoyable but less productive labor. These are indeed problems which materialists have faced when promoting consumerism in various cultures, and Marx predicted that they will reoccur when people can acquire a decent standard of living in a shortened workday. Rawlsian neutrality does not prejudge the relative value of self-realizing labor and consumer goods, and the relative difficulty of pursuing these different ways of life is determined by the choices the members of a given society freely make at a given moment. Schwartz and Nagel do not explain how socialists are disadvantaged by this arrangement, or why their choices should be subsidized regardless of how costly they are for others, and regardless of how attractive the members of a society find that way of life. As Rawls says, communal ends that cannot flourish under this arrangement should not "be upheld by the coercive apparatus of the state. If socially collective communitarian aims

could survive in no other way, why should we regret their demise, and consider the original position unfair and biased against them?"¹⁷

Schwartz and Nagel note that socialists are disadvantaged by Rawlsian neutrality in contrast to a society which is designed to produce as many socialists as possible. But every way of life would do better in a society designed to ensure that no one had conflicting preferences. That does not establish a legitimate grievance, since no one has the right that other people be socialized so as to best fit one's own way of life (other people are not resources to be distributed or molded so as to promote one's ends). Fairness for the adherents of different ways of life requires that people be guaranteed a fair share of resources to pursue their way of life, and the freedom to seek out new adherents. It does not require that each way of life be guaranteed a certain number of adherents, and indeed fairness precludes treating people as resources to be distributed or molded so that each way of life fares equally well. The question is whether socialists are disadvantaged by Rawls's scheme with respect to the things which they have a legitimate claim to—that is, resources and liberties, but not other people's preferences—and Schwartz and Nagel do not establish this.¹⁸

One respect in which communally oriented people may be disadvantaged is that they must coordinate the deployment of resources distributed to individuals, and this coordination involves costs and effort that individualistic people avoid. Communally oriented people would prefer that resources be distributed directly to groups and then allow individualistic people to withdraw their resources from the group (this would involve costs for individualistic people that communally oriented people avoid). This problem would be solved if there were mechanisms for communally oriented people to receive benefits communally and for individualistic people to receive benefits individually. And this is indeed what Rawls endorses. He proposes that one branch of the state be organized so as to facilitate such coordination.¹⁹ Rawls would not object if various

17. Rawls, "Fairness to Goodness," p. 551. Rawls has recently retracted the claim that there is no reason to regret the loss of life-styles which cannot sustain themselves in a free society. As he rightly says, these ways of life may well have had considerable value. An aristocratic life-style may have value, even if would-be aristocrats cannot find people in a free society who are willing to be their subordinates. But while the loss of aristocratic life-styles may be a cause for legitimate regret, it is not a cause for legitimate grievance, for it is not the product of arbitrary biases (Rawls, "Priority of Right," pp. 266–67). See also Dworkin's explanation of the fairness of liberal neutrality in "What Is Equality? Part 3: The Place of Liberty," *Iowa Law Review* 73 (1987): 1–54, where he notes that neutrality "allows each person's social requirements—the social setting he claims he needs in order successfully to pursue his chosen way of life—to be tested by asking how far these requirements can be satisfied within an egalitarian structure that measures their cost to others" (p. 31).

18. Rawls, "Priority of Right," pp. 265–66.

19. Rawls, *Theory of Justice*, pp. 282–84. This passage refers only to the exchange branch of government, but the same reasoning seems equally applicable to distribution (p. 280).

marital and cultural groups pay taxes, and receive benefits, collectively, where the members have so agreed.

It is true that any collective provision of benefits requires the ongoing consent of individuals. But this requirement reflects Rawls's commitment to autonomy, not any commitment to individualistic aims. According to the "ideal of the person" underlying Rawls's theory, individuals "do not regard themselves as inevitably bound to, or identical with, the pursuit of any particular complex of fundamental interests that they may have at any given moment."²⁰ People are capable not simply of pursuing their given ends, but also of reflecting on the value of those ends, considering alternatives, and revising even their most deeply held beliefs about what is worthwhile in life:

As free persons, citizens recognize one another as having the moral power to have a conception of the good. This means that they do not view themselves as inevitably tied to the pursuit of the particular conception of the good and its final ends which they espouse at any given time. Instead, as citizens, they are regarded as, in general, capable of revising and changing this conception on reasonable and rational grounds. Thus it is held to be permissible for citizens to stand apart from conceptions of the good and to survey and assess their various final ends.²¹

According to Rawls, this ability for autonomous choice is one of our two fundamental moral powers, and respect for autonomy requires that individuals retain the right to opt out of any particular communal practice (and corresponding communal provision of benefits). Hence Rawls's two principles of justice are designed to ensure that individuals can "stand apart" from their current ends—the liberties and resources distributed by Rawls's two principles do not preempt or penalize the attempt by individuals to form and revise their conceptions of the good, or to acquire the information needed to make those judgments rationally and intelligently. Since individuals can come to question their ends, they must have access to resources which are flexible, which can be translated into the goods and services appropriate for other ways of life, including, of course, other communal ways of life.²²

20. John Rawls, "Reply to Alexander and Musgrave," *Quarterly Journal of Economics* 88 (1974): 641.

21. Rawls, "Kantian Constructivism," p. 544.

22. This feature of Rawls's theory is discussed in Allen Buchanan, "Revisability and Rational Choice," *Canadian Journal of Philosophy* 5 (1975): 395–408; and Dworkin, "In Defense of Equality," pp. 24–30. Rawls's view of the self as able to stand apart from its ends has been vigorously criticized by communitarians—e.g., Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981), chap. 15; Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), pp. 150–65. They argue that this view of the self as "unencumbered" by social attachments is at odds with our "deepest self-understandings." I believe the communitarians are simply wrong here (see my "Liberalism and Communitarianism," *Canadian Journal of Philosophy*

Rawls's commitment to the importance of primary goods, therefore, is not evidence of possessive individualism, but rather of two distinct ideas: (a) our way of life should reflect our autonomous choice, and so the resources available to us must be flexible; and (b) we are responsible for the costs of our choices, and hence there must be some standard which teaches us what is available to us to use in accordance with our attachments. Neither of these is primarily concerned with the content of people's ends. Rather they concern the relationship between the individual and her ends—an individual's ends are not fixed or imposed by others but, rather, are the objects of her autonomous and responsible choice.

NEUTRALITY AND ATOMISTIC INDIVIDUALISM

The second and third versions of the claim that neutrality is excessively individualistic accept Rawls's emphasis on the capacity for autonomous choice. But autonomous choices are only possible in certain contexts, and these two objections claim that liberal neutrality is incapable of ensuring the existence and flourishing of that context. While both objections attribute this failure of neutrality to a certain kind of atomistic individualism, they locate the failure in different places—the second objection centers on the need for a shared cultural structure that provides individuals with meaningful options, and the third centers on the need for shared forums in which to evaluate these options.

Neutrality and a Pluralist Culture

The second objection claims that liberal neutrality is incapable of guaranteeing the existence of a pluralistic culture which provides people with the range of options necessary for meaningful individual choice. Autonomy requires pluralism, but “any collective attempt by a liberal state to protect pluralism would itself be in breach of liberal principles of justice. The state is not entitled to interfere in the movement of the cultural marketplace except, of course, to ensure that each individual has a just share of available necessary means to exercise his or her moral powers. The welfare or demise of particular conceptions of the good and, therefore, the welfare or demise of social unions of a particular character is not the business of the state.”²³ The state is not allowed to protect pluralism, yet if the cultural marketplace proceeds on its own it will eventually undermine the cultural structure which supports pluralism. Neutrality may ensure

18 [1988]: 181–203), but Rawls himself wishes to remain agnostic on the question of whether our self-understandings are or are not bound to any particular complex of ends. He now argues that people can accept his account of the self for the purposes of determining our public rights and responsibilities, without necessarily accepting it as an accurate portrayal of our deepest self-understandings (John Rawls, “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14 [1985]: 240–44; cf. “Kantian Constructivism,” p. 545). I raise some questions about the possibility and/or desirability of this agnosticism in *Liberalism, Community, and Culture* (Oxford: Oxford University Press, 1989), pp. 58–61.

23. Wesley Cragg, “Two Concepts of Community,” *Dialogue* 25 (1986): 47.

that government does not denigrate a way of life that some individuals think is worthy of support, but “whatever else can be said about this argument one point is decisive. Supporting valuable ways of life is a social rather than an individual matter . . . perfectionist ideals require public action for their viability. Anti-perfectionism in practice would lead not merely to a political stand-off from support for valuable conceptions of the good. It would undermine the chances of survival of many cherished aspects of our culture.”²⁴ The problem, then, is not that liberal neutrality fails to achieve its aim of genuine neutrality (as the possessive individualism objection claimed) but, rather, that neutrality undermines the very conditions in which it is a worthwhile aim.

Liberal neutrality is therefore self-defeating. There seem to be two possible ways out of this dilemma. One is to deny that the value of autonomous choice depends on a viable and flourishing culture. This is the “atomist” route which accepts “the utterly facile moral psychology of traditional empiricism,”²⁵ according to which an individual’s capacity for meaningful choice is self-sufficient outside of society and culture. This route is inadequate, since our dependence on the cultural structure for worthwhile ways of life is undeniable, and few if any liberals have ever been “concerned purely with individual choices . . . to the neglect of the matrix in which such choices can be open or closed, rich or meagre.”²⁶

The second response is to accept that meaningful autonomous choice requires a viable culture but insist that good ways of life will sustain themselves in the cultural marketplace without state assistance.²⁷ But this too is an inadequate response. In conditions of freedom, people are able to assess and recognize the worth of good ways of life and will support them. But the interests people have in a good way of life, and the forms of support they will voluntarily provide, do not necessarily involve sustaining its existence for future generations. My interest in a valuable social practice may be best promoted by depleting the resources which the practice requires to survive beyond my lifetime. Even if the cultural marketplace can be relied on to ensure that existing people can identify valuable ways of life, there is no reason to assume that it can be relied on to ensure that future people have a valuable range of options.

So let us grant Raz’s argument that state support may be needed to ensure the survival of an adequate range of options for those who have not yet formed their aims in life. Why does that require rejecting neutrality?

24. Raz, *Morality of Freedom*, p. 162.

25. Charles Taylor, *Philosophy and the Human Sciences: Philosophical Papers* (Cambridge: Cambridge University Press, 1985), vol. 2, p. 197.

26. *Ibid.*, p. 207. See, e.g., Rawls, *Theory of Justice*, pp. 563–64; Dworkin, *A Matter of Principle*, pp. 220–24.

27. Rawls, *Theory of Justice*, pp. 331–32; Jeremy Waldron, “Autonomy and Perfectionism in Raz’s *Morality of Freedom*,” *University of Southern California Law Review* 62 (1989), in press; Robert Nozick, “Commentary on ‘Art as a Public Good,’” *Art and the Law* 9 (1985): 162–64.

Consider two possible cultural policies. In the first case, the government ensures an adequate range of options by providing tax credits to individuals who make culture-supporting contributions in accordance with their personal perfectionist ideals. The state acts to ensure that there is an adequate range of options, but the evaluation of these options occurs in civil society, outside the coercive apparatus of the state.²⁸ In the second case, the evaluation of different conceptions of the good becomes a political question, and the government intervenes, not simply to ensure an adequate range of options, but to promote particular options. Now Raz's argument simply does not address this choice. What is "decisive" in Raz's argument is that one or the other of these policies must be implemented, but he has not given a decisive reason, or any reason at all, to prefer one policy over the other.

A perfectionist state might hope to improve the quality of people's options by encouraging the replacement of less valuable options by more valuable ones. But it is worth repeating that liberal neutrality also hopes to improve the range of options, and the cultural marketplace is valued because it helps good ways of life displace bad. Each side aims to secure and improve the range of options from which individuals make their autonomous choices. What they disagree on is where perfectionist values and arguments should be invoked. Are good ways of life more likely to establish their greater worth when they are evaluated in the cultural marketplace of civil society, or when the preferability of different ways of life is made a matter of political advocacy and state action? Hence the dispute should perhaps be seen as a choice, not between perfectionism and neutrality, but between social perfectionism and state perfectionism—for the flip side of state neutrality is support for the role of perfectionist ideals and arguments in civil society.²⁹

28. This is endorsed by Dworkin in *A Matter of Principle*, chap. 11. This use of tax credits would only be fair if the distribution of resources in society was in fact just. Indeed, it might not be fair even if the difference principle was honored, since it gives disproportionate power in shaping cultural development to those who are endowed with (undeserved) natural talents, as they are likely to have more disposable income. I assume there are ways to ensure that this operates fairly while still leaving the evaluation of cultural options outside the political sphere. For a discussion of the problem of fairness in influence over culture, in the context of the neutrality/perfectionist debate, see Amy Gutmann, *Democratic Education* (Princeton, N.J.: Princeton University Press, 1987), chap. 9, esp. pp. 263–64.

29. Failure to recognize this undermines Beiner's argument against liberal neutrality, which he concludes by saying: "Even if the state is or tries to be neutral (which likely proves impossible), in any case the wider social order in which the individual is nourished is *not*. Liberal 'neutrality' is therefore a mirage. It is hard to see why the *state* is constrained to be neutral (whatever that might mean) if social life as a whole is and must be, however much denied by liberals, strongly partial towards a particular way of life" (Ronald Beiner, "What's Wrong with Liberalism?" in *Law and Community*, ed. Leslie Green and Alan Hutchinson [Toronto: Carswell, in press]). This is entirely off target. The best reason for state neutrality is precisely that social life is nonneutral, that people can and do make discriminations among competing ways of life in their social life, affirming some and rejecting others, without using the state apparatus. If individuals are unable to make these judgments in

Neutrality and Collective Deliberations

The third and final objection accepts that liberal neutrality recognizes the necessity of having a secure cultural structure. But it claims that a different sort of atomistic individualism is found in the liberal account of how cultural options should be evaluated. The liberal preference for the cultural marketplace over the state as the appropriate arena for evaluating different life-styles stems from an individualistic belief that judgments about the good should be made by isolated individuals, whose autonomy is ensured by protecting them from social pressures. Liberals think that autonomy is promoted when judgments about the good are taken out of the political realm. But in reality individual judgments require the sharing of experiences and the give and take of collective deliberations. Individual judgments about the good always depend on, and flow from, the collective evaluation of shared practices. They become a matter of purely subjective and arbitrary whim if they are cut off from collective deliberations:

Self-fulfillment and even the working out of personal identity and a sense of orientation in the world depend upon a communal enterprise. This shared process is the civic life, and its root is involvement with others: other generations, other sorts of persons whose differences are significant because they contribute to the whole upon which our particular sense of self depends. Thus mutual interdependency is the foundational notion of citizenship . . . outside a linguistic community of shared practices, there would be biological *homo sapiens* as logical abstraction, but there could not be human beings. This is the meaning of the Greek and medieval dictum that the political community is ontologically *prior* to the individual. The polis is, literally, that which makes man, as human being, possible.³⁰

Or, as Crowley puts it, state perfectionism is “an affirmation of the notion that men living in a community of shared experiences and language is the only context in which the individual and society can discover and test their values through the essentially political activities of discussion, criticism, example, and emulation. It is through the existence of organised public spaces, in which men offer and test ideas against one another . . . that men come to understand a part of who they are.”³¹ The state should be the proper arena in which to formulate and pursue our visions of the

social life, then state perfectionism might be the appropriate way to enable people to discriminate among different conceptions of the good (although it is unclear how moving from the cultural marketplace to the state would remove the disability). So the argument for state neutrality presupposes, rather than denies, social nonneutrality.

30. William Sullivan, *Reconstructing Public Philosophy* (Berkeley: University of California Press, 1982), pp. 158, 173.

31. Brian Lee Crowley, *The Self, the Individual, and the Community: Liberalism in the Political Thought of F. A. Hayek and Sidney and Beatrice Webb* (Oxford: Oxford University Press, 1987), p. 282; see also Beiner, *Political Judgment* (London: Methuen, 1983), p. 152.

good, because the good for individuals requires collective interaction and inquiry—it cannot be pursued, or even known, presocially.

But this misconstrues the sense in which Rawls claims that the evaluation of ways of life should not be a public concern. Liberal neutrality does not restrict the scope of perfectionist ideals in the collective activities of individuals and groups. Perfectionist ideals, although excluded from a liberal state, “have an important place in human affairs” and, hence, an important place in a liberal society.³² Collective activity and shared experiences concerning the good are at the heart of the “free internal life of the various communities of interests in which persons and groups seek to achieve, in modes of social union consistent with equal liberty, the ends and excellences to which they are drawn.”³³ Rawls’s argument for the priority of liberty is grounded in the importance of this “free social union with others.”³⁴ He simply denies that “the coercive apparatus of the state” is an appropriate forum for those deliberations and experiences: “While justice as fairness allows that in a well-ordered society the values of excellence are recognized, the human perfections are to be pursued within the limits of the principle of free association. . . . [Persons] do not use the coercive apparatus of the state to win for themselves a greater liberty or larger distributive shares on the grounds that their activities are of more intrinsic value.”³⁵

Unfortunately, civic republicans, who make this objection most frequently, rarely distinguish between collective activities and political activities. It is of course true that participation in shared linguistic and cultural practices is what enables individuals to make intelligent decisions about the good life. But why should such participation be organized in and through the state, rather than through the free association of individuals? It is true that we should “create opportunities for men to give voice to what they have discovered about themselves and the world and to persuade others of its worth.”³⁶ But a liberal society does create opportunities for people to express and develop these social aspects of individual deliberation. After all, freedom of assembly, association, and speech are fundamental *liberal* rights. The opportunities for collective inquiry simply occur within and between groups and associations below the level of the state—friends and family, in the first instance, but also churches, cultural associations, professional groups and trade unions, universities, and the mass media. These are some of the “organized public spaces of appearance” and “communication communities” of a liberal society.³⁷ Liberals do not deny that “the public display of character and judgment and the exchange

32. Rawls, *Theory of Justice*, p. 543.

33. *Ibid.*

34. *Ibid.*

35. *Ibid.*, pp. 328–29.

36. Crowley, p. 295.

37. *Ibid.*, pp. 7, 239.

of experience and insight” are needed to make intelligent judgments about the good, or to show others that I “hold [my] notion of the good responsibly.”³⁸ Indeed, these claims fit comfortably in many liberal discussions of the value of free speech and association.³⁹ What the liberal denies is that I should have to give such an account of myself *to the state*.

A similar failure to confront the distinctive role of the state weakens radical critiques of liberalism, like that of Habermas. Habermas, in his earlier writings at least, wants the evaluation of different ways of life to be a political question, but unlike communitarians and civic republicans, he does not hope or expect that this political deliberation will serve to promote people’s embeddedness in existing practices.⁴⁰ Indeed, he thinks that political deliberation is required precisely because in its absence people will tend to accept existing practices as givens and thereby perpetuate the false needs and false consciousness which accompany those historical practices.⁴¹ Only when existing ways of life are “the objects of discursive will-formation” can people’s understanding of the good be free of deception. Rawls’s view of distributive justice does not demand the scrutiny of these practices and, hence, does not recognize the emancipatory interest people have in escaping false needs and ideological distortions.

But why should the evaluation of people’s conceptions of the good be tied to their claims on resources, and hence to the state apparatus? Communities smaller than the entire political society, groups and associations of various sizes, might be more appropriate forums for those forms of discursive will formation which involve evaluating the good and interpreting one’s genuine needs. While Habermas rejects the communitarian tendency to uncritically endorse existing social practices as the basis for political deliberations about the good, he shares their tendency to assume that anything which is not politically deliberated is thereby left to an individual will incapable of rational judgment.

So the liberal commitment to state neutrality does not manifest abstract individualism either in regard to the importance of a shared cultural

38. *Ibid.*, p. 287.

39. See, e.g., Thomas Scanlon, “Freedom of Expression and Categories of Expression,” in *Pornography and Censorship*, ed. David Copp and Susan Wendell (Buffalo, N.Y.: Prometheus, 1983), pp. 141–47; Loren Lomasky, *Persons, Rights, and the Moral Community* (Oxford: Oxford University Press, 1987), p. 111.

40. Habermas seems to endorse this position when he says that the need for a “discursive desolidification of the (largely externally controlled or traditionally fixed) interpretation of our needs” is the heart of his disagreement with Rawls (Habermas, *Communication and the Evolution of Society*, pp. 198–99). However, he now rejects the idea of politically evaluating people’s conceptions of the good (Jürgen Habermas, “Questions and Counterquestions,” in *Habermas and Modernity*, ed. Richard Bernstein [Cambridge, Mass.: MIT Press, 1985], pp. 214–16). For discussion of the (apparent) shift, see Seyla Benhabib, *Critique, Norm, and Utopia* (New York: Columbia University Press, 1986), chap. 8; and Nanette Funk, “Habermas and the Social Goods,” *Social Text* 18 (1988): 29–31.

41. Habermas, *Communication and the Evolution of Society*, pp. 198–99; Benhabib, pp. 312–14.

context for meaningful individual options, or in regard to the importance of the sharing of experiences and arguments for meaningful individual evaluation of those options. Liberal neutrality does not deny these shared social requirements of individual autonomy but, rather, provides an interpretation of them.

EVALUATING THE NEUTRALITY DEBATE

I have argued that liberal neutrality is not excessively individualistic, either in terms of the way it conceives the content of people's ends, or in the way that people evaluate and pursue those ends. Of course neutrality may be indefensible for other reasons. Neutrality requires a certain faith in the operation of nonstate forums and processes for individual judgment and cultural development, and a distrust of the operation of state forums and processes for evaluating the good. Nothing I have said so far shows that this optimism and distrust are warranted. Indeed, just as critics of neutrality have failed to defend their faith in political forums and procedures, so liberals have failed to defend their faith in nonstate forums and procedures. The crucial claims have not been adequately defended by either side.

In fact, it is hard to avoid the conclusion that each side in the neutrality debate has failed to learn the important lesson taught by the other side. Despite centuries of liberal insistence on the importance of the distinction between society and the state, communitarians still seem to assume that whatever is properly social must become the province of the political. They have not confronted the liberal worry that the all-embracing authority and coercive means which characterize the state make it a particularly inappropriate forum for the sort of genuinely shared deliberation and commitment that they desire. Despite centuries of communitarian insistence on the historically fragile and contingent nature of our culture, and the need to consider the conditions under which a free culture can arise and sustain itself, liberals still tend to take the existence of a tolerant and diverse culture for granted, as something which naturally arises and sustains itself, the ongoing existence of which is therefore simply assumed in a theory of justice. Hegel was right to insist that a culture of freedom is a historical achievement, and liberals need to explain why the cultural marketplace does not threaten that achievement either by failing to connect people in a strong enough way to their communal practices (as communitarians fear), or conversely, by failing to detach people in a strong enough way from the expectations of existing practices and ideologies (as Habermas fears). A culture of freedom requires a mix of both exposure and connection to existing practices, and also distance and dissent from them. Liberal neutrality may provide that mix, but that is not obviously true, and it may be true only in some times and places. So both sides need to give us a more comprehensive comparison of the opportunities and dangers present in state and nonstate forums and procedures for evaluating the good.

While both sides have something to learn from the other, that is not to say that the truth is somewhere in between the two. I cannot provide here the sort of systematic comparison of the empirical operation of state and nonstate forums and procedures that is required for a proper defense of neutrality, but I want to suggest a few reasons why state perfectionism would have undesirable consequences for our society. I will assume, for the moment, that the public ranking of the value of different ways of life which a perfectionist state appeals to would be arrived at through the collective political deliberation of citizens, rather than through the secret or unilateral decisions of political elites.

What are the consequences of having a collectively determined ranking of the value of different conceptions of the good? One consequence is that more is at stake when people publicly formulate and defend their conception of the good. If people do not advance persuasive arguments for their conception of the good, then a perfectionist state may take action which will make their way of life harder to maintain. In a liberal society with a neutral state, on the other hand, people who cannot persuade others of the value of their way of life will lose out in the competition with other conceptions of the good being advanced in the cultural marketplace, but they will not face adverse state action.

Why is that an undesirable consequence? In principle, it is not undesirable—it may simply intensify the patterns of cultural development, since the pros and cons of different ways of life might be revealed more quickly under the threat of state action than would occur in the cultural marketplace, where people are sometimes reluctant to confront opposing values and arguments. However, I believe that state perfectionism would in fact serve to distort the free evaluation of ways of life, to rigidify the dominant ways of life, whatever their intrinsic merits, and to unfairly exclude the values and aspirations of marginalized and disadvantaged groups within the community.

First, state perfectionism raises the prospect of a dictatorship of the articulate and would unavoidably penalize those individuals who are inarticulate. But being articulate, in our society, is not simply an individual variable. There are many culturally disadvantaged groups whose beliefs and aspirations are not understood by the majority. Recent immigrants are an obvious example whose disadvantage is partly unavoidable. But there are also groups which have been deliberately excluded from the mainstream of American society, and whose cultural disadvantage reflects prejudice and insensitivity. The dominant cultural practices of our community were defined by one section of the population—that is, the male members of the upper classes of the white race—and were defined so as to exclude and denigrate the values of subordinate groups. Members of these excluded groups—women, blacks, Hispanics—have been unable to get recognition for their values from the cultural mainstream and have developed (or retained) subcultures for the expression of these values, subcultures whose norms, by necessity, are incommensurable with those

of the mainstream. It is unfair to ask them to defend the value of their way of life by reference to cultural standards and norms that were defined by and for others. Even where these historical factors are absent, the majority is likely to use state perfectionism to block valuable social change that threatens their preferred cultural practices. This cultural conservatism need not be malicious—the majority may simply not see the value of cultural change, partly due to incomprehension, partly from fear of change.

State perfectionism would also affect the kinds of arguments given. Minority groups whose values conflict with those of the majority often put a high value on the integrity of their practices and aim at gaining adherents from within the majority slowly, one by one. But where there is state perfectionism, the minority must immediately aim at persuading the majority, and so they will describe their practices in such a way as to be most palatable to the majority, even if that misdescribes the real meaning and value of the practice, which often arose precisely in opposition to dominant practices. There would be an inevitable tendency for minorities to describe and debate conceptions of the good in terms of dominant values, which then reinforces the cultural conservatism of the dominant group itself.

In these and other ways, the threats and inducements of coercive power would distort rather than improve the process of individual judgment and cultural development. Some of these problems also arise in the cultural marketplace (i.e., penalizing the inarticulate, social prejudice). Insensitivity and prejudice will be problems no matter which model we choose, since both models reward those groups who can make their way of life attractive to the mainstream. But state perfectionism intensifies these problems, since it dictates to minority groups when and how they will interact with majority norms, and it dictates a time and place—political deliberation over state policy—in which minorities are most vulnerable. State neutrality, on the other hand, gives culturally disadvantaged groups a greater ability to choose the time and place in which they will confront majority sensitivities and to choose an audience with whom they are most comfortable. There will always be an imbalance in the interaction between culturally dominant and subordinate groups. State neutrality ensures that the culturally subordinate group has as many options as possible concerning that interaction, and that the costs of that imbalance for the subordinate groups are minimized. State perfectionism, I think, does just the opposite.

Some of these problems could be avoided if the public ranking of ways of life was determined by political elites, insulated from popular debate and prejudice. Indeed, an enlightened and insulated political elite could use state perfectionist policies to promote the aims and values of culturally disadvantaged groups. Just as the Supreme Court is supposed to be more able to protect the rights of disadvantaged groups because of its insulation from political pressures, so an insulated political elite

may be able to give a fairer hearing to minority values than they get in the cultural marketplace. But this raises troubling questions about accountability and the danger of abuse (after all, if majority groups are insensitive to minority aspirations, why won't they elect leaders who are similarly insensitive?). And, in any event, why shouldn't the aim of the political elite be to counteract the biases of the cultural marketplace, which affect the public evaluation of all minority values, rather than deciding for themselves which minority values are worth promoting? Using state power to counteract biases against minority values may be legitimate, not because of a general principle of perfectionism, but because of a general principle of redressing biases against disadvantaged groups.

These are some of the reasons why liberals distrust state perfectionism for our society.⁴² Communitarians are right to insist that we examine the history and structure of a particular culture, but it is remarkable how little communitarians themselves undertake such an examination of our culture. They wish to use the ends and practices of our cultural tradition as the basis for a politics of the common good, but they do not mention that these practices were historically defined by a small segment of the population, nor do they discuss how that exclusionary history would affect the politicization of debates about the value of different ways of life. If we look at the history of our society, surely liberal neutrality has the great advantage of its potential inclusiveness, its denial that marginalized and subordinate groups must fit into the historical practices, the "way of life," which have been defined by the dominant groups. Forcing subordinate groups to defend their ways of life, under threat or promise of coercive power, is inherently exclusive. Communitarians simply ignore this danger and the cultural history which makes it so difficult to avoid.⁴³

42. There are other reasons for opposing state perfectionism. I have been discussing the difficulty of finding acceptable procedures for formulating a public ranking of different ways of life. There are also difficulties about how the state should go about promoting its preferred ways of life, once those are identified. Even if the state can be relied on to come up with an accurate ranking and can get people to pursue the right ways of life, it may not be able to get people to pursue them *for the right reasons*. Someone who acts in a certain way in order to avoid state punishment, or to gain state subsidies, is not guided by an understanding of the genuine value of the activity (Waldron; Lomasky, pp. 253–54). This criticism is important and precludes various coercive and manipulative forms of perfectionism, but it does not preclude short-term state intervention designed to introduce people to valuable ways of life. One way to get people to pursue something for the right reasons is to get them to pursue it for the wrong reasons and hope they will then see its true value. This is not inherently unacceptable, and it occurs often enough in the cultural marketplace. Hence a comprehensive defense of neutrality may need to focus on a prior stage of state perfectionism—i.e., the problems involved in formulating a public ranking of conceptions of the good.

43. On the exclusionary tendencies of communitarianism, see Amy Gutmann, "Communitarian Critics of Liberalism," *Philosophy and Public Affairs* 14 (1985): 318–22; Don Herzog, "Some Questions for Republicans," *Political Theory* 14 (1986): 481–90; H. Hirsch, "The Threnody of Liberalism: Constitutional Liberty and the Renewal of Community," *Political Theory* 14 (1986): 435–38; Nancy Rosenblum, *Another Liberalism: Romanticism and the Reconstruction of Liberal Thought* (Cambridge, Mass.: Harvard University Press, 1987), pp. 178–81.

While liberalism need not be committed to neutrality in all times and places, the relationship between the culture and the state in our society makes neutrality particularly appropriate for us. However, certain features of that relationship also make neutrality particularly difficult to implement. I have discussed different ways a neutral state might protect and promote its culture. But if we look at actual states and actual cultures, we will quickly notice that most liberal democracies contain more than one cultural community. Most countries contain many cultures, like the French, English, and aboriginal cultures in Canada. When we say that the cultural context can be enriched or diminished, whose culture are we discussing? Whose language should be used in the schools and courts and media? If immigration policy should give consideration to the consequences of immigration on the cultural structure, as most liberals have agreed, then shouldn't we accept demands by Francophones in Quebec, or the Inuit in Northern Canada, to have some control over immigration into their cultural communities? What does liberal neutrality require when the state contains more than one culture?

The dominant view among contemporary liberals, to which Rawls apparently subscribes, is that liberalism requires the "absence, even prohibition, of any legal or governmental recognition of racial, religious, language or [cultural] groups as corporate entities with a standing in the legal or governmental process, and a prohibition of the use of ethnic criteria of any type for discriminatory purposes, or conversely for special or favored treatment."⁴⁴ But this view, which achieved its current prominence during the American struggle against racial segregation, has only limited applicability. Once we recognize the importance of the cultural structure and accept that there is a positive duty on the state to protect the cultural conditions which allow for autonomous choice, then cultural membership does have political salience. Respect for the autonomy of the members of minority cultures requires respect for their cultural structure, and that in turn may require special linguistic, educational, and even political rights for minority cultures. Indeed, there are a number of circumstances in which liberal theories of equality should recognize the special status of minority cultures (as prewar liberal theories often did).⁴⁵ The attempt to answer questions about the rights of cultural communities with the formula of color-blind laws applying to persons of all races and cultures is hopelessly inadequate once we look at the diversity of cultural membership which exists in contemporary liberal

44. Milton Gordon, "Toward a General Theory of Racial and Ethnic Group Relations," in *Ethnicity: Theory and Experience*, ed. Nathan Glazer and Daniel Moynihan (Cambridge, Mass.: Harvard University Press, 1975), p. 105.

45. Minority rights were a common feature of prewar liberalism, both in theory (e.g., L. T. Hobhouse, *Social Evolution and Political Theory* [New York: Columbia University Press, 1928], pp. 146–47) and practice (e.g., the League of Nations). I attempt to provide a liberal theory of the rights of minority cultures in "Liberalism, Individualism, and Minority Rights," in *Law and Community*, ed. Leslie Green and Alan Hutchinson (Toronto: Carswell, 1989), and *Liberalism, Community, and Culture*, chaps. 7–10.

democracies.⁴⁶ However, the alternatives have rarely been considered in contemporary liberal writings, which are dominated (often unconsciously) by the model of the nation-state.⁴⁷

CONCLUSION

The real issue concerning neutrality is not individualism: nothing in Rawls's insistence on state neutrality is inconsistent with recognizing the importance of the social world to the development, deliberation, and pursuit of individuals' values. It is commonly alleged that liberals fail to recognize that people are naturally social or communal beings. Liberals supposedly think that society rests on an artificial social contract, and that a coercive state apparatus is needed to keep naturally asocial people together in society. But there is a sense in which the opposite is true—liberals believe that people naturally form and join social relations and forums in which they come to understand and pursue the good. The state is not needed to provide that communal context and is likely to distort the normal processes of collective deliberations and cultural development. It is communitarians who seem to think that individuals will drift into anomic and detached isolation without the state actively bringing them together to collectively evaluate and pursue the good.⁴⁸

46. Even in a genuine "nation-state," there are questions about how to deal with immigrants from other cultures. Liberals have historically disagreed over the extent to which respect for the autonomy of existing members of the polity requires restrictions on immigration which might damage the cultural structure. They have also disagreed over the extent to which respect for the autonomy of immigrants requires encouraging or compelling their assimilation to the cultural structure of the new country. Again, the requirements of liberal neutrality are not at all obvious.

47. The assumption that the political community is culturally homogeneous is clear in a number of passages in Rawls and Dworkin—e.g., John Rawls, "The Basic Structure as Subject," in *Values and Morals*, ed. Alvin Goldman and Jaegwon Kim (Dordrecht: Reidel, 1978), p. 55, and "On the Idea of Free Public Reason" (1988, photocopy), p. 8; Dworkin, *A Matter of Principle*, pp. 230–33. While revising that assumption would affect the conclusions they go on to draw about the distribution of rights and responsibilities, Rawls and Dworkin never discuss what changes would be required in culturally plural countries. Indeed, they do not seem to recognize that any changes would be required. For a criticism of Rawls's inattention to cultural pluralism, see Vernon Van Dyke, "Justice as Fairness: For Groups?" *American Political Science Review* 69 (1975): 607–14.

48. For example, Crowley says that politics makes possible "a context within which our own self-understandings *may* be articulated and compared with others" (p. 290; my emphasis). But it would be more accurate to say, as he indeed goes on to say, that "politics both *makes* us test dialogically the adequacy of our present self-awareness and makes us aware of other dimensions articulated by other people" (p. 290; my emphasis). Since Crowley never discusses this shift, it seems that he believes that individuals are only able to deliberate collectively when they are made to do so. A similar belief may explain why Sullivan thinks that state perfectionism is needed to ensure that no one is "cut off" from collective deliberations (Sullivan, p. 158). Since people in a liberal society are only cut off from the associations and forums of civil society if they cut themselves off, state perfectionism is needed only if one is assuming that uncoerced people will choose not to participate in collective deliberations. Liberals make the opposite assumption that uncoerced individuals

The question is not whether individuals' values and autonomy need to be situated in social relations but whether the relevant relations are necessarily or desirably political ones. This should be the real issue in debates over neutrality, and settling that issue requires a closer examination of the relationship between society, culture, and the state than either defenders or critics have so far provided.

will tend to form and join collective associations, and participate in collective deliberations (the suggestion that nonpolitical activity is inherently solitary is also present in Sandel's claim that under communitarian politics "we can know a good in common that we cannot know alone" [Sandel, p. 183]).