Abstract

This is a study in the political ethics of liberalism. It uses political obligation theory to shed light on the neutrality-perfectionism debate. My thesis is that neutralism cannot provide a coherent foundation for liberal political morality because a viable account of general political obligation relies on background assumptions about persons and conduct that are reasonably contestable even though they are not illiberal. To make this case, Section I reviews the conceptual details of neutrality across two generations of thinking. Second-generation neutrality, under political liberalism, is the more plausible rendering because it acknowledges that liberalism must stake a middle-ground between non-moral instrumentalism and moral absolutism. Liberalism, in other words, needs a moral reason to be neutral. I question whether political liberalism remains sufficiently moral and sufficiently neutral by asking if it offers mutually sustaining legitimacy and obligation principles. Section II discusses perfectionist ethics and highlights a crucial kind of value, called inherent value, often invoked but rarely scrutinized in political theory. Inherent value marks the main ethical difference between liberal neutrality and illiberal perfectionism, showing how liberal-perfectionist positions on controversial matters can be taken without prescribing for the whole of life. Including this type of value, I then outline the precise neutralist and perfectionist conditions that liberals adopting either perspective would have to meet in justifying general political obligation. Section III then answers my main research question about whether political liberalism’s moral account of political obligation coheres with its neutralist position on legitimacy. My essential claim here is that our responsibility to comply with the moral and epistemological standards of civility is a position from inherent value. And since political liberalism cannot escape these inherent value assumptions while explaining and justifying its account of general political obligation, it is there that we can most clearly see political liberalism’s perfectionist leanings. My dissertation therefore shows a new way to understand that only liberal-perfectionist valuation can hang-together a coherent and viable liberalism for today’s pluralistic polities.
Acknowledgements

My family and my friends will always have my deepest gratitude for the quality and degree of support they have given me during each and every undertaking, including this one. What they do and how they do it is far more significant than I could describe or reciprocate. I also thank Margaret Moore and Andrew Lister for their guidance during this project. Margaret’s encouragement and responsiveness were especially appreciated. Andrew’s extraordinarily detailed commentary was very challenging, but immeasurably helpful. Funding from the Social Sciences and Humanities Research Council of Canada, the Ontario Graduate Scholarship Program and Visa also helped me bring this project to completion.

Two courses introduced me to the important and intersecting questions of philosophy and politics. The first was a high school literature class taught by my mother at Georgian Bay Secondary School, and the second was an undergraduate seminar led by William Christian at the University of Guelph. I owe a special debt to these teachers, one I hope to repay by inspiring more youth to think lofty thoughts and to promote what matters. I would like to acknowledge, finally, the work of one contemporary scholar. Ronnie Beiner’s writings have been a constant and rich source of lessons and stimulation. I thank him for offering me so many ways to think about so many important issues.
## Table of Contents

Abstract ................................................................. i
Acknowledgements ............................................... ii
Table of Contents .................................................. iii

### Chapter One - Introduction

1.1 Justice, Equality and Neutrality .......................... 6
1.2 Neutrality: Ground and Scope ............................ 9
1.3 Neutrality in Generations ................................. 13
1.4 Legitimacy, Obligation and Ethics ....................... 16
1.5 Citizenship and Perfectionism ......................... 22
Conclusion .............................................................. 30

### SECTION I – THE FOUNDATIONS OF LIBERAL NEUTRALITY

### Chapter Two

2.1 Equality: Dworkin on Neutrality ...................... 34
   2.1.1 Welfare, Resource and Treatment-based Equality 37
   2.1.2 Tautological, not Derivative ...................... 43
2.2 Dialogue: Ackerman on Neutrality .................. 48
   2.2.1 Legitimacy, Dialogue and Citizenship .......... 50
   2.2.2 Rejecting Deduction ............................... 52
   2.2.3 Constraint-Sites and Special-Powers .......... 56
Conclusion .............................................................. 60

### Chapter Three

3.1 The Sectarian Critique ................................. 63
   3.1.1 Conceiving Moral Persons ......................... 64
   3.1.2 Conceiving Moral Disagreement ................. 65
   3.1.3 Conceiving Moral Constraint .................... 67
3.2 Public, Not Plural ................................................. 68
   3.2.1 Rawls and the (Institutional) Limits of Moral Constraint 69
   3.2.2 Larmore and the (Justificatory) Limits of Moral Disagreement 72
   3.2.3 Epistemic Neutrality and Human Interest .... 75
3.3 Prudence and Civility ............................................. 79
   Conclusion ....................................................... 86

### SECTION II – (ANTI)PERFECTIONISM AND POLITICAL OBLIGATION

### Chapter Four

4.1 Perfectionisms .................................................... 91
4.2 Three Defences of Liberalism Perfectionism ....... 95
   4.2.1 Equal Respect, Unequal Toleration ............ 96
   4.2.2 Perfectionist Pluralism ......................... 99
   4.2.3 Balancing Autonomy ............................... 102
4.3 Practical Reasoning and Inherent Value .......... 107
   Conclusion .................................................... 113
Chapter Five  
5.1 Want-Regarding and Ideal-Regarding Morality  
5.2 Neutralism and Political Obligation  
   5.2.1 Neutralist Political Obligation (NPO)  
5.3 Perfectionism and Political Obligation  
   5.3.1 Perfectionist Political Obligation (PPO)  
5.4 Contractarianism and Philosophical-Anarchism  
   5.4.1 Interlocking Assumptions  
   5.4.2 Only Authority for Autonomy  
Conclusion

SECTION III – PERFECTIONIST POLITICAL OBLIGATION

Chapter Six  
6.1 Consent and Obligation  
   6.1.1 Contractarianism and Political Obligation  
   6.1.2 Contractualism and Political Obligation  
6.2 Political Liberalism and Natural Duty  
   6.2.1 The “Natural Political Duty” Argument  
   6.2.2 Civility and the Natural Political Duty  
6.3 Civility and Philosophical Perfectionism  
Conclusion

Chapter Seven  
7.1 Civility and Political Perfectionism  
   7.1.1 Exclusionary Reasons and Political Obligation  
   7.1.2 Normative Power and Autonomy  
7.2 Political Liberalism and Perfectionist Political Obligation  
   7.2.1 Justifying Civility  
   7.2.2 Practicing Civility  
Conclusion

Conclusion

Perfectionist Political Obligation: A Summary

Bibliography
Introduction

Barack Obama’s inaugural address was likely the most attended in Western history.¹ During this speech, Obama appealed to American citizens in rather unconventional terms. Here is the crux of his bid:

What is required of us now is a new era of responsibility – a recognition, on the part of every American, that we have duties to ourselves, our nation and the world, duties that we do not grudgingly accept but rather seize gladly, firm in the knowledge that there is nothing so satisfying to the spirit, so defining of our character than giving our all to a difficult task. This is the price and the promise of citizenship (WhiteHouse.gov).

Politicians in contemporary Western democracies rarely speculate on what is “satisfying to” or “defining of” people’s character, especially while attempting to explain or justify our moral responsibilities as citizens. Even today’s scholars, especially liberal ones, seem reluctant to assess the full range of value assumptions² that underlie competing accounts of political obligation³. Instead, liberals tend to focus their efforts on conceiving and defending entitlement principles, particularly the right to benefit from the pursuit of personal interest. Little serious attention is given to questioning whether these rights-oriented theories also offer satisfactory and compatible moral accounts of political obligation. My project uses this latter line of inquiry to explore and assess the political ethics of a coherent liberalism.

¹ Just three American news-media sources streamed over 35 million web-feeds of Obama’s inauguration. (CBCnews.ca) Adding all media feeds, it is likely that his speech had the largest audience in American history.

² Joseph Raz says that “value is the great uniter, the common bond of mankind” (2001, 2). He also notes that “values provide reasons...in two ways: we have reasons to engage with value, but we also have to respect value, meaning respect what has value for the value it has” (2010, 1; 1986, 397; Cf., Gaus, 1990, 3). Following Raz, I take “value-based justifications” to contain two properties: (i) they describe the nature of our moral reasons for action, and (ii) these reasons are directly grounded in some idea of instrumental (subjective) or intrinsic (objective) value. I elaborate this distinction and the purpose for considering it in Chapter Four when I outline the vital distinction among instrumental, intrinsic and inherent value. For now, I merely mean to indicate my view that background value assumptions are decisive for political thinking. “Moral philosophy,” as Robert Nozick says, “sets the background for, and the boundaries of, political philosophy” (1974, 6). This vantage point allows me to assess liberal ethics through the theory of political obligation (Horton, 1992, 13).

³ Chapter Five rejects the distinction H.L.A. Hart (1955; 1958) and John Rawls (1964; 2005 [1971]) make between “duty” and “obligation.” In short, the Hart-Rawls division wrongly limits the idea of political obligation to accounts from transactional morality (e.g., consent, benefit and fairness). Even Rawls’s justification of political obligation reaches beyond these principled accounts, since what he calls our “fundamental natural duty,” or a “duty of justice,” “requires us to support and to comply with just institutions that exist and apply to us [as citizens of one political community to the exclusion of others]” (2005 [1971], 114-115). Because political obligations are indeed grounded in a more basic and “natural” duty of justice, the terminological distinction between obligation and duty is specious. See discussion in 5.2, 6.2 and 6.3.
“For many members of our culture,” Joseph Raz says, “it has become plain that duties derive from rights, and that there can be no duty except to serve and protect someone’s right.” (1989, 5) The pervasive belief that “a right is always to a benefit” leads many to assume that “rights can stand on their own feet” as the “ultimate, rock-bottom moral value” (Ibid.). As Raz suggests, this latter presumption tends to prefigure theoretical research on political obligation. John Simmons, in one prominent example, takes obligations to be conferred in only two ways. An individual can either directly impose a duty on herself by promising to restrict her own options, or she can consent to another’s actions and foreclose in this secondary way her own pre-existing right to interference (1976, 275-276). Since Simmons takes rights to be foundational, he clearly also assumes that (a) obligations function purely as fetters of personal interest, and, accordingly, that (b) any valid justification of obligation must be derived from a more basic right of self-governance (285; 1979, 69). A loud chorus of cultural slogans and scholarly terms strike this same rights-based chord. By comparison, Obama and Raz’s plea “to give duties a central role in our understanding of moral and political life...independent of their role in protecting and promoting rights” stands out like a staccato note (Raz, 1989, 4; also see, Sandel, 1996, 14-16; 2009; Cf. Galston, 1988). To be sure, rights-oriented liberalism remains the leading moral framework in Western culture (Janowitz, 1980, 1; Carens, 1986, 31-32; Mead, 1986; Raz, 1989, 3; 1994, 29-43; Martin, 1993, 29; Parekh, 1993, 246; Singer, 1993, 5; Janowski, 1998, 5; Kymlicka, 2002, 288).

This dominant species of liberal political morality is perhaps better known as liberal neutrality. It rests on a foundational and deceptively compelling principle that I call (LN)

---

4 Though Simmons may not wish to call himself a liberal, his position as a philosophical anarchist, much like today’s dominant strand of liberal thinking, considers rights to be foundational or central to justice, and thus interprets other political concepts through that rights-based lens.

5 David Estlund offers a succinct description of the basic idea of (political) justification: “a fully valid political justification lays out reasons that establish moral obligations of a citizen to comply and/or moral permissibility for the collective to enforce its decisions even coercively” (1998, 254). I agree with this reading.
equal respect as neutral concern. Contrary to the tenor of Obama’s inaugural address, this neutrality principle requires that legitimate policy positions stand independent of controversial (and, therefore, presumptively discriminating) assumptions about what is “satisfying to the spirit” or “defining of our character.” Whether taken as “the nerve of liberalism” (Dworkin, 2000, 183), “the organizing principle of liberalism” (Ackerman, 1980, 10), its “essential element” (Rawls, 1988, 251) or as “the paramount political value of the liberal state” (Larmore, 1987, 151), neutrality is undeniably today’s most championed political principle. I believe this esteem is misplaced. Neutralism, I shall argue, is incoherent as an underlying ethic for today’s pluralistic polities.

I chose to introduce this project with Obama and Raz’s comments because they intimate the new and instructive way I investigate liberal neutrality. In my view, the question that needs to be asked is whether a sufficiently moral version of (political) liberalism can also offer a sufficiently neutral justification of political obligation. Either one or the other can be held, I decide, not both. This is because the two positions cannot cohere: the neutralist ethic is incompatible with the substantive grounds required to explain and justify a plausible account of general political obligation. If my position is correct, it offers crucial insight not only into the debate between neutrality and perfectionism, but also into the ethical study of

---

6 In The Ethics of Identity (2005), Anthony Appiah calls this principle “neutrality as equal respect” (91). I formulate (LN) in Section I as the most plausible version of neutrality that emerges from four foundational accounts. These are offered by Ronald Dworkin, Richard Ackerman, John Rawls and Charles Larmore. Appiah’s rendition of the principle resembles (LN) only in the general sense that public decisions ought not to discriminate against the reasonable interests of minorities. His neutrality as equal respect distinguishes itself from the more popular version of (LN) insofar as it showcases people’s reasonable views as an integral possibility of, or even a defining aspect of, their identity. Appiah’s view conflicts with (LN) because (LN) looks to ground equal treatment in “respect for persons” and not in the more restrictive, identity-based principle of “respect for beliefs” (Larmore, 1987, 64). We shall see this more clearly in Chapter Three.

7 Although Rawls takes neutrality to be an “unfortunate” term, he still uses it as a “stage piece” for representing the priority of the right as political liberalism’s “essential element” (1988, 260-261; Cf. Kymlicka, 1988).

8 George Klosko notes that a “general obligation” is our duty to uphold all the central functions of the state. He believes that offering an account of our obligation to obey the law in this general sense “must be the main focus of any theory of political obligation” (1994, 253; also see, Raz, 1984, 139-140). My critique of political liberalism need not take a position on whether a sufficient defence of general political obligation can be generated. My intention here, instead, is to assess whether political liberalism invokes an account of obligation that is suitably neutral. I can do that without deciding exactly which justificatory principle is ultimately stronger qua a justification of general obligation. Please see my discussion in Chapter Five for some elaboration.
liberalism, itself. Although the constructive side of my project does imply a more coherent and viable liberalism, the bulk of my time is spent detailing and critiquing political liberalism, since it offers the strongest account of neutralist liberalism.

Generally speaking, my study explores the relationship between the competing values underlying neutralist and perfectionist legitimacy, on the one hand, and the moral principles of liberal citizenship, on the other. More specifically, I look at the competing accounts of both the state’s moral right to rule (i.e., the ethics of political legitimacy) and the normative reasons to comply with just states (i.e., the ethics of political obligation). A central task here is evaluating the substantive assumptions of liberalism, like valuing the distinctive capacities of human nature as properties of individual well-being, that lie at the core of mutually

---

9 I concede that there is considerable room to debate the ethical makeup of liberalism. Indeed, there may be no definitive ethical ordering among liberalism’s constitutive principles. Some theorists privilege equality as liberalism’s first principle, and then attempt to settle value conflict in its favour (Dworkin, 1978). Yet, because other foundational principles, like autonomy or respect, are necessarily invoked both to understand the nature of equality and to find a suitable arrangement for upholding it (Waldron, 1987), even liberal egalitarians encounter principled disagreement among themselves. Others, inspired by Wittgenstein’s (1997) idea of family resemblances, instead envision competing “strands” or “families” of liberalism (Freeden, 1998). Some even stretch this kinship metaphor to argue that the diversity of views within liberalism (now a philosophic “surname”) better resembles an extended family of significant inter-conceptual marriage than subtle generational change within nuclear units (Waldron, 1987, 127). Though “family” may be as an instructive metaphor, it risks portraying a much closer principled relationship among liberals than is actually the case. Maurice Cranston (1967) calls a liberal one “who believes in liberty” (459). This moves us from the inaccurate image of a tightly-knit family toward an equally unhelpful depiction resembling something like Michael Ende’s “the Nothing,” a sort of ideological storm devouring everything in its path. While acknowledging these conceptual challenges, I, like many others, stubbornly weather the storm in search of its liberal eye.

10 Christopher Heath Wellman says that “...political legitimacy explains why the state has a right to coerce its citizens and, correlatively, why its citizens have no right to be free from this coercion” (1996, 211-212). More recently, Jonathan Quong adds that this legitimacy proposition involves a claim “the moral right to control our lives in this way” (2010, 1-2). Political legitimacy, in other words, is, in Quong’s words, “an account of how the liberal state gains the moral right to rule” (9). Although I do share Wellman and Quong’s understanding of legitimacy, I think it can be elaborated by exploring its justificatory relationship with the morality of political obligation. I attempt to lay out this richer account in 1.4 below.

11 In Alan Carter’s work on the relationship between Rawls’s theory of justice and his justification of political responsibility, Carter uses the term “political compliance” to cover Rawls’s conception of both political obligation and political duty. Carter says that “[t]he problem of justifying political compliance might best be construed as that of providing a cogent argument that should convince any reasonable person that he or she ought (normatively and not merely expediently) to abide by the rules of whatever polity is under consideration” (2006a, 8). As we shall see, this definition of political compliance is in no way distinct from the traditional problem of political obligation, especially as it has been read by normative theorists outside the neutralist camp.

12 I agree with others, like William Galston, who say that liberalism, with all political morality, must and does assume “the worth of human existence, the value of the fulfilment of human purposes, and the commitment to rationality” (1991, 143). These postulations, Glaston adds and I agree, are adopted “explicitly or tacitly” for guiding “both individual purposiveness and collective undertakings” (144).
satisfactory conceptualizations of rights and duties.\textsuperscript{13} In other words, my study assumes that a coherent account of liberalism will provide morally convergent principles of legitimacy and obligation. Exploring neutralist and perfectionist ethics in this way allows us to see that today’s dominant theory of liberalism (i.e., political liberalism) explains and justifies political obligation not, as we would suspect, by neutralist assumptions, but by the values of an underlying liberal-perfectionist ethic.

My central thesis is that requiring citizens to defend their own moral position from a standpoint of equal respect toward others’ deepest convictions is actually grounded in a liberal-perfectionist account of civility. Political liberalism, I argue, can neither explain nor justify its position on political compliance\textsuperscript{15} without invoking this perfectionist ideal. This means that at the grounding or foundational level, political liberalism resembles what some call “philosophical perfectionism” (Hurka, 1993, 162-163; 1995, 38; Wall and Klosko, 2003, 16). In other words, our (perfectionist) duty of civility contains the evaluative assumptions (both moral and epistemological) that political liberalism needs to explain and justify its position on our obligation to comply with just states. And because this duty of civility is a liberal-perfectionist position on the practical responsibilities of liberal citizens qua citizens, it thus shows political liberalism to be a doctrine of “political perfectionism,” as well (Ibid.).

\textsuperscript{13} A viable account of citizenship is expected to provide integrated responses to the following thematic questions: (1) membership: who is and who is not a member? (2) entitlement: what (rights) does citizenship provide members? And (3) expectation: what are the obligations, requirements or responsibilities involved in citizenship? (Moore, 2001, 178-179; Patten, 2001, 282-283; Cf, Callan, 2004, 73) This reading of citizenship originated, I believe, in Thomas McPherson’s (1967) claim that “[b]elonging in society involves...rights and obligations. Understanding what it is to be social would be impossible unless we understood what it is to have rights and obligations – and vice versa” (1967, 64). More recently, Engin F. Isin, Peter Nyers and Brian S. Turner’s (2009) have asserted that “citizenship as political subjectivity [or bounded membership] is the right to have rights and obligations” (1, emphasis original). Citizenship, then, entails both the rights and duties of political membership.

\textsuperscript{14} George Klokso suggests that moral justifications can converge in two primary ways: (1) accumulation – moral principles X, which generate rights, and Y, which establish duties, stand independent of one another, but still mutually sustain an analytically coherent structure of citizenship; (2) overlap – X and Y generate entitlements and responsibilities irrespective of each other, but the justificatory power of each is strengthened where each finds a common moral ground (2004, 801-824, especially 803).

\textsuperscript{15} I follow Alan Carter in my occasional use of “political compliance” to cover Rawls’s conception of both political “obligation” and political “duty”. Please see supra note 11.
Ronald Beiner recently said that “[p]olitical liberalism doesn’t exist – it’s a phantom of the Rawlsian imagination” (2009, 86; 2011, 297). The new line of criticism I adopt here affirms Beiner’s conclusion and offers a compelling reason to rethink the viability of liberal perfectionism. Previous critiques of neutrality take one of two general stances: they claim either that no government can ever be strictly neutral or that even neutrality theory relies upon comprehensive moral assumptions. My analysis shows that political liberalism’s justification of political obligation sources itself in foundational assumptions that exemplify a distinctly liberal-perfectionist type of value that I call “inherent value” (Sher, 1997). What makes inherent value uniquely appropriate for a coherent position on liberal political morality is that it is moral rather than merely prudential, and liberal even though it is not comprehensively prescriptive. This highlights the important possibility that the explanatory and justificatory strength of political liberalism, as with any coherent version of liberalism, relies on this specific kind of perfectionist but still liberal valuation.

1.1 Justice, Equality and Neutrality

Anglo-American political philosophy began to change dramatically in 1971 with the publication of John Rawls’ A Theory of Justice. Unseating classic readings of desert, Rawls argues here that justice is “the first virtue of social institutions,” (2005 [1971]), 3) and thus the criterion for evaluating how “social institutions and practices affect the distribution of life-chances” (Kymlicka, 1992, xii). Previously staple approaches like intuitionism or utilitarianism came under increasing scrutiny as insufficient for understanding and addressing contemporary political conflict. Intuitionism, for example, was exposed for its inability to illuminate those tough cases in which our native sense or “intuition” about what is right to do met intractable dispute. Indeed, much of life in today’s world suggests to us that moral
conflict is often irresolvable without careful and complex deliberation, while even our attempt to discuss problems reasonably is burdened by the imprecision of moral judgment (Rawls, 2005 [1971], 34-45). Since moral conflict and popular debate are indeed central features of modern politics, Rawls concludes that any conception of justice premised upon our allegedly intuitive awareness of moral fact is of no help because such reflexive belief tends to mirror more basic and often incommensurable “conceptions of the good,” or comprehensive belief structures dedicated to unique ways of life. As he puts it, because people “…balance final principles differently, as presumably they often do, their conceptions of justice are different. The assignment of weights is an essential and not a minor part of a conception of justice. If we cannot explain how these weights are to be determined by reasonable ethical criteria, the means of rational discussion have come to an end” (41).

Henry Sidgwick’s work looks to forestall this slide toward ethical dogmatism by grounding intuitionism in utilitarianism. He says that “while accepting the morality of common sense as in the main sound, [intuitionism] still attempts to find for it a philosophic basis which it does not itself offer” (1907, 102). Sidgwick concludes that “the only moral intuitions which sound philosophy can accept as ultimately valid are those which at the same time provide the only possible philosophical basis of the Utilitarian creed” (1876, 564). But utilitarianism, too, came under increasing attack by political philosophers of the late-twentieth century, another charge principally led by Rawls.

Utilitarianism is said to fail liberal politics in three important and interrelated ways: (1) it is teleological, and therefore betrays the distinctness of persons and their pursuits by discriminating against those who do not share the endorsed conception of utility; (2) it thereby sacrifices some people’s welfare for the sake of others; and (3) its doctrine of utility maximization is ill-equipped to differentiate between pernicious and innocuous moral means for achieving utilitarian ends (Rawls, 2005 [1971], 183-192; Kymlicka, 1988, 174-175; 1992,
Although Will Kymlicka has recently attributed these problems both to intuitionism’s and utilitarianism’s failure to cohere with an ideal of political equality (1992, xiii-xiv; 2002, 37-48), the heritage of this important critique comes from Ronald Dworkin’s earlier work on distributive justice and liberal egalitarianism.

Liberalism, for Dworkin, satisfies all the requirements of a suitable political morality for pluralistic social forms. He claims liberalism (i) maintains an authentic connection to actual political culture; (ii) provides a complete picture of our settled ethical commitments, thus enabling future decisions to follow logically from their principled source; (iii) opens a distinct ethical vision vis-à-vis other political moralities; and that liberalism (iv) is “comprehensive but precise” in using the three former traits to show that liberal principles will both prefigure and outlast any competing view’s normative and explanatory power (1978, 121). But, of these four conditions, Dworkin spends considerable time analysing (iii), liberalism’s distinct principled arrangement. Neutrality takes its first shape here in Dworkin’s discussion of the normative weight liberalism assigns to its distinct conception of equality.

Dworkin’s primary concern in his influential 1978 paper entitled ‘Liberalism’ is deciding what distinguishes liberalism from conservatism. The key in separating the two, he says, lies in the comparative weight given to either one of the two main “constitutive political positions”: liberty or equality. In ‘Liberalism,’ Dworkin argues that equality is liberalism’s fundamental or “constitutive” moral assumption, and that all “derivative positions” in politics are grounded in this value. Although an implied, formal point here is that all public decision-making is guided by first principles, such as liberty or equality, Dworkin’s ultimate intention in this important paper is to explain that liberalism’s unique stance on the nature of equality is what distinguishes it from rival conceptions of political morality, like conservatism. I review Dworkin’s account closely in Chapter Two. For now, however, we simply need to note that
from Dworkin forward, an emphasis on liberal equality has tended to entail an account of legitimacy called (political or state) neutrality.¹⁶

1.2 Neutrality: Ground and Scope

Political neutrality is a principle of restraint. Its main conviction is that legitimate public policy must not privilege any singular moral ideal in order to uphold the free and equal status of all moral persons. This means, more specifically, that the state’s use of coercive power should remain reasonably uncontroversial. But, this general account does not explain exactly what this constraint entails, nor does it tell us why liberals should even be committed to a principle of neutrality in the first place. Any plausible version of liberal neutrality must offer satisfactory answers to these questions. It must, that is, “articulate the concept in a satisfactory way” and “explain why the concept so articulated should play a prominent role in political philosophy” (Wall and Klosko, 2003, 2). Although I am ultimately concerned with neutrality’s success in the latter, evaluative sense, a viable account of neutrality must also clearly specify what is meant by the term and how it is to be applied in practice.

This matter of specification is, in part, a question of what we are supposed to be “neutral” between. Two options are available here. Neutrality could be obtained between either (i) political agents’ public policy intentions or (ii) the effects of public policy for citizens’ lives. Each approach faces its own challenge. Strategy (i), frequently referred to as “neutrality of aim,” suffers the impossibility of uncovering myriad and often highly esoteric interests that inform public decision-making. The effects-based alternative in (ii), often called

¹⁶ Political or state neutrality may be distinguished from a more general concern with metaethical propositions, namely those that meet the conditions of “moral neutrality.” Alan Gewirth (1968) distinguishes two forms of this latter expression of neutrality: (1) “referential” – by which propositions are prefigured by some positive claim not just about the nature of the subject in question, but also about all subjects without prejudicing the particular subject under review; or (2) “predicative” – where some normative position (say, epistemological or logical), but not a normatively moral position, constrains principled derivations to that assigned predicate.
“consequential neutrality,” suggests that public decisions ought to seek outcomes that have no preferential effects. The fatal problem here is the impracticable expectation that the consequences of public policy could avoid even some minor degree of actual inequality.

These troubles suggest a deeper concern with the idea of neutrality. Both (i) and (ii) must assume some underlying, moral account of, say, equality, freedom or human function that could help explain and justify why we should even consider the very idea of neutrality in the first place. As one leading neutralist put it, we “must devise a neutral justification of political neutrality” itself (Larmore, 1987, 53, emphasis original; also see, Nagel, 1991, 155-157; Kymlicka, 1989). This perspective, commonly labelled “justificatory neutrality,” expects that the standards by which we evaluate public decisions must not themselves conflict with the essential spirit or underlying moral purpose of impartiality. The main challenge here is locating a value-based justification of the very idea of neutrality that is itself (reasonably) acceptable to all parties. I call this the “grounding problem,” and begin detailing it in the next chapter. The important point to note at this point is that there is a basic relationship between the way that neutrality is conceptualized, in analytic terms, and justified, in moral terms.

Another main concern in specifying a coherent principle of neutrality is deciding how broadly or narrowly neutrality is to be applied. Should it bear on all public policy or merely decisions affecting the basic structure? Determining precisely which areas of deliberation are to be constrained by neutral standards is crucial if only the coercive tendencies of political power are to be curtailed. We can call this the “scope problem.” I give my reading of it greater attention in the next chapter. For now, let us begin by considering the two main scope responses currently offered. One, called “narrow neutrality,” holds that deliberation concerning basic matters (or the “constitutional essentials”) of justice cannot be informed or

---

17 “By the basic structure I mean a society’s main political, social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next” (Rawls, 1993: 11, 257-288; Cf, Rawls, A Theory of Justice, §2.).
directly justified by comprehensive moral ideals. No belief, however widespread, in the existence and word of Jesus Christ, for example, can ground a decision to amend our right to freedom of religion along only Christian lines of worship. In other words, people’s equal right to have and pursue personal interests is upheld only when the state’s basic structure remains neutral among competing conceptions of the good. This implies that some expressions of state power are non-coercive, and that they need not concern neutrality because citizens’ private interests are already protected by the basic structure.

Others, however, argue that narrow neutrality is far too limited in its protection (Solum, 1993, 738-739; Wall and Klosko, 2003, 6-7). As an alternative, “comprehensive neutrality” requires that all state activity shows neutral concern among competing ideals. The worry here is that each and every policy decision significantly favours some sectarian beliefs over others; this is true, they contend, even when the basic structure rests on neutral grounds. The United Nations, for example, declared Ontario’s policy of fully funding only Catholic schools discriminatory (CBCnews.ca) even though the Supreme Court of Canada upheld Catholic schooling as constitutional in 1987 because of its pre-existing status as a special right in the British North America Act of 1867. Nevertheless, debate between narrow and comprehensive neutrality is scarce. Very few expect that every iota of state power could or even should be constrained by the demands of neutral concern. Narrow neutrality is generally held to be the more practicable and conceptually defensible position on the question of scope.

In my view, neutrality theorists have overlooked an additional scope concern. I grant that neutrality is often read in an institutional sense, as a principle of state legitimacy. Yet, exactly who is meant to represent “the state” is largely left unspecified. Does the principle of neutrality govern the conduct of officials, alone, or officials and ordinary citizens?18 If

---

18 In Gerald F. Gaus’s ‘Liberal Neutrality: A Compelling and Radical Principle” (2003), he argues that neutrality does indeed place some far reaching, or “radical,” constraints upon formal state activity. I do not mean to invoke this scope question here. My concern is to isolate precisely whose activity is thought to be an
political decision-making is affected by no one but government officials, then the common institutional-based reading of neutrality rightly makes them the target of constraint. If, however, citizens must also limit their justifications by permissible moral and epistemological standards of justification, then a much wider scope of constraint is clearly at play in the idea of neutrality.\textsuperscript{19}

This issue of specifying neutrality’s proper “constraint-site,” as I call it, is overlooked by the literature. In fact, the strictly institutional reading of neutrality is most often presumed, which leads neutralists to endorse “social perfectionism,” for, apparently, “...the flip side of state neutrality is support for the role of perfectionist ideals and arguments in civil society” (Kymlicka, 1989, 895). What is noteworthy about this proposition is its indication that the crucial issue with scope is not merely about determining whether controversial positions should be bracketed out of decision-making (neutrality) or promoted if of greater worth (perfectionism), but also about deciding exactly who ought to decide controversial matters of moral importance. I explore this scope problem through Bruce Ackerman’s work in Chapter Two immediately after I investigate the grounding problem shown in Dworkin’s liberalism.

I pay these evaluative (or grounding) and specification (or scope) questions considerable attention in Section I because they help reveal what I consider to be the most challenging conceptual hurdles facing neutrality theory. Chapters Two and Three undertake an exclusive study of neutrality theory by exploring the staple answers to them. My main objective there is to determine precisely which value assumptions underwrite liberal neutrality, especially as they have fallen within separate “generations”\textsuperscript{20} of neutralist expression of “state” activity. Does the range of neutral constraint reach beyond formal, institutional decision-making to include the reasons citizens invoke while defending or rejecting the use of coercive power?\textsuperscript{19} Again, the concern here is not between narrow and comprehensive neutrality. The former distinction concerns the range of decision-making within the state apparatus, while mine questions whether neutral constraint is also meant to govern the actions of those outside that institutional structure.

\textsuperscript{20} Patrick Neal was, to my knowledge, the first to classify forms of neutrality by the “generations” to which they belong. See Neal, Patrick. 1993. Vulgar Liberalism. Political Theory, Vol. 21, No. 4 (Nov.), pp. 623-642
thinking. Outlining this generational distinction ensures that my critique in Section II and III impugns today’s most plausible reading of liberal neutrality, i.e., political liberalism.

1.3 Neutrality in Generations

Contemporary liberal theory considers conflict on the substantive matters of life a permanent fixture of public decision-making. Yet, our interest in and commitment to stable socio-political order turns on the degree to which we actually share moral principles. On this epistemological question, liberals are divided, especially neutralists. And this fault line marks an important distinction separating two generations of neutralist theory. First-generation\textsuperscript{21} neutrality suggests that the way to show equal respect for competing ethical views is to remain uninterested in their epistemic validity; second-generation\textsuperscript{22} thinking, however, emphasizes that moral disagreement can and should be guided by some position on which ethical claims are or are not permissible in public-deliberation. This division is crucial for understanding how the grounding and scope problems implicate both generations.

First-generation neutrality tends to adopt the tenets of “classical” or “comprehensive liberalism.” A distinguishing feature of this view is its subscription to the doctrine of pluralism\textsuperscript{23}. Pluralism assumes that a diverse set of objective values exist, and that all or some of them may not be reducible to any singular (set of) principle(s). Because moral disagreement is likely to happen between or among independent ethical doctrines, political decision-making should remain neutral among them by privileging no specific view over

\textsuperscript{21} As I mention above, I use Ronald Dworkin’s early writings on liberalism and Bruce Ackerman’s argument for neutrality as leading and foundational examples of first-generation neutrality theory.

\textsuperscript{22} In my view, John Rawls and Charles Larmore’s work, together, offer the definitive account of second-generation thinking.

\textsuperscript{23} Pluralism, as a conception of morality, holds (1) that an objective and rationally defensible distinction between good and bad can be made; (2) that a range of goods and virtues are available, none of which comprise the ultimate good or among which no rank ordering can take place; (3) that some goods are basic to human well-being; and (4) that human goods can be differently arranged to produce distinct, but incommensurable, ways of private and public living (Galston, 2002, 5-6). Please see my Chapter Three discussion.
another. The surest way to prevent value discrimination, according to this view, is for public
deliberation to avoid questions of epistemic validity. I outline this position as “ethical
neutrality” in Chapter Three, since its emphasis is upon recognizing and protecting
individuals’ ways of life as outward expressions of their innermost commitments to
comprehensive moral ideals. Both Ronald Dworkin and Bruce Ackerman’s work falls into
this sub-category, but are not labelled as such until that third chapter.

Other neutralists have agreed, at least empirically, that multiple conceptions of the good
do exist. But from this they counter that although we cannot say with epistemic certainty that
all genuinely held conceptions of the good are equally valid, we can and should say that some
are more reasonable than others. John Rawls and Charles Larmore led this second-generation
development in neutralist thinking. Unlike ethical neutralists, Rawls, for example, uses the
term “pluralism” simply to imply an epistemological “fact” of moral disagreement (1987, 4).
Value incommensurability, in other words, is a practical expression of moral disunity in
contemporary liberal contexts, and not necessarily a structural characteristic of all
philosophic disagreement. The point, then, is not to forestall value judgment in public
deliberation altogether, but rather for it to permit only those moral positions that are
acceptable by standards that all reasonable parties can agree upon. As Joseph Raz has said,
political liberals “advocate an epistemic withdrawal from the fray...[because certain moral
assumptions] are of an epistemic class unsuited to public life” (1990, 4). I call this standpoint
“epistemic neutrality”24 and contrast it with ethical neutrality in Chapter Three.

24 Rawls does suggest that an “account of moral structures and their basis in moral psychology” should be
pursued independent from other branches of philosophy, including epistemology (Rawls, 1974, 7; Cf, 1993, 10-
13). Still, in using “epistemic neutrality” to denote the political status of moral knowledge in his and Larmore’s
theory, I mean to propose that even though their neutrality claims to “offer no specific metaphysical or
epistemological doctrine beyond what is implied by the political conception itself...” (Rawls, 1993, 10, emphasis
added), it still requires citizens to invoke an acceptable interpretation of political value “derived from, or
congruent with, or at least not in conflict with, their other values” (Rawls, 1993, 10-11). Thus, although their
account of political liberalism does not conclude, as scepticism does, that no conceptions of the good can be
established as true, it is nonetheless an epistemological doctrine (Clarke, 1999, 639; Cf, Bohman, 1998, 402).
At bottom, epistemic neutrality challenges ethical neutrality by claiming that its adoption of Berlinian pluralism merely supplants one controversial view about the nature of the moral universe, monism, with its own, pluralism. To overcome this grounding problem, second-generation neutrality insists that matters of common concern must only be adjudicated by distinctly “public” or “political values” that do not threaten our private ethical commitments. As Larmore puts it, epistemic neutralists assume “that [because] reasonable people tend naturally to disagree about the nature of the fulfilled life,” “liberalism’s primary ambition...has been to find principles of political association expressing certain fundamental moral values that, to as great an extent as possible, reasonable people may accept despite the different views about the good and about religious truth that divide them” (1996a, 30, 154).

The remaining features that distinguish first-generation (ethical) neutrality from second-generation (epistemic) neutrality are outlined in Chapter Three. This brief archaeology was meant to introduce the basic differences between their conceptions of moral reasoning.

This central debate between neutralists has spawned a considerable amount of related studies, which together have occupied much of contemporary liberal political thought. Some have asked, for example, whether we can neutrally distribute resources (Alexander & Schwarzschild, 1987); what it actually means to hold or reject a view of the good life (Sinopoli, 1993; Chan, 2000); whether neutrality must ultimately depend on a substantive moral justification (Dimock, 2000); or can a neutralist theory of justice coherently meet each of its own demands to be (i) value based, (ii) independent of particular conceptions of the good, and (iii) doctrinally unique (Fishkin, 1983). Conclusions vary widely on this latter line of questioning. Some say this coherency aspiration produces a position on neutrality that is (a) morally vapid (MacLeod, 1997; Cf, Farrelly, 1999), (b) morally comprehensive and therefore paradoxically non-neutral (Lund, 1996), (c) morally minimalist and therefore properly non-sectarian (Neal, 1993) or (d) morally minimalist and thus paradoxically
sectarian (McCabe, 2000). No clear consensus in these areas has been achieved, I believe, because the secondary literature has missed the opportunity to examine a rather different question. As indicated above, I think the chief concern for neutrality theory is the tension between its principled defence of (neutralist) legitimacy, on the one hand, and its moral theory of political obligation, on the other. Let me now elaborate on what I take these terms to mean.

1.4 Legitimacy, Obligation and Ethics

A state is said to be “legitimate” when it meets the moral conditions of rightful rule or, in contemporary parlance, justice. For many of today’s liberals, this basic moral framework must be neutral toward people’s competing conceptions of the good if it is to be just. “Political obligation,” on the other hand, suggests that citizens bear some kind of moral responsibility to comply with the laws of their state and uphold its institutions. A few insist that “political legitimacy is necessary but not sufficient for political obligation.” (Wellman, 1996, 212; also see, Green, 1988; Edmundson, 1998; Murphy, 1999; Wellman, 2001) In other words, although legitimacy might entail a duty not to interfere with the state’s prerogatives, we should not take this to mean that legitimacy also implies a positive, moral claim about one’s civic responsibility (Edmundston, 1998, 55-56; Wellman, 2001, 741-742). The point of this distinction is to avoid conflating legitimacy with obligation, since it is thought that whatever moral principle grounds one cannot by itself justify the other.

But this separation is too sharp. It misleads us to think that legitimacy shares no moral foundation with any of the competing principles of obligation. To the contrary, legitimacy and obligation are so closely related at a conceptual level that we would expect their moral justifications to be consistent with one another. In fact, I consider it a coherency condition for
liberalism that its defence of both concepts do indeed source their explanatory and justificatory strength in compatible, even mutually sustaining, value assumptions. I can invoke this coherency condition while granting that legitimacy may not imply obligation, or vice-versa, in analytic terms. My point in adopting it, following Rawls, is that unless each of these principles shares compatible moral assumptions, their conflicting presence in liberalism will cripple (liberal) politics by offering states and citizens “contrary directives” (Rawls, 2005 [1971], 335). The upshot of this realization is that the underlying morality of obligation can be mined for clues concerning the debate on neutralist and perfectionist legitimacy.

I should note, however, that although this approach will necessarily draw from the relevant theories of political obligation, it need not defend them nor rely on their validity. Because my intention is to explore the neutralist credentials of political liberalism, I need to review only whether its defence of political obligation coheres with its neutralist version of legitimacy. For expository purposes, I shall now introduce the main theoretical problems and schools of thought in the study of political obligation.

Exploring the idea of political obligation philosophically can occur in two major ways. The first is descriptive, concerning the conceptual makeup of political obligation. What does it mean, in other words, to be “politically” obligated? Is this responsibility distinct from, say, our duties to families or employers? The second, more popular and contentious form of examination involves the question of whether there are compelling moral reasons to comply with and uphold just polities. The main, normative interest in political obligation, in short, is whether citizens are morally required to cooperate with the political system they inhabit.

25 On the idea of an integrated morality, Ronald Dworkin has recently said that “in political morality integration is a necessary condition of truth. We do not secure finally persuasive conceptions of our several political values unless our conceptions do mesh” (2011, 5-6, emphasis original). Dworkin continues to argue that “[m]orality as a whole, and not just political morality, is an interpretive enterprise” (12). By this he means that moral judgments are interpretations of primary moral ideas; “we test those interpretations by placing them in a larger framework of value to see whether they fit with and are supported by what we take to be the best conceptions of other concepts” (Ibid.). “So political concepts,” he insists and I agree, “must be integrated with one another. We cannot defend a conception of any of them without showing how our conception fits with and into appealing conceptions of the others” (6-7). Still, I follow Dworkin in stressing that mutually sustaining concepts are a necessary, though not sufficient, condition of truth (37).
There is little to debate, descriptively, about whether today’s states look and function differently than, say, family units or employment organizations. A few unique characteristics define the political kind of obligation. First, citizens are often born into state membership, whereas they more frequently choose their place of employment. Unlike typical liberties to change jobs, leaving one’s birth state for full membership in another is heavily restricted in today’s world. Second, though mere birth can identify one’s affiliation with both family and state, it seems unlikely that today’s civic relationships could achieve the intimacies of healthy family settings. On the other hand, neither parents nor employers could supply the range of goods that states provide. Territorial security, the rule of law, public safety, market security or public infrastructure are each beyond the reach of parental or corporate power. Even if corporations could supply, say, personal safety to some, the propensity for inconsistent standards across protection agencies and competition for business among them would significantly increase the spectre of danger compared with a singular, publically administered system. Thus, unlike other associational groups, the political one is characterized by a relationship into which we are born, from which we cannot easily exit and upon which we depend for crucial goods. Additionally, as we have seen in the specification question of neutrality, describing political obligation also requires setting it against a framework of citizen-state relations. In short, a valid descriptive account of political obligation requires spelling out its uniquely political characteristics as well as the degree to which its formal institutions engage our lives.

Merely illustrating the conceptual makeup of a distinctly political form of obligation tells us little about the idea’s moral credentials. Today’s normative concern with political obligation centres on the tension between two crucial concerns of liberal political morality: legitimate authority and moral autonomy. Known as “the problem of political obligation,” this challenge lies at the core of political thinking. A principled solution is expected to
provide a strong moral reason for all citizens to support the full array of central state functions. Today’s range of responses can be arranged in three main groups; I will call them the “acquired,” “essential” and “contingent” theories of political obligation.26

Acquired obligation is an historically prominent class of justification that gains its moral strength from the idea that one ought to bear the responsibility of one’s own free action. Individual consent is a staple appeal here. As with legal contracts, citizens acquire duties by self-imposing the terms of a joint political venture either directly (e.g., by voting) or indirectly (e.g., by enjoying the system’s benefits). Critics charge that consent-acts, even explicit ones, rarely show the full range of intention necessary to bind oneself to the complex terms of political association. Further, even richly expressive consent-acts would be morally binding only if pressure to consent was relieved by accessible and worthwhile opportunities to gain citizenship in alternative states.

Other principles of acquired obligation attempt to avoid these problems by linking citizens’ duty to comply with their enjoyment of public goods. Either we show goodwill in obeying the state because we are grateful for its provision of needed resources, or because such benefits can be sustained only when citizens cooperate with the state. This justificatory principle of gratitude is too diffuse and weak. Either it gives no clear indication of exactly what goodwill mandates, or it fails when the exigencies of practice make goodwill too costly. Cooperating with the state to maintain benefits also falls short of a general justification because in many cases governments can still supply necessary goods without every citizen’s compliance and contribution.

26 Two more general types could be added to list I offered in Chapter One. We might call one of them the “efficiency” account of political obligation. This view reads our general duty to aid along consequentialist lines, claiming that the greatest effect it can have is when each plays a particular role in the chain of interest protection and promotion. Politically speaking, these special obligations are assigned to the members of specific states because, as justice-producing entities, they are the most efficient mechanisms for respecting and upholding the protection and promotion of rights (Goodin, 1985; 1988). Another, “coercion” account of obligation claims that political responsibility arises as a matter of the practices and institutions associated with the state’s coercive nature. Because state power coerces citizens either by acts or threats which preclude options citizens might otherwise choose, they are justified in recuperating their loss of autonomy by making good of the opportunities associated with a right to political participation (Blake, 2002; Nagel, 2005).
The final version of acquired obligation remedies the problems with gratitude and benefit by sourcing obligation in fairness. This principle takes compliance as the fair price a citizen should pay for her receipt of state benefits, regardless of whether her contribution is necessary for their continued provision. The basic idea here is that no one should gain from a cooperative venture without contributing a fair share. Obligation from fairness, however, suffers from the assumption that the mere receipt of some benefit generates a duty to reciprocate. Fairness theorists respond to this concern by arguing that only necessary public goods – essential state services, like national security, needed for living a satisfactory life – carry enough moral weight to justify burdens of compliance. However, some disagree on what is necessary, while others are greater risk takers or prefer self-sufficiency. Addressing these problems by slipping back into a justification from consent is tempting, but this strategy would simply recommence the same cascade of problems plaguing acquisition principles.

A second category of justification sources obligation in some ideal trait or mode of conduct that is thought to be essential for human well-being. Essential obligation has two main versions: one involves group association and the other natural law. The former membership claim argues that we have duties to obey the law and uphold state institutions precisely because working within their norms forms a significant part of our moral life. Our inextricable roles in just socio-political groups means our responsibility to uphold them comprises a central component of one’s moral identity. Of course, this is troubling for those distrustful of majority power or for those who believe that obligations must be willingly undertaken, not simply ascribed by some external authority.

Following the liberal tradition of natural law, a second version of essential obligation adopts a principle of natural duty. For it, upholding justice is a human responsibility. Because justice is the sole objective of (rightful) political organization, and because practical expediency requires territorially-defined state institutions to be the only legitimate source of
coercive law, each citizen is morally required to comply with such institutions as a natural
duty of justice. Broadly speaking, the problem with these arguments for obligation is that the
natural duty of justice requires one to support justice in general, not to comply with authority
of one’s particular society, and especially if its rules are less than fully just.

A final class of response to the problem of political obligation is distinguished by its
rejection of all the other moral justifications of political obligation. Known as philosophical-
anarchism, this account stresses that each previously discussed moral defence of political
obligation fails either descriptively or normatively. It concludes that states remain illegitimate
until a sufficient justification is generated. In the interim, authority will continue to wield
power, while those subject to it will obey its demands only pragmatically. I call this the
“contingent” position because it takes the idea of obligation to suggest nothing about
universal moral imperatives, but only something about incidental facts of political life.

Recently, normative studies of political obligation have shown interest in the possibility
of a multiple-principle justification (Klosko, 2004; Wellman, 2001, 758). The idea here is
that the combined strength of each (compatible but) distinct principle working in mutual
support with others might supply enough moral weight to justify general obedience in broad
and complex political systems. While I agree with George Klosko27 that “appeal to one of the
moral notions indicated should not ordinarily rule out appeal to others” (2004, 802), I think
his intention to counter the “rigid” and “reified” singular-principle “theories” of political
obligation too quickly assumes that the available variety of moral justifications “in most
cases” have “no incompatibility” (Ibid.). Merely suggesting that theories of political

27 As I mentioned above, Klosko, with many others, argues that justifying our general obligation to uphold the
central state functions “must be the main focus of any theory of political obligation.” (1994, 253) My study is
asking whether political liberalism’s justification of obligation is suitably neutral. That question can be
determined without deciding which justificatory principle of general political obligation is stronger, regardless
of whether it is Klosko’s position from fairness, or anyone else’s as any other defence of general obligation. I
am concerned with the kinds of values at play in theories of obligation, and not, more specifically, with which
one of them is actually stronger than the other in explaining and justifying a general duty to obey the law.
obligation might appeal to multiple principles does not tell us which principles are actually morally compatible and which are not. It appears, for example, that consent theory adopts the strictly institutional reading of (state) neutrality, while the natural duty view implies that the norms of equal respect should bear on both our formal or institutional relationships as well as our more broadly civic conduct as citizens. Are both these positions grounded in the same or even compatible moral assumptions? I argue they are not. My examination of them against neutralist and perfectionist ethics will show precisely how they conflict in moral terms. This kind of comparison, I believe, will also show why political liberalism’s moral account of political obligation does not cohere with its own neutralist position on legitimacy.

1.5 Citizenship and Perfectionism

Because my analysis hinges on the assumption that a coherent version of liberalism will contain mutually sustaining conceptions of legitimacy and obligation, we might say that my dissertation is ultimately concerned with locating a viable account of liberal citizenship. Citizenship theory, in general, concerns “a principled basis for delineating the boundaries of political membership” (Beiner, 2003, 168). This “principled basis,” more specifically, “seems to integrate the demands of justice and community membership” (Kymlicka and Norman, 1995, 283). Hence, citizenship theory appears to be concerned with finding the kind of compatibility I have just outlined, where the ethics of legitimacy (justice) is compatible with the ethical boundaries of membership specified by both rights and obligations. If this is true, then my attempt to show the comparative strength of liberal-perfectionist ethics will also help illuminate what liberal citizenship means and why it is valuable. Let me now close the current introduction chapter with an account of how my broader study of citizenship takes-up where the “liberal-communitarian debate” of 1980s and 90s left-off.
This so-called “liberal-communitarian debate” did not ask whether political justice requires neutral constraint, but rather which unit of normative analysis – either the “the individual” or “the community” – is primary for working out a coherent theory of justice (Kymlicka, 1989; Moore, 1991). In this way, the debate centred on a few thematic aspects of rights-oriented thinking, or the “politics of rights” (Kymlicka, 2002, 288). This included the nature of the (“unencumbered” or “embedded) “self”, (individual or communal) “identity”, and (“negative or “positive”) freedom, or the relationship between a communal conception of the good and a liberal version of (political) justice, and even the possibility of their “historicity.” Although some of its terminology is no longer fashionable, this debate’s primary concern with the competing values of political morality will continue to remerge in today and tomorrow’s thinking on citizenship.

This liberal-communitarian clash on rights-based thinking was foreshowed in section 1.1, where we saw the close relationship between contemporary theories of distributive justice and neutrality. The idea that justice allocates and protects primary goods has often been linked with the assumption that value is derivative of individuals’ subjective interests as free and equal moral persons. Aggregating this kind of interest for distribution is conceptually and practically straightforward (Barry, 1965, 184). From here, it was no great leap to reach today’s raison d’être for a neutral basic structure: each has a right to self-determination because all are free and equal moral persons. A rights-based account of liberal citizenship seems a natural fit for this neutralist impulse. As Jeremy Waldron puts it, “[r]ights express the idea that respect for a given interest is to be understood from the point of view of the individual whose interest it is. By protecting the interest, we vindicate that point of view, proclaiming that it has as much validity as any other perspective in morality” (2006, 576). Rawls is often credited for popularizing this right-based version of citizenship (Moore, 2001, 179; also see, Ingram, 2008, 405).
We have already heard the argument that the “politics of rights”, or the “passive” or “private” version of citizenship, obscures our sense of civic responsibility. My suspicion is that reframing the study of liberal citizenship in the value-based terms of neutrality and perfectionism will provide a clearer moral picture of political membership. Ronald Beiner’s conclusive statement on the liberal-communitarian debate illuminates, I think, the importance of shifting to this form of examination. He says, “[u]nless we are willing to invest the idea of citizenship with some perfectionist credentials, we won’t be able to give our liberalism a sufficiently civic dimension” (Beiner, 2003, 56). Beiner’s exact criteria of what counts as “sufficiently civic” is not readily available; nor, especially, is a precise rendering of what he means by perfectionism. We can, however, draw from his body of work a good sense of what he does take both to mean.

The reason Beiner rejects contemporary versions of both liberalism and nationalism (formerly, “communitarianism”) is that they fail to express what he calls the “civic idea” (15, 197-205). This alternative account – he calls it “civicism” – takes the norms of citizenship as a middle-way between nationalism’s communalist and liberalism’s individualist ethic. Nationalism is too insular, since our civicsness is a political response to the social ties of nationhood (25-26); while rights-based liberalism “trumps”, “levels” and “short-circuits” the spirit of shared accommodation and compromise that is characteristic of civicsness (152-155). Thus, Beiner’s call for “perfectionist credentials” is largely motivated by his neo-Aristotelian take on civic life. A quick look at perfectionist ethics will clarify the meaning and importance of his suggestion.

In a recent critique of Kantian citizenship, Beiner argues that the “political package” of purportedly “thin” moral ideals – freedom, equality and individuality – offered by liberal citizenship cannot comprise a “civic personality” without also “spilling-over” into our “moral personality” (2010, 30-33). Liberal citizenship, then, cannot circumvent “the inextricability of
our moral status and our civic status,” he says (30). Beiner put it this way in a critique of Rawls:

Rawls’s later philosophy of liberalism perhaps doesn’t assert individual autonomy as a civically-privileged view of life. It does, however, privilege the view that citizenship is important – sufficiently important that religious commitments should not trump a commitment to ecumenical citizenship. In what sense does this privileging of citizenship not entail a view of life? In what sense is a view of life not entailed in the notion that shared multi-dimensional co-existence should be normatively affirmed and theocracy (or theocratic ambitions) should be normatively repudiated? Indeed, in what sense is there not a (liberal) view of life expressed in the ideal of mutual respect between citizens qua citizens? It starts to look as if, in Rawls’s modest liberalism, although grand liberalism has been barred from the front door, key aspects of grand liberalism have been slipped in the back door. (2009, 74-75; also see, 2011, 286)

Hence, Beiner’s point in saying that we must “invest the idea of citizenship with some perfectionist credentials” in order “to give our liberalism a sufficiently civic dimension” (2003, 56) is to insist that the values that liberalism endorses as values of citizenship ultimately rely upon a substantive vision of life, just as any moral claim must be grounded in some broader conception of what is ultimately valuable for moral beings like us. And when policy decisions favour some underlying value assumptions over others, we should expect that this privileged position is adopted because the underlying moral conception is thought to be comparatively worthwhile (1997, 38-39). “Just to spell it out”, Beiner says, “my suggestion is that ‘civicism’ rather than individual autonomy is the ‘comprehensive doctrine’ to which Rawls should commit himself in order to render his liberalism fully coherent” (2009, 74; 2011, 286, n.6).

I imagine that even though some (like me) might intuitively agree with Beiner on this, they (like me) may need clarification about what exactly he takes to be a plausible form of perfectionist ethics for today’s political landscape. They (again, like me) might also wonder how this perfectionism can inform our understanding of citizenship. The following outline of perfectionist ethics is offered merely to introduce some answers. I elaborate in Chapter Four.

Perhaps the tidiest introduction to contemporary perfectionist ethics is Stephen Wall’s “four pillars” account (1998, 8-15). According to it, the first tenet of today’s perfectionism is that (1) sound ideals of human flourishing (x) can be known. Because a clear sense of the
remaining pillars relies on what constitutes a “sound” account of (x), let us dedicate a moment to proposition (1). An ideal of human flourishing (x) involves, generally, our highest good(s) and its (their) essential components. Additionally, “sound” ideals of (x), for Wall, imply that one could reasonably disagree with (x) on the basis of misinformation. One would be wrong, for example, in the belief that human flourishing is possible through Robert Nozick’s (1974) “experience machine” or Aldous Huxley’s (1932) “feelies” device.

Assuming soundness, perfectionism also holds that (2) the state is presumptively justified in promoting or enforcing (x). State promotion or enforcement is only presumptively justified because though (x) may be sound, realizing it may not be practically feasible: e.g., administrative incompetency, lack of resources, etc. The state, then, is morally permitted to promote or enforce (x) only when (x) is actually realizable. Additionally, moral goods that are internally held and cultivated, like love, are excluded from state involvement. Thus, pillar (1), some call it “philosophical perfectionism,” leads today’s perfectionists to a weak form of “political perfectionism,” or pillar (2), where the state enforces (x) only in optimal circumstances (Hurka, 1993, 162-163; 1995, 38; Wall and Klosko, 2003, 16). As mentioned, much of my analysis in this dissertation turns on the relationship between these two levels of (philosophical and political) perfectionism, especially my grounding and scope critiques of political liberalism. For this reason, I ask that you please keep the distinction in mind.

Today’s perfectionism also believes that (3) sound political morality is informed by (x). The idea here is that coherent political decision-making must necessarily use the substantive considerations in (1) to both comprehend and ground legitimate policy proposals in (2). Here we see a direct contrast between neutrality and perfectionism. Those of the latter persuasion will argue that public decision-making cannot bracket out (x) from deliberation. Recall, however, that this does not entail the belief that good policy deliberation is unconditionally directed by (x), for (2) does set some practical (liberal) limits here. Thus, even though (x)
informs all policy deliberation, context will occasionally forestall such initiatives in order to
sustain the overall promise of (x). Dovetailing (3) is the final pillar of contemporary
perfectionist ethics. It says that (4) no general moral principle forbids (x) just because (x) is
controversial. Though reasonable rejectability might have some bearing upon (2), ultimately
good political judgment (wisdom) or effectiveness should favour and advance (x) because it
serves our fundamental interest.

Although Wall offers a great introductory account of perfectionism, some argue it still
lacks, as do most neutralist and perfectionist theories, a full and clear account of what is
meant by certain key terms, “flourishing” or “conception of the good” most notably. Wall
does say that ideals of flourishing contains both political norms – like justice, rights and civic
responsibility – and the more essential “ingredients of a fully good human life” – like
“pursuits, ideals, excellences and virtues” (12). But, as Joseph Chan argues, contemporary
thinkers will continue to reject perfectionism as illiberal and implausible for pluralistic
polities unless today’s “unclear and shifting notion of ‘a conception of the good life’ and a
vague picture of a perfectionist state” is addressed (2000, 5-8). Clarifying these terms, Chan
insists, will help show that perfectionism and liberalism are compatible positions (10).²⁸

Many liberals, Chan says, are far too imprecise in their adoption of terms like
“conceptions of the good,” “the good life,” “human flourishing,” “ways of life,” “the
meaning of life,” or “ultimate significance” (11). Although used interchangeably, each has
importantly different meaning. “The good,” for example, is the broadest, enveloping
“judgements not only of a person’s life, but also specific activities, values, experiences, and
states of affairs” (Ibid.). Others, like “ways of life” or “the meaning of life,” often mean that

²⁸ I should note here that Chan’s defence of liberal perfectionism relies upon a popular misreading of Rawlsian
anti-perfectionism. Chan says, “[e]ven though Rawls is perhaps the most self-conscious liberal in dealing with
the notion of the good, his definition and its associated arguments are only effective in excluding an extreme
version of perfectionism, leaving intact a more plausible version that I outline” (8, note 8). I show in Chapter
Four that Rawls does, in fact, acknowledge a “moderate” version of perfectionist ethics. Chan’s work clarifies
what comprises this kind of perfectionism, but does not confront Rawls on his own terms. I believe that I do.
definable and patterned lifestyles are guided by aspects of the good and aimed at long-term goals, “which for many gives ultimate significance to the human life” (Ibid.). Distinguishable from these more general terms are “the good life” and “human flourishing.” They connote “judgements of the quality of a person’s life as a whole” and thereby form one’s “conception of the good” (Ibid.). Chan further specifies that such conceptions of the good contain the following components: (i) moral dispositions: value-based reasoning, practical wisdom, courage, justice, or temperance, for example; (ii) experiential values: aesthetic appreciation, intimate relationships, playfulness, knowledge, etc; and (iii) lifestyle structure: arranging (i) and (ii) for a particular kinds of achievement in particular moments of people’s lifecycles (11). These components, he adds, influence political decision-making by affecting “(1) specific judgments on agency and goods, (2) specific judgment on prudential goods, (3) local comparative judgments on particular ways of life, and (4) comprehensive doctrines that involve comprehensive ranking of goods and ways of life” (14).

Perfectionist goods (i)-(iii) are said to entail considerations (1)-(3), and thereby constitute the philosophical and political components, respectively, of a decidedly liberal version of perfectionist ethics. However, illiberality, Chan suggests, is characterized by the presence of (4). Thus, the version of perfectionist ethics he calls “extreme perfectionism” adopts a singular and comprehensive conception of the good and enforces it without regard to circumstance. “Moderate perfectionism,” on the other hand, invokes only (1)-(3) to promote (not coerce) perfectionist goods (i)-(iii) when circumstances permit. Furthermore, the comprehensive ranking in (4) involves adopting “pure” ideals of human flourishing. Such “pure” notions of flourishing see the good life (complete with all its goods) as the only intrinsic value, and thereby justify all state policy by it, alone. Moderate or liberal versions of flourishing, on the other hand, follow the “mixed” accounts which consider a variety of lifestyles to be worthwhile. Chan also notes that these forms of perfectionist judgment entail
different practical implications. Policy decisions by (4) will call for coercive enforcement, requiring “people to adopt and leave valuable ways of life or to relinquish worthless ones” (14). Judgements by (1)-(3), however, can be pursued non-coercively, by “providing subsidies, tax exemptions, and education” for the creation of “a social environment which is more conducive to the promotion of goods and worthwhile ways of life” (15). Finally, perfectionist ethics also offer options in institutional arrangement. One is “state-centred,” insisting that the pursuit of the good life begins with and persists through the state, whereas “multicentered” arrangements integrate various hubs of local or associational perfectionist judgment to determine and advance the good (Ibid.).

Following Chan and Wall, contemporary perfectionists stress these distinctions to show that not all perfectionisms are illiberal. I elaborate this case in Chapter Four. Even though I demonstrate there that the state’s promotion of the good life can take a distinctly liberal shape, my project aims to affirm, with today’s perfectionists, that all political judgment relies upon (liberal) perfectionist ethics. Even coherent liberal doctrines, in other words, cannot avoid taking substantive (and controversial) positions on questions of morality. Again, this view is called philosophical perfectionism. It believes, as Raz quips, that “the whole of life...is involved in the pursuit of the good life” (1986, 123-124). Thus, addressing political conflict means consulting, not bracketing, ideals of well-being in order to safeguard and advance the specific traits and full array of worthwhile pursuits that befit distinctly human life. All perfectionists, illiberal or liberal, agree on this point. Today’s dominant strand adds that “[i]f perfectionism takes the moderate form as defined earlier, and if perfectionist policies respect individual rights, are made in an open and fair process, and may be changing in the long run to reflect different reasonable points of view, then the claim that the state lacks legitimacy to make perfectionist policies would be unreasonable” (Chan, 2000, 34).
Conclusion

I think Chan’s conclusion helps illuminate Ronald Beiner’s remark about “investing” liberal citizenship with perfectionism in order give it “a sufficiently civic dimension” (2003, 56). For Chan suggests that the result of barring perfectionist ethics from contemporary politics is relegating liberal political morality to a neutralist conception of legitimacy, on the one hand, and the morality of individual rights, on the other. While this version of neutralist liberalism may be conceptually coherent, it still amounts to nothing but a passive or negative form of citizenship. Under this view, one’s right to self-realize entails only a corresponding duty *not to interfere* with (or merely to tolerate) another’s unique way of life. As we have seen, the liberal-communitarian debate largely concerned the problems associated with giving disproportionate weight to such rights-based value assumptions.

My criticism of neutralist liberalism, however, begins where that debate left off. I take it that a coherent account of liberalism must show how the rights-based justifications of liberal legitimacy will be mutually sustaining with a sufficiently moral account of general political obligation. Although political liberalism does indeed adopt a defence of political compliance that is morally binding, I show that the strength of that justificatory account comes at the cost of political liberalism’s neutralism.
Chapter Two

Today’s widely endorsed, second-generation principle of neutrality emerged under political liberalism as a direct solution to the inadequacies of first-generation neutralism. The primary argument I offer in this dissertation is that this revised, second-generation strand also fails because it is not compatible with political liberalism’s moral account of political obligation. As a first step in this direction, Section I evaluates each generation’s characteristic assumptions to determine which school offers a more plausible neutrality principle overall. Chapter Three concludes this review and sets the stage for advancing my thesis in Section II and III. The driving question there, to which I answer in the negative, is whether political liberalism is both sufficiently moral and sufficiently neutral.

The generational shift in neutrality theory occurred because a new position was needed to overcome the two main problems facing first-generation thinking. I briefly introduced them as the grounding problem and the scope problem last chapter. Each is elaborated below through the work of Ronald Dworkin and Bruce Ackerman, respectively. The first half of this chapter looks at Dworkin’s claim that neutrality follows from a liberal reading of political equality. I argue, on the contrary, that Dworkin’s neutrality is not derived from his principle.

1 In a recent, unpublished paper, Jeremy Waldron argues that a priority difference exists between “equality as a policy aim, and equality as a fundamental commitment underlying many different policy stances” (2008, 2). He continues to suggest this latter version called “basic equality” requires more philosophic attention. Here, Waldron notes Dworkin’s use of the adjectival phrases “abstract equality” and “deep equality” to show the idea’s prevalence despite its lack of study (1). Yet, I should note from the outset that Dworkin clearly says his version of the “abstract egalitarian thesis” does not stand independent of any political understanding of equal concern or “equality as a policy aim,” in Waldron’s terms. Dworkin’s substantive conception of equality must, he says, be “developed and inspected together” along with practical expressions of political equality because each are “interlocking parts of an overall conception no part of which stands entirely on its own” (1987, 5-6). That is, because Dworkin’s version of the abstract egalitarian thesis holds “the interests of the members of the community matter, and matter equally” (1983b, 24), we can expect this position to hold meaning primarily for political community, for he later says that in many cases moral agency is inextricably tied with political agency (1987, 21). Dworkin concludes that “the deep-equality theory is a recipe theory: It holds that justice consists in the distribution in which people are treated as equals (or, if this is different, in Pareto improvements on that distribution) and denies that there is any independent value, apart from the play of that calculation...” (1985, 272). Following the tenor of this passage, my paper does not deny that a notion of abstract equality as a basic commitment for all humanity deserves sustained and serious attention; but it does deny, at least in Dworkin’s neutrality theory, that abstract equality is imagined in a way other than as a “recipe” for public policy.
of equality because it actually presupposes an idea of neutral concern. His equality principle, in other words, does not serve as an independent ground for neutrality in the way that he claims it does. My critique clarifies a comparatively common criticism by showing that since neutrality is presupposed in equality, the familiar concern with neutralism’s moral grounding actually has to do with its distinctly neutralist reading of equal concern. This is why I call the neutrality principle (LN) equal respect as neutral concern.

The second half of this chapter introduces, through Bruce Ackerman’s work, another key problem with neutrality theory. The main issue here is its tendency to extend the scope of neutral constraint beyond state-centric conceptions of legitimacy. Ackerman’s approach, as an early example, broadens the circle of constrained power talk to include civic dialogue, as well. A close study of this specification tendency reveals neutralism’s obscured but still essential assumption about moral psychology. It holds that citizens’ highest interests are upheld only when they exercise their unique capacity to sideline or bracket-out their own deepest convictions in circumstances of moral conflict. A close examination of this, what I call, “special-power assumption” sheds light on the contestable premises that even an allegedly neutralist ethic must invoke in order to explain and justify liberal modes of conduct.

This special-power assumption poses at least three problems for neutralist liberalism: (1) requiring citizens to bracket their religious and otherwise comprehensive convictions is unrealistic, i.e. it will simply never happen, and so is futile; (2) requiring citizens to bracket their religious and otherwise comprehensive convictions is unfair, since this restriction will
weigh more heavily on some; (3) requiring citizens to bracket their religious and otherwise comprehensive convictions is incoherent because the (political) demand is motivated by a moral principle that is itself controversial, and thus should exclude itself by its own lights. Though each is uniquely concerning, I argue in the remaining chapters that (3) is a fatal blow for neutralism, especially insofar as it dovetails with (2).

Hence, the current chapter introduces these grounding and scope concerns by exploring them in the early neutralist theory of Dworkin and Ackerman. As mentioned last chapter, the former problem with grounding indicates liberalism’s need to source its political principles in deeper and likely controversial ideals (roughly point (3) above), while the latter, scope problem shows that these underlying value assumptions concern what is true of and best for moral persons in practice (roughly point (2) above). And if these critiques do impugn Dworkin and Ackerman’s first-generation thinking, then second-generation neutrality is improved only if it can successfully overcome these same problems.

Chapter Three reviews John Rawls and Charles Larmore’s second-generation response to the grounding and scope problems; Sections II and III argue that it, too, fails. We see there that political liberalism actually adopts a liberal-perfectionist form of valuation at the grounding level, thus committing itself to self-contradiction. We also see that these suppositions incline political liberalism toward politically perfectionist principles, thereby reinforcing rather than overcoming the scope problem. Political liberalism fails, in other words, because its full account of political obligation is both philosophically and politically perfectionist in the ways I mentioned last chapter.

Since the former, grounding problem is a foundational one, I shall turn to it first. My critique of Dworkin’s work on neutrality offers, I think, a clear and early example of how this issue raises significant questions about the coherency of neutrality theory.
2.1 Equality: Dworkin on Neutrality

Dworkin was the first to argue that all previous justice theories – including intuitionism and utilitarianism – presuppose equality as a fundamental principle (1983b). This shared, “abstract egalitarian thesis” holds that the “government must act to make the lives of citizens better, and must act with equal concern for the life of each member” (Dworkin, 1987, 1). Because most theories of justice accept this thesis of “equal concern” in its abstract form, two standout questions follow. Dworkin presents them like this: first, “which interpretation or conception of [equality] is the best? Second, what reason do we have for accepting the thesis – for occupying the [abstract egalitarian] plateau – in the first place?” (1983b, 25) Much of Dworkin’s work responds to the first question under his “equality of resources” doctrine, a position he champions against the main competing view he calls “equality of welfare.” From his preferred version of equality, Dworkin claims to derive a principle of neutrality. To be clear, he indicates this is a methodological necessity of liberalism, since, as he says, “the liberal’s emphasis on neutrality in moral personality is not the source but rather one consequence of a prior and more general commitment to equality” (1983a, 2).

Dworkin’s account of political equality faces two challenges. The first is most often noted by critics. It suggests that a more basic ethical grounding than equality is needed to make moral and political sense of neutrality. Richard Arneson levies this challenge against Dworkin in the following passage:

Even Ronald Dworkin, who at least tentatively appears to endorse equality of resources as a distributive ideal, regards a commitment to equality of resources as flowing from a commitment to a more abstract and more fundamental political ideal of treating citizens as equals...Without further substantive moral premises this abstract ‘equality’ does not imply egalitarian treatment of citizens in any substantive sense. If Dworkin ends up endorsing any conception of equality of life prospects, that posture cannot be supported by interpreting abstract equality. No amount of interpretation of a non-egalitarian premise will imply a substantively egalitarian principle without the addition of substantive moral premises. (2006, 505-506)
Arneson’s point is that deeper and thus likely controversial values concerning human well-being must be invoked in order to fill out what equality might mean as a form of political treatment. This also suggests that any coherent position on equal concern must ultimately ground itself in deeper and likely controversial moral ideals. Still, the main intention of Arneson’s critique is to indicate the underlying incoherency of neutrality.

Although I do share Arneson’s general reading of Dworkin’s neutrality, I think that framing the criticism in this way misses a key question about the allegedly derivative relationship between political equality and neutrality. Does Dworkin’s principle of neutrality actually follow from his conception of equality? The question here is not meant to ask whether Dworkin assumes some non-neutral conception of resources; rather, it concerns his methodological proposition that neutrality is necessarily derived from liberalism’s prior or more fundamental commitment to equality.

Dworkin’s most influential papers (1978; 1981a; 1981b; 1983a; 1983b) presuppose equal treatment as the “constitutive” liberal principle, and then attempt to decipher the conceptual and practical implications stemming from this egalitarian thesis. Yet, studies of Dworkin’s work have not questioned whether his, let alone any, version of neutrality can in fact be derived from a more basic principle of equality. This rather analytic question is important to clarify the exact charge at issue for the comparatively common critique; in other words, the concern is not quite whether Dworkin’s equality begs the question, but whether it is, more precisely, his specifically neutralist reading of equal concern that renders his liberalism incoherent. While volumes of literature explore the former problem, little more than a paragraph deals with this analytic question (Sher, 1997, 104).  

---

3 Sher says that by presuming one’s chance of living one’s highest order interest depends upon rejecting all other conceptions of the good, Dworkin demonstrates a deeper assumption in the absolute value of autonomy. This more fundamental assumption is, however, also the very stuff that makes-up his allegedly derivative position on state neutrality. As Sher puts it, “...whether respect for autonomy always takes priority – and, if so, why – is of course just the question that Dworkin’s argument is supposed to answer. Hence, if Dworkin took this...tack, his argument would succeed through the simple expedient of begging the question” (1997, 104).
impact on contemporary theory, and especially on neutralism, is a strong enough reason for taking seriously this integral assumption that neutrality follows from a conceptually prior principle of equality.

My critique denies that Dworkin can derive neutrality from equality because his versions of both equality and neutrality amount to the same form of political treatment. As I reiterated above, I call this more general principle of liberal neutrality (LN) equal respect as neutral concern. If I can show that both concepts amount to (LN), then the so-called derivative account of neutrality should no longer confuse what is exactly at issue in grounding, since the worry that equality is question begging is actually a worry about the groundlessness of neutral concern.

To make this case, I must first do some basic expository work. Subsection 2.1.1 answers an important prefatory question: why does Dworkin believe his theory of distributive justice (in which his principle of state neutrality takes a defining role) best satisfies the egalitarian thesis? I do this by exploring the conceptual relationship between his resource-based conception of political equality and his principle of state neutrality. Here we learn that Dworkin’s version of equality looks rather more like a morally thick, treatment-based conception of equality than it does a value-neutral, resource-based one. I then look more closely at Dworkinian equality in 2.1.2 to show exactly how his derivative account of neutrality is indeed tautologous. Because Dworkin’s body of work is extensive and diverse, covering all of it would derail my project. Still, we need an accurate understanding of his position on equality to show why his early thinking on neutrality is relevant for this study. I shall now present Dworkin’s claim that political equality concerns the just (re)distribution of resources.

---

4 The terms “resources” or “goods” have, according to Raz, two connotations. He says they “can be material, e.g., the historic buildings, or the public parks of a city, or they can be patterns of human activity, e.g., the general atmosphere of toleration and kindness that prevail in human relations among the inhabitants of a city” (1989, 9). Dworkin’s extensive work on his “equality of resources” shows no clear or consistent sense in which
2.1.1 Welfare, Resource and Treatment-based Equality

Dworkin argues that his “resource-based” view of equality better meets the normative demands of liberal justice than previous “welfare-based” conceptions (1981a; 1981b). The latter, he says, must presuppose some conception of well-being as a distributive standard, whether it is success, enjoyment, or some version of excellence or utility (happiness). Properly equalizing welfare shares will depend upon whichever foundational metric is chosen. On this welfarist view, he concludes, all practical deliberation “is strategic and predictive,” for it attempts “to predict which ways of living – which choices of occupation, friends, tastes and projects, for example – will in the end make us happiest, and then...decide which means are best calculated to produce such lives” (1983b, 26) Herein lies Dworkin’s concern with welfarist equality. If public policy decisions are adjudicated by particular, say, aesthetic or utilitarian standards, then distributional schemes will allot greater shares to those whose ethical commitments match the state-sanctioned order. Welfarist equality is, therefore, incompatible with individual autonomy. Dworkin marshals this general critique against each of the three distinguishable, if broad, motivations for welfare distribution: “success,” “conscious-state enjoyment,” and “objective standards welfare.” Let us review each of them.

Both success theories and conscious-state enjoyment theories evaluate welfare in subjective metrics. Success theories gauge well-being by overall preference, goal or ambition satisfaction (1981a, 191). Dworkin deems this method illegitimate because egoistic or bigoted “political preferences” (e.g., aristocratic, racist or sexist views of justice) cannot be equally accommodated (197-201). Similarly, “impersonal” standards of success are sometimes inequitable because one’s disappointment in, say, the lack of life on Mars should

---

we are to understand his idea of resources. Because I believe his theory amounts to a conception of equal treatment, I take his locution to indicate the latter meaning of general human relations.
not be compensated for by depriving another the means of basic subsistence here on Earth (201-204). A weaker version of success theory determines welfare only by one’s strictly “personal preferences.” Still, a scheme for satisfying personal preferences must either compare agents’ interests on a relative basis, or base its judgements on an “all things considered” form of evaluation. The problem here, Dworkin argues, is that deciding overall success requires some kind of objective, value-based standard, making justice by personal preferences just as controversial as some political ones (again, racist or sexist views, etc.), since no two people understand “success” in the same terms (204-209; 209-220). Success theories can be distinguished from conscious-state enjoyment ones insofar as the latter look to determine welfarist justice by overall interest satisfaction. Given that people derive “enjoyment” from the *success* of their competing political, impersonal or personal preferences, Dworkin finds this theory to be objectionable for the same reasons as success theories (221-223). Finally, Dworkin argues that objective theories of welfare fail because their putatively non-subjective standards of welfare show less concern for the autonomously chosen interests of those who disagree with, and thus derive less or no welfare from, the state-sanctioned scheme (225-226). Anticipating a potential response to his critique of welfare views, Dworkin says his own resource-based version of equality may be called “objective” only “in the (misleading) language of welfare” (226). If we are to avoid being misled, we should consider exactly what he means by his “equality of resources” conception.

Dworkin argues that his resource-based account, like any theory of justice, must settle two concerns. The first is the challenge of balancing satisfaction; the second is the problem of arbitrariness. Recall that success and conscious-state enjoyment theories could not balance satisfaction, while the allegedly objective standards of welfare also seem particularly vulnerable to the arbitrariness critique. Dworkin admits that balancing all recipients’ satisfaction along shares of certain resources will prove difficult because some resources
possess distinct (incommensurable) or indivisible properties, such as the quality of arability in land or the biological nature of milking cows (1981b, 285). If the method of distribution cannot balance satisfaction among non-divisible resources, then the scheme’s allotment will appear arbitrary to the dissatisfied, thereby intermixing both problems (285-286). Dworkin’s solution to these problems is illustrated through his now well-known hypothetical auction scenario, where stranded island-dwellers exchange equal seashell holdings in the pursuit of individual life preferences under a free-market. In order to understand the political role of this idealized market, it is essential that we understand its underlying philosophical assumptions.

Dworkin’s resource-based view attempts to recast justice as a matter of what people do, in fact, want in order to avoid the paternalism in speculating on what people may or should want under some discriminating ideal of people’s “highest-order interest” (HOI). If we are to properly conceive this HOI in liberal terms, Dworkin insists, we must first acknowledge that our HOI is “not an interest in exercising a capacity because we find that we have it (as a broad-jumper might have an interest because he finds he has a capacity) but rather [that] we develop and train capacities...because we have a certain interest” (26). So as not to beg the question, Dworkin adds that this “certain interest,” as our HOI, could only lie “in having a good a life as possible, a life that has in it as much of what a life should have” (Ibid.). All moral persons, he maintains, have this interest. And liberalism, he concludes, must “assume it in order to make sense of the kind of deliberation or judgment we exercise at important moments in our lives” (Ibid.).

---

5 Though these problems are clearly interrelated, each can stand independently. For example, one could be dissatisfied with the share or kind of resources one receives, even though s/he finds the method of allocation reasonable. Conversely, one may reject one’s bundle of resources because the method of distribution is highly unfair, even though that (unfairly distributed) bundle in itself is preferable to one distributed under fair schemes.

6 A detailed treatment of the hypothetical auction, insurance and taxation schemes is not necessary here. I am primarily concerned with the principles from which such schemes are said to be derived. As Dworkin himself says: “Our interest is primarily in the design of an ideal, and of a device to picture that ideal and test its coherence, completeness, and appeal” (1981b, 292). Exploring the ideal basis of this heuristic rather than its practical instantiation is more directly relevant for understanding his egalitarian thesis.
The trouble with other liberal responses to welfarist justice, Dworkin elaborates, is their tendency to replace the “strategic and predictive” evaluation method of welfarist views with a so-called “judgmental view” of practical reason (1983b, 26). This latter position assumes that “some ineluctable, non-strategic, and non-predictive feature in practical reasoning” explains how we evaluate and identify at any given point those preferences that may or should be our own, even though they may not, in fact, be good (Ibid.). As such, the judgmental view assumes that our clearest preference or highest-order interest is to engage this capacity to pursue our own ideals, however temporally ambiguous they may be. (In the next chapter we see an expression of this perspective in political liberalism, for it claims that our HOI is in being able to form, revise and pursue a conception of the good life.) If we adopt this judgmental view, Dworkin warns, it will lead to a paternalistic “disaster ahead” (27).

The problem ahead, as he sees it, is that if liberal justice adopts this judgmental reading of our HOI, then politics would lean toward substituting our own individual agency with “the state (or government or society or the community) in the role of agent” (Ibid.). My hope, for example, to maximize my interests under this judgmental view requires that “the state takes over my aim, and aims to make my life as good as it can be” (Ibid.). Paradoxically, then, this liberal reading of our HOI rules out any possibility of equally upholding each agent’s chance at achieving her own uniquely good life, since it assumes that the state can better know and maximize a citizen’s interests for her (28-29). If, instead, we wish for a comparatively plausible egalitarian thesis to undergird liberal politics, then, Dworkin argues, “[w]e must not propose, as a fixed social goal for any person, some goal that he himself could not endorse as a fixed derivative goal for himself, that is, as a goal he must pursue throughout this life just in virtue of his highest-order interest” (29). This “endorsement constraint,” as he calls it,

---

7 To be clear, Dworkin calls it the judgmental view because, as he writes, it acknowledges that “[w]e (sometimes) choose to develop a taste for certain kinds of art, for example, because we believe that a life that includes a developed aesthetic discrimination is a better life to lead, which is different from predicting that we will have more of what can independently be defined as welfare if we develop it” (Ibid.).
requires that politics must find some way of showing equal concern for each agent so that he
can endorse the goals that apply to his life in a way that he finds befitting.

For a clearer picture of Dworkinian justice, let us take a closer look at the two key
premises of his overall argument. The first, as we have seen, adopts a rather abstract version
of our HOI and assigns it significant normative weight; the second presumes a general need
for agency goods, or what he terms “resources.” The former assumption holds that regardless
of whether

...a theory about what people ought to value is more plausible than [one thinks], even if it is in
fact true, a political theory of equality based on that conception of the good life is an
unattractive theory for a society in which many if not most people reject that conception, and
some reject it as alien to their most profound beliefs about the goodness of their own lives.
(Dworkin, 1981a, 223)

Equally upholding each person’s highest-order interest means ruling out welfare metrics,
since justice must stand independent of contested value assumptions. As Dworkin explains,
“[p]olitics should aim that people have better lives, on the whole, and to aim at this in some
way that treats that highest-order interest as equally important for each person” (1983b, 26).
The main point to emphasize here is that Dworkin premises his account of political equality
on the idea that “it matters [for each agent] whether his life is a good life, that his life is, at
least for him, a subject of value rather than an object of value” (27, emphasis original). My
next section assesses whether this egalitarian thesis is the underlying motivation for
articulating the principle of state neutrality or whether the idea that government must not
substitute for any person a goal s/he could not herself endorse is actually his more precise
rendering of equality.

His second major premise is that even one’s own considerations about personal value
pursuits should be subject to similar constraints in order to uphold equal concern. Dworkin
puts it this way: “Under equality of resources...people decide what sorts of lives to pursue
against a background of information about the actual cost their choices impose on other
people and hence on the stock of resources that may be fairly used by them” (1981b, 288). He
concludes that “[t]he information left to an independent political level under equality of welfare is therefore brought into the initial level of individual choice under equality of resources” (Ibid.). Hence, while the term “resources” denotes goods that are necessary for developing one’s own highest-order interest, Dworkin also suggests that an equal distribution of these goods obtains only when no allotment of them unfairly compromises one’s interest in self-development for another’s.

Dworkin uses these two assumptions, together, to avoid (unequally) favouring any particular position on taste or satisfaction and, likewise, to avoid the charge of arbitrariness in the following way: (i) one’s highest-order interest is in leading a truly good life, a life that includes as much as possible of what one values at any given point in time; (ii) we require agency goods – e.g., intellectual, moral and material resources – to achieve our highest-order interest; (iii) a just scheme of distribution allocates these necessary resources “according to the most abstract possible account of what resources are” so that each agent can equally pursue his/her conception of a valuable life; (iv) equal resource opportunity and free market exchange is justifiable on both policy (community gains) and principled (personal liberty) grounds (1983b, 26, 30; 1981b, 284). Dworkin then employs his “envy test” to assess the viability of these rather abstract assumptions and avoid the implication that by equality he means sameness. This envy test says that an equal division of resources is accomplished only when people prefer their own bundle of resources over that of others’ because it best suits their own self-directed preferences (1981b, 285). Simply put, Dworkin’s argument is that equal respect for persons as autonomous agents requires that all citizens are afforded the same all-purpose means to pursue their (highest-order) interests, as defined by an idealized market, and not the same ultimately valuable goods, as defined by some particular welfare-based conception of justice.
I find it hard to see how his “equality of resources” position actually turns on a plausible notion of “resources.” Recall, for example, Dworkin’s passing but strong assertion that we take “the most abstract possible account of what resources are” while protecting people’s highest-order interests. Here is his full statement: “Equality of resources proposes, as the derivative goal politics takes from individual interests, the provision of resources according to the most abstract possible account of what resources are, so that the resources an individual actually has available to him, in virtue of the political goal, depend on his decisions and projects from time to time” (1983b, 30). Considering his intent to provide an alternative to welfarist justice, I think it is important to question the extent to which his idea of equal “resource” distribution logically requires some more basic norm of equal treatment for intelligibility.

In my view, his egalitarianism is fundamentally a matter of political treatment, even though this might imply some equal distribution of resources. Indeed, I shall now argue that his liberalism turns on a treatment-based conception of equality and not a resource-based one. This, I contend, has significant implications for his claim that his liberalism derives neutrality from a more substantive position on equality (1983a, 2). The point I make is that his conception of equality cannot entail neutrality as derivative position because both principles amount to the same basic conception of political treatment: (LN) equal respect as neutral concern. This (LN) principle obviously cannot be both constitutive and derivative.

2.1.2 Tautological, not Derivative

Two basic understandings of political equality are observable in Dworkin’s work. Either government (a) shows equal concern for persons as autonomous agents by treating

---

8 See supra discussion in note 1.
them based on their own discrete views about what human flourishing consists in, or (b) shows equal concern for persons by treating them in terms of some conception of their true well-being, regardless of whether the view of flourishing is endorsed by these persons. Working in a normative tradition which heavily favours a Millian choice criterion of value and a Kantian understanding of autonomy, Dworkin apparently adopts a strict version of equality (a). It requires that each citizen is valued as an end in herself, as an individual whose potential for living a valuable life is both determined and realizable by internal and rational preference satisfaction alone. Now, we would clearly expect that this version of equality forms the “constitutive principle” of Dworkin’s liberalism, while (b) would be antithetical because it turns on the very welfarist values that Dworkin rejects. But, this contrast is misleading. It obscures the fact that Dworkin actually invokes a qualified version of position (b). Once I establish this point, it will then be easier to see how his position on neutrality is tied-up in, rather than prefigured by, his conception of political equality.

We have heard Dworkin reject equality principles of the (b) sort because they fail to offer all people the same opportunity to live a life that they, themselves, consider worthwhile living. Dworkin argues that liberalism can ensure a fairer kind of treatment by deriving a principle of state neutrality from a more basic and purportedly better conceived notion of equality. His “equality of resources” is meant to offer this latter sense of equality. But, as I will now argue, Dworkinian equality actually presumes neutrality rather than provides the substantive grounding needed to justify it. The following rough sketch indicates this circularity: if a political conception of equality must not arbitrarily endorse any particular value assumptions in order to avoid favouring a welfarist account of justice (Dworkin, 1981a), and if equality requires political agents to constrain their value pursuits against “a background of information about the actual cost their choices impose on other people and hence on the stock of resources that may be fairly used by them” (1981b, 288), then these so-
called “resources” are conceivable only once we have first established that this neutralist form of equal treatment is itself worthwhile. Some additional explaining is required.

Contrary to conservatism or illiberal perfectionism, Dworkin says that liberalism prohibits the state from violating any individual’s highest-order interest in self-realization. Political decision-making must, therefore, remain “neutral” on questions of the good in order to show equal concern for each citizen’s lifestyle preferences. This means that public policy must commit the state only to an equal allocation of what is necessary for citizens to further their distinct value sets. Any other ratio will privilege one citizen’s way of life over another’s, suggesting (arbitrarily) that one moral outlook is worth more than another. What “resource,” then, does Dworkin take as the basis of neutral distribution? Considering his injunction to find “the most abstract account of what resources are” (1983b, 30), it seems to me that it is the value of equal respect, and not some material resource, that is doing the real work in his putatively “resource-based” account.

Now, as an interpersonal norm, (equal) respect amounts to a specific kind of treatment between or among moral persons. But, on this formal level, both “equal” and “respect” contain no definitive ethical content. If, for Dworkin, “equal respect” does signify “resources” in its “most abstract” form, then the question becomes what, exactly, is the underlying ethical content of equal respect? Let me illustrate the concern differently. Margaret Moore has said that “to treat people with equal respect means to treat them as one treats others unless there is a sufficient reason not to do so” (1990, 477). Jonathan Seglow adds that “[t]o show another

---

9 Conservative doctrine, Dworkin says, settles this conflict between equal treatment and pluralistic ends first by presupposing a dominant conception of the good already privileged in society, and then by deciding equal treatment according to its ethical commitments. Yet, Dworkin does not draw an equally pointed contrast between his liberal understanding of equal treatment and certain perfectionist considerations, like belief in the intrinsic superiority of one view over another regardless of its historical status or popularity. In fact, he only once addresses perfectionism. In his article “In Defence of Equality”, Dworkin takes issue with the position that “government should aim [for citizens to] have (what government believes to be) genuinely good lives however much the objects of this attention might, at least initially, despise the lives they are made to lead” (1983b, 28). As I have said, Dworkin takes this to cover any distributional position – “conservative”, “perfectionist” or even “utilitarian” – which presupposes some independent, welfarist account. I argue later on that this kind of welfarist critique does not impugn liberal perfectionism.
person equal respect means to treat her as a being with intrinsic moral dignity or worth, for whom political principles matter” (2003, 86). Though Moore says that these definitions are merely the “minimal or formal sense of the term,” she also indicates that they are “neutral with respect to divergent conceptions of the good” (1990, 477). Surely we cannot take her latter proposition to suggest that the fundamental underlying ethic of equal respect is neutralism, since we know that different conceptions of the good source the notion of respect in different normative grounds and infer different forms of “equal” treatment by them. Some versions of conservatism, for example, will say that we respect people equally by holding them to some (illiberal) perfectionist standard. This, then, is why I say that the precise form of equal political treatment that Dworkin intends to advocate is neutral concern. And thus, it must be that the “most abstract resource” supporting his account of distributive justice is the principle of (LN) equal respect as neutral concern. Yet, if this is true, then his egalitarian thesis uses (LN) as the idea of both equality and neutrality, since both principles amount to the same basic proposition about political treatment.

As I suggested above, the grounding problem is the trouble with defending the view that each is entitled to equal political treatment. This substantive challenge was the first and is now the most common way of critiquing Dworkinian liberalism. “[T]he most basic question” facing Dworkin, Jan Narveson writes, is

Why? What is supposed to be the rational motivation for equality, conceived in any of the ways Dworkin explores, including his own preferred conception? Though Dworkin explicitly disclaims any intention of attempting to answer his question, it is surely the one we will all be most intrigued and concerned by. After all, the program is put forward as being of “fundamental importance.” What makes it so? (1983, 20)

If my analytic critique adds anything, it does so by suggesting that concerns with Dworkinian equality, like Narveson’s, are really about the distinctly neutralist reading of equality that he adopts. Thus, my critique buttresses the common one by showing that there is good reason to refocus its attention on the following, more conceptually precise, question: i.e., why should we accept that each citizen is entitled to a right of (LN) equal respect as neutral concern?
Following Narveson, we can now more confidently say that “[a] simple-minded insistence that they just do, as a basic moral fact, would seem to provide not an answer to our question, but rather a reiteration of the theory whose rationale we seek” (Ibid.).

To summarize, I have questioned Dworkin’s claim that his neutrality is based on a principle of equality. He insists that his liberalism takes equality as a matter of equality of resources. I argue that this is untrue because his equality of resources presupposes a commitment to neutrality between conceptions of the good. If equality of resources is grounded on the more fundamental idea of equal respect for persons as moral subjects (which Dworkin captures in the endorsement constraint), then we might wonder whether the real work in his argument is actually done by the claim that the fundamental aspect of persons who merit this kind of neutral concern is their capacity for autonomous moral choice, and not the claim that persons have equal moral status per se. Thus, despite claiming to have deviated from the “judgmental view,” Dworkin may not have done so after all. However, because we have just seen that his notion of neutrality is indeed this notion of equal treatment, we can now ask a series of important questions; i.e., does equal treatment really require neutrality? Or, how important is autonomy relative to other aspects of a good life? Later chapters show that even the revised, second-generation neutrality theory cannot coherently answer these questions.

I shall now introduce and examine my reading of the scope problem as another insidious issue in early neutrality theory. Interestingly, this concern with specifying to whom political constraint applies (or, as I more often say, specifying the proper “constraint-site”) is most noticeable in Bruce Ackerman’s attempt to avoid the very grounding problem I have just discussed. After looking at the way these two problems intermix in his work, I then continue in later chapters to argue that second-generation neutrality, despite its best effort, cannot overcome the grounding and scope problems without committing to the deeper ideals
of philosophical perfectionism and without adopting some of the practical strategies that characterize political perfectionism. I undertake this argument in Section II and III by critically reviewing the underlying values on which political liberalism relies to ground its explanatory and justificatory account of general political obligation.

2.2 Dialogue: Ackerman on Neutrality

I claimed in Chapter One that liberalism must address separate but interconnected considerations about how to evaluate neutrality (the grounding problem) and about how to specify its application (the scope problem). I also noted that neutralists in the Dworkinian tradition tend to favour “social perfectionism,” as they believe that “...the flip side of state neutrality is support for the role of perfectionist ideals and arguments in civil society” (Kymlicka, 1989, 895). The state, that is, must not favour any moral ideal in policy deliberation so that citizens can be left free to decide these matters in the cultural marketplace. These liberals thus assume that properly grounding ethical precepts is a concern, but offer little direction in that matter other than a designation of who might legitimately do the philosophic work and how much coercive power their judgements may possess.

Neutralist legitimacy characteristically takes the state as the proper site of restraint on questions of moral importance. Chapter One introduced the two common scope specifications of state neutrality. Narrow neutrality takes deliberation about a state’s constitutional framework to be the proper constraint-site, while comprehensive neutrality expands it to include all aspects of governance (Wall and Klosko, 2003, 6). As I have mentioned, both of these understandings ask the principle of neutrality to govern only the institutional conduct of state officials. Using Ackerman’s work as one example, I will now show how neutralists can advance a much broader conception of neutral constraint, one that is also meant to govern the
affairs of regular citizens. The immediately noticeable concern with this broader conception of neutrality is that it may impose unacceptable conditions on the very decision-making it means to liberate.

In a general sense, the issue here is that while neutrality is presented as an entitlement or right that citizens hold against their government, it might also entail a controversial expectation or duty that citizens should perform certain distinctly liberal political acts. More specifically, the dilemma is that, on the one hand, citizens will need some overriding moral reason to bracket their comprehensive convictions, while liberal neutralism, on the other hand, is sometimes thought (at least during this early developmental period) to permit only thin, and maybe even just prudential values for bolstering this motivation. As a way to skirt this problem, some neutralists appear to rely on a rather controversial view about a kind of moral power we possess and the specific way we ought to use it. The contestable aspect of this special-power assumption is not just that citizens have a unique capacity to sideline or bracket-out their own deepest convictions, but also that exercising this ability is the only way to realize their true interests. The remainder of this chapter pays exclusive attention to this problem in Ackerman’s work. I show later that second-generation neutrality also fails because its revised principle actually relies on a morally thicker version of this same underlying account, and not, as it will have us think, on a neutrally justifiable rendition of it.

David McCabe finds a similar tension in liberalism. He writes that “[o]n the one hand, its emphasis on justification before all citizens presumes a confidence both that citizens can reason intelligently on the principles that should govern the political community and that such reasoning will converge on a single set of principles as authoritative. On the other hand, citizens living under the conditions liberalism protects continue to endorse a wide range of normative frameworks that spell out differing norms as properly structuring a human life, and value pluralism implies that many of these are reasonable answers to the question of how one should live. Given these facts, the only way to achieve unanimity on political principles would be somehow to immunize the process of political theorizing from those diverse judgments of the good by showing their irrelevance to that process” (2010, 121-122). My analysis of the problem differs insofar as his aims to show how liberalism can still provide a morally minimalistic degree of motivation for achieving equal respect despite the challenges of pluralistic politics, while mine attempts to show that if liberalism is successful in this project, it will be so because it invokes (liberal) perfectionist ethics. I first consider that possibility in Section II. Before I get there, however, I spend next chapter considering the second-generation neutrality theory of political liberalism. Because it represents the strongest rendering of neutrality to date, my critique of neutralist ethics must show that it, too, fails to offer a coherent foundation for liberalism.
2.2.1 Legitimacy, Dialogue and Citizenship

Ackerman’s *Social Justice in the Liberal State* (1980) is another foundational contribution to the development of neutralist thinking. It presents a unique take on the relationship among liberalism, neutrality and citizenship theory. Ackerman attempts to set liberalism itself upon neutral grounds, anticipating Larmore’s “neutral justification of political neutrality” (1987, 53) and Thomas Nagel’s “higher-order impartiality” (1991, 155-157) in later, second-generation thinking. Ackerman’s work is also instructive for my project in that it clearly links neutralist legitimacy with the moral matters of liberal citizenship.

The essence of liberalism, Ackerman claims, is neutral dialogue. This kind of “constrained power talk” (1980, 8) has four main characteristics, in his view. First, it constrains justifications of power acquisition to reasons that do not presuppose the moral superiority of one’s ethical beliefs or personal character (11). Second, “[t]o count as [an acceptable] reason, a statement cannot contradict the very idea that power can conceivably be exercised illegitimately” (38). This “conceivability test” admits that power can be used illegitimately, and therefore requires a strong justificatory defence of legitimate power acquisition in the first place. The third and fourth features of neutral dialogue are “rationality” and “consistency” conditions. A power holder’s defence of his or her entitlement to any given resource is rational if it explains why s/he is more deserving of it than others, and consistent if all power holders in similar cases would employ comparable reasons while justifying their own power-wielding (4-7). These four conditions of constrained power talk, Ackerman contends, provide “the only legitimate way to establish a just society” and to “define a liberal conception of equality that is compatible with a social order rich in diversity of talents, personal ideals, and forms of community” (263, 18). Put together,
Ackerman argues, these norms of deliberation make neutrality “the organizing principle of liberal thought” (10).

Ackerman says that neutral dialogue also frames the basis of citizenship in a liberal polity: “Since, in a liberal state, the polity is constituted by the process of dialogic interchange, an individual who lacks dialogic competence fails to satisfy the necessary conditions for membership” (74-75). The implication here seems to be that liberal citizens are those who possess and exercise a capacity to engage in this kind of constrained power talk, *ipso facto* making members of anyone or anything capable of exerting this dialogic ability, even talking apes (74). “[T]his is because”, he says, “...citizenship is not just another question open for resolution by the political community. It is conceptually prior to all other particular power struggles, involving as it does the right to have one’s rights determined through a Neutral [sic] conversation” (1980, 92-93). He affirms elsewhere that “[t]he critical question, in all cases, is...whether [one] can participate as an independent actor in a Neutral dialogue defining a legitimate solution to the power struggle” (1983, 375).

So, it appears that the mark of a neutralist is to believe that “neutral dialogue [is] the most sensible way of regulating our power struggle” (Ackerman, 1980, 357). But, I am here interested in Ackerman’s explicit rendition of neutralist legitimacy. He says that it “...marks the boundary of the *most extensive form of dialogic community* – embracing all who can participate in a mutually intelligible effort to control the power struggle that is their common predicament” (1983, 375, emphasis added). Formulated thusly, neutrality is both a principle of legitimacy enjoining states and a norm of civic activity that seems to bind all political members. Specifically, neutrality “tells citizens how they must resolve their conflicts if they are to hope for liberal legitimacy” (377, emphasis added). Neutrality also demands, he emphatically adds, that any “individual who lacks [this form of] dialogic competence fails to satisfy the necessary conditions for membership” (74-75, emphasis added). Thus, in
Ackerman’s view, liberal citizenship quite clearly hinges on this dialogic capacity; that is, it both affirms our entitlement to “undominated equality” (18) and offers a general understanding of our attending civic responsibilities as proper liberal citizens.

Overall, then, Ackerman’s neutrality, like all liberal positions, is a principled rejection of paternalism. However, unlike Dworkin’s allegedly derivative account, Ackerman explicitly and directly grounds his liberalism in the idea of neutrality itself. Still, Ackerman’s position, like Dworkin’s, needs an explanation as to why we should accept his principled starting point over others. In other words, neutralist liberals must present some way of justifying, not simply positing, their prioritization of neutrality. I will now argue that without solving this grounding concern, Ackerman actually adds an inconsistency at the level of specification by extending the scope of neutral constraint to include all civic dialogue.

2.2.2 Rejecting Deduction

Ackerman might agree that the grounding problem is truly an issue for neutralist liberalism, but only, he would add, if the criticism itself works under the line of reasoning Ackerman calls “the deductionist approach” (356). This deductionist method, broadly speaking, assumes that “first principles of political philosophy are really ‘second’ principles that may be deduced from the conclusions reached in some other ‘higher’ domain of philosophical discourse” (1980, 356, emphasis original). If my critique from grounding does adopt this approach, if it does interpret neutrality as a “first” or “constitutive” principle of liberal political morality, then Ackerman would claim that the critique is fundamentally flawed. Neutrality, he would say, is not meant to be grounded by any singular value, “higher” or not. Instead, neutrality’s worth lies in the fact that it is ecumenically acceptable. “In proposing Neutrality,” Ackermans says,
I do not imagine I am defending an embattled citadel on the fringe of modern civilization. Instead, I am pointing to a place well within the cultural interior that can be reached by countless pathways of argument coming from very different directions. (12)

While Dworkin claims to ground liberal neutrality in a deeper ideal of equal concern, Ackerman’s “pathways” defence argues that “liberalism’s ultimate justification is to be found in its strategic locations in a web of talk that converges upon it from every direction” (361). Due to the “hard truth” that “there is no moral meaning hidden in the bowels of the universe,” Ackerman insists that the neutrality principle itself will be proven defendable only under the four conditions of neutral dialogue, not by some singular and allegedly grounding tenet (368).

Without these conditions of neutral dialogue, power talk will turn illiberal by positing either that (i) group members X have better insights into our most challenging religious and philosophical questions than any other persons, or that (ii) group members Y are superior people and therefore deserve to have their conceptions of the good favoured (10-12). Both (i) and (ii) are obviously non-neutral. Yet, Ackerman suggests that (i) looks very much like the deductionist approach of the grounding critique, since both suppose privileged insight into moral meaning. If the parties to power talk assume to know any “higher” moral meaning while defending neutrality or otherwise, then public decision-making has moved too close to illiberality. Ackerman’s pathways strategy seeks to preclude this problem by taking any or all of the “main highways to the liberal state: realism about the corrosiveness of power; recognition of doubt as a necessary step to moral knowledge; respect for the autonomy of persons; and skepticism concerning the reality of transcendent meaning” (369).

Like most neutralists, Ackerman’s attention is clearly focused on the evaluative matter of neutrality; namely, developing a strong sense of why neutrality matters for pluralistic polities. But, the lack of consideration he gives to the specification question, the concern with deciding how broadly or narrowly neutrality is to be applied across the social form, suggests something additionally important about his or any version of neutrality. The trouble, briefly, is that his neutrality requires all moral agents as a matter of citizenship to adjudicate their
ethical commitments by distinctly liberal standards of judgment. The explicit demand here is clear: each of us must discharge a liberal responsibility to negotiate our ethical commitments in terms that are impartial to others’ competing convictions. This scope extension would be unimportant if it somehow affected only fair outcomes in political practice. But, it is not clear that it does. A close look at neutrality’s logical properties will give us a better sense of why a position on scope like Ackerman’s is likely non-neutral.

The very idea of neutrality appears to require at least two conditions for intelligibility. The first is conflict and the second is arbitration. In order for a principle of neutrality first to gain logical coherency and eventually political relevance, two moral views (i.e., a belief system or a moral proposition therein) must come into conflict. Such conflict can occur between two independent agents in themselves (i.e., between their conflicting belief systems) or between some constitutive characteristic of these conflicting parties (e.g., a component of a belief system or a standalone moral proposition). For example, imagine the potential for conflict that could arise between, say, two different fundamentalists, on the one hand, and disagreement between, say, a pro-choice atheist and a pro-life atheist, on the other. Roughly, then, conflict occurs either between whole belief systems or between particular tenets of belief systems. Either way, conflict is a first condition for envisioning neutrality. The second condition requires that some kind of intermediary (i.e., an arbiter) occupies a position independent of either form of conflict for proper adjudication. The nature of this impartial position specifies the limits (i.e., the scope) of what I am calling a moral constraint-site.

Interestingly, then, any plausible neutrality principle must specify the exact site of constraint according to some independent property (S), since (S) will ensure impartiality. Think of a mediator in cases of evaluative mediation. The mediator’s role in such instances is

---

11 It is generally held that neutrality requires at least three moral parties for conflict to take place (Wall and Klosko, 2003, 2). The logical claim here is that no more than two of them can conflict, while the third must be the impartial adjudicator. On this account, then, the adjudicator is the sufficient condition for neutrality to gain conceptual purchase (Montefiore, 1975, 5).
to assess the merits of each party’s competing claim and then present her findings in caucuses under the hope of illuminating mutually acceptable solutions between or among the parties. This kind of mediator is thought to be sufficiently independent not merely because her range of education and experience in resolving issues similar to the one at hand is wide enough, but more importantly because the potential scope of her (S) vested interest in finding a solution for one side over the other is sufficiently narrow. So, we might say that in order for any mediator to be sufficiently neutral, her (S) must (a) contain no interconnected property with those contested by the parties in question, and must also (b) contain some property necessary to help settle the dispute. If this is true of (S), then a principle of neutrality obtains only if (1) conflict exists among the properties of agents’ beliefs, (2) an arbiter is established to adjudicate such conflict, and if (3) the arbiter meets scope conditions (a) and (b). To be clear, the more basic scope condition for impartiality is (a), while (b) will involve prospective arbitration strategies for one who already meets condition (a) – again, by sharing no morally relevant conflict of interest – to use in making neutral decisions.

The state and/or the citizenry appear to be the only constraint-sites able to meet these arbiter conditions. The citizenry could, of course, be further sectioned into secular or non-secular voluntary associations, or for that matter any sub-grouping possessing or constructing a distinct identity relevant to the conflict condition above. As well, if the site of constraint was only within the state structure, it could still be (and indeed has been) further consigned to particular government bodies or institutions, like the legislative branch or a constitution. Still, in order to clarify the concern I am highlighting with constraint-sites, I think we are well advised to start big and pare down, like Socrates seeing the idea of justice by moving from the larger case of cities to the smaller case of souls. Once the more general categories are considered (e.g., the state and the citizenry), the nature of comparatively concrete problems can come into greater focus. The following and rather broad discussion of constraint-sites and
special-powers offers a clearer understanding of how the scope question tells us something instructive about liberal neutrality’s fundamental value assumptions.

2.2.3 Constraint-Sites and Special-Powers

Ackerman’s neutrality drastically expands the scope of “state neutrality” beyond its typical, institutional form by imposing neutral constraint on all public deliberation. By insisting that all members of the liberal polity must “…speak to one another in a coherent and mutually intelligible way about how we may legitimately organize our power struggle,” Ackerman clearly pushes the scope of neutral constraint beyond what is expected by the idea of state neutrality (1983, 384). In later chapters, I will demonstrate that today’s second-generation account of neutrality also implies this same scope extension. My exploration of Ackerman’s theory is useful for that later argument because his work is the patent example of how highly contestable assumptions about human nature and moral psychology drive this incoherent scope extension of neutrality.

Recall Dworkin’s conclusion that neutralist legitimacy requires governmental impartiality toward citizens’ competing moral ideals in order to respect their higher-order interest in autonomy. He theorizes little, however, about the nature of liberal citizenship, other than building into his account of legitimacy a citizen’s claim-right against the state to (LN) equal respect as neutral concern (which is now supposed by Ackerman to be “ecumenically” acceptable). Yet, as I have said, it is far from clear how this right against the state could entail some moral responsibility to treat other citizens as the state ought to treat them. The important question here is whether a state-based justification of moral constraint will involve different value assumptions than a citizen-based one. By requiring citizens to meet the arbiter condition as a matter of liberal membership, Ackerman clearly makes neutral
constraint a matter of civic responsibility. But is this scope extension coherent? Surely legitimacy cannot simply double as an account of our moral responsibilities as citizens.

Will Kymlicka has said that neutralist legitimacy “precludes treating people as resources to be distributed or molded so that each way of life fares equally well” (1989, 891, emphasis added). While this is supposed to be true, I think Ackerman’s insistence that each liberal citizen has, as a moral condition of political membership, a responsibility to practice neutral conduct shows it to be questionable whether neutralism can actually sustain the preclusion that Kymlicka mentions. Is a climate in which citizenship is conditional on this kind of constraint really unlikely to “mold” citizens in non-neutral ways? “It is of course true,” Kymlicka continues,

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? (897)

This question is asked somewhat rhetorically, since Kymlicka notes that “...the flip side of state neutrality is support for the role of perfectionist ideals and arguments in civil society” (895). As I suggested last chapter, the reason for this state neutrality/social perfectionism correlation is that neutralists tend to favour rights-oriented thinking without giving adequate attention to whether the assumed values of such positions are congruent with the underlying and sometimes distinct morality underlying duty claims, let alone to whether these latter values are, in fact, properly integrated with their own position on political obligation. Interestingly, Kymlicka does admit that

[n]eutrality 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 the 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. (899)

Ackerman, however, puts little stock in either faith. For him, neutral dialogue is a moral and political requirement of liberal membership, not a wish for or a hope about it. My concern is whether his or any neutralist ethic can coherently shape the very interests it means to free.
Whether neutrality as a condition of citizenship is just an eccentricity of Ackerman’s work or a symptom of neutralist theory writ large is yet to be determined. That judgment can be passed only when my survey of all four prominent neutralist thinkers is complete. Still, my point that this scope extension causes a logical problem at least for Ackerman’s neutrality requires one final distinction. First, let us recall my outline of neutrality’s basic conceptual structure. I argued that it obtains only if (1) conflict exists among agents’ moral properties, (2) an arbiter is established to adjudicate such conflict, and if (3) that arbiter meets scope conditions, (a) the arbiter contains no interconnected property with the conflicting aspects of the agents in question and (b) the arbiter contains a property necessary to help find impartial solutions.

If we contrast this configuration with Ackerman’s neutrality, an important tension emerges. Ackerman’s neutrality is arranged in the following way: (1) and (2) obtain, while only scope condition (b) obtains. The problem here is that (b) is immediately assumed even though it has not been established that the more basic scope requirement of (a) also obtains. His neutrality, in other words, settles a dispute by requiring the adjudicator to negate any moral property within her/himself that contributes to (part of or all of) the moral conflict in question. If (b) is true, the solution may provide a way of settling the dispute, but it is not clear that this can be done impartially. Let me explain further.

Because scope conditions (a) and (b) must be met for impartiality to succeed, the important possibility I am trying to highlight is that conflicting parties cannot themselves be involved in the arbitration process unless they accept some overriding reason for their moral powers in (b) to override their moral interests in (a). More to the point, if they are morally and politically required to deny their own interests in (a) during civic dialogue, then this demand seems to be questionable not only at the level of grounding, since it seems to rely upon a dubious conception of human nature and interest, but also on the issue of scope, since
it is likely to entail the unequal treatment of those whose deepest convictions pose compliance problems. Indeed, the exceptional requirement here is that each citizen must exert a special-power of impartial arbitration because it requires one to disregard aspects of one’s deepest convictions. Hence, considering the essential idea of this special-power, it is hard to imagine that it could come to occupy a place in the argument without its constitutive assumptions (i) that we do indeed possess this special capacity to negate our own moral properties and (ii) that this power is not merely the special ingredient of healthy and peaceful polities, but also the essential element for realizing one’s highest interests in praxis.

I cannot yet fully assess these grounding and scope concerns, for some further discussion must first take place in the following chapters to outline the second-generation response to first-generation thinking. For now, we need to acknowledge only the overarching point: the underlying assumption that we can exclude our deepest convictions in instances of moral conflict (i) relies on a background story of human nature and interest for grounding and (ii) entails the scope implication that citizens, not just states, must practice this kind of deliberation in order to realize their own well-being. Liken, for now, the main point I raise here to today’s pedagogical emphasis on critical thinking in public education. Young learners may potentially live more authentic and healthy lives, as the theory runs, even while a necessary component of achieving this end across the range of distinctly situated learners will destabilize some of their (or their parents’) deepest held beliefs.

Under the assumptions that we possess this special-power and that its practice ensures individual well-being, Ackerman concludes that neutrality can be established when scope condition (b) – i.e., the strategy and power required to solve a dispute – obtains even without (a) – i.e., an impartial status – because all disputants (or at least those deserving membership in liberal communities) possess this special-power to negate any aspect of themselves that
would otherwise perpetuate moral conflict. Indeed, Ackerman is quite clear that all liberal citizens are morally required to employ this special-power in all relevant dialogic activity.

If a primary neutralist worry is privileging certain moral ideals by way of the state’s coercive power, then why must citizens present each other with neutral defences of their conceptions of the good? The principle of (LN) equal respect as neutral concern is thought to secure one’s right against the state so that citizens may pursue life according to their own individual points of view. As Waldron says, “[r]ights express the idea that respect for a given interest is to be understood from the point of view of the individual whose interest it is. By protecting the interest, we vindicate that point of view, proclaiming that it has as much validity as any other perspective in morality” (2006, 576). But, that is not at all what is going on in Ackerman’s theory. Instead, membership in the liberal state is beholden to the exercise of a special-power to govern one’s own ethical positions impartially vis-à-vis others’ competing views. As Ackerman himself puts it: “An ideal liberal state is a place where this dialogic challenge can be met by each and every citizen concerning each and every use he makes of his power position” (1983, 382). This liberal condition of citizenship may indeed help settle conflict, but the underlying account of human nature and interest it appears to presuppose is not unquestionably neutral. The essential problem with this demand, as Sections II and III elaborate, is that neutrality’s exclusion of reasons requirement discriminates in practice precisely because the grounding assumptions that this very demand relies upon reflect a liberal-perfectionist ethic, not a neutralist one.

Conclusion

According to my reading of Dworkin and Ackerman, it remains unclear whether liberalism can disentangle the underlying assumptions of political equality as a matter of
legitimacy, on the one hand, and neutral dialogue as a matter of citizenship, on the other. The concern that I have articulated about specifying constraint-sites calls into question the common assumption that, as Kymlicka puts it, “state neutrality presupposes, rather than denies, social nonneutrality” (1989, 895-896). Indeed, we would expect the very idea that citizens can and should exercise this special-power to be a rather threatening proposition for neutralists, since it implies that one’s pursuit of one’s highest-order interests is in some way conditional upon the moral view of others. Since conflict most often emerges because people are committed to different moral ideals, requiring citizens to bracket their own convictions from deliberation in these circumstances is like expecting that a good Christian will convert to agnosticism in public debate because she must reasonably agree (against her deepest beliefs) that the only way to a fair resolution in any political conflict begins with the admission that judgment on religious matters must be forever deferred (Greenawalt, 1993, 673; Wolgast, 1994, 1939; Thunder, 2006, 688). And if my critique correctly diagnoses a circularity in the proposition that neutrality is derived from equality, we then leave no room for a defence of Ackerman’s neutral dialogue without a satisfactory answer to the grounding question of why liberalism ought to source its strength in a neutralist ethic. Again, the main question is not why equal respect, but, more precisely, why a right to the specifically neutralist conception of equal respect?

This chapter has shown what I consider to be the major challenges (the grounding and scope problems) facing early neutrality theory. Chapter Three discusses how second-generation neutrality emerges as a response to them. Sections II and III then argue that political liberalism cannot overcome these problems without contradicting their allegedly improved version of neutralism. My primary attention here is focused on the background moral and epistemological account of “civility” that Rawls and Larmore’s rely on to explain and justify political liberalism’s position on political obligation.
Chapter Three

I have just argued that Dworkin’s liberalism actually takes (LN) equal respect as neutral concern for its constitutive principle. My point was to show that his liberalism does not derive neutrality from a conceptually prior notion of equality; instead, his theory presupposes a neutralist reading of equality. The fact that liberals simply define equality in neutralist terms raises an important question. Why should we accept that ethic over another? Why neutrality? I found a second concern in Ackerman’s theory on the question of scope. If constrained dialogue is also a part of the ideal of citizenship – that is, if neutrality is to govern not just the official conduct of state officials, but also the civic conduct of regular citizens – then some background story about human nature and well-being is needed to explain why this sort of activity ought to play a central role in our lives. The question then becomes whether that account can itself be sufficiently neutral.

Both Dworkin and Ackerman’s positions represent a first-generation of neutrality theory that I call “ethical neutrality.” According to critics, first-generation thinking fails by its adoption of “pluralism,” since this allegedly neutral epistemology actually contains controversial premises that people could reasonably reject. I outline this “sectarian critique” below, and show how it marks neutrality’s generational shift from pluralism to a second-generation redesign called “public reason.” Developed primarily under John Rawls and Charles Larmore’s doctrine of political liberalism, this second-generation version that I call “epistemic neutrality” was constructed to settle the problems its predecessor faced.

Critics claim that this new account of liberal neutrality is itself problematic because it attempts to avoid controversial grounds by trading substantive moral prescription for a non-moral or merely prudential view of justice (See, Neal, 1993, 629; Galston, 1990, 320; Graham, 2007, 125-128). The current chapter also explains why this “modus vivendi critique” is off the mark. Political liberalism is indeed moral, and my review of the shift from
first-generation “plural” to second-generation “public” reasoning illuminates its exact moral properties. But, it is certainly not clear enough to me that this move adequately solves the grounding and scope problems as I have articulated them. The important question here is not whether political liberalism is sufficiently moral, but whether it is sufficiently anti-perfectionist. I answer this question in Section III by concluding that the moral background to political liberalism’s account of political obligation indicates that a coherent liberalism, especially for pluralistic social forms, must be grounded in a certain kind of perfectionist value.

It will be helpful for my study of neutrality theory to detail the main critique that spawned neutrality’s reformulation under political liberalism. The criticism is three-pronged, challenging the way ethical neutrality conceives moral persons, moral disagreement and moral constraint. The first claims that ethical neutrality presupposes a controversial conception of human interest; the second says that ethical neutrality relies on a self-refuting epistemology; and the third argues that ethical neutrality is too extensive in its political restrictions. The charges from persons and constraint seem to share important structural relationships with the previously mentioned grounding and scope problems, respectively. Both of them, however, turn on the epistemological concern with pluralism. I shall now consider each of these arguments in turn.

3.1 The Sectarian Critique

It is often said that liberals conceive of persons as “moral” insofar as they at least (a) have a sense of justice and (b) are capable of devising conceptions of a life worth living. I imagine, however, that we would have little reason to consider (a) if it were not also true that persons have a paramount interest in living by the ethical commitments involved in (b). If the
relevance of (a) is in fact dependent on our understanding of (b), then it is most accurate to say that we are “moral” because each of us shapes (to varying degrees) and pursues his/her own edition of the good life. Theorists take this broad and rather formal conception of moral character in various normative directions, depending on additional assumptions and facts about epistemology and politics. The main liberal questions here are: to what extent should one revisit one’s ethical commitments to settle value conflict with others? And, to what extent can the state legitimately involve itself in this process? These concerns eventually spawned the sectarian critique of ethical neutrality. A close look at this refutation will also reveal the precise motivation for the reformulation of neutrality theory.

I shall now present the three main components of this sectarian critique in turn. Pulling them apart for specific attention is no easy task, since none stands independently. Section 3.2 then details the movement from this critique to political liberalism’s revised version of neutrality that I call epistemic neutrality. This review of second-generation thinking completes my coverage of neutrality’s foundational motivations.

3.1.1 Conceiving Moral Persons: Critics of first-generation neutrality point to its conception of persons as a justificatory problem because it is itself non-neutral. These critics grant that a defining, if general, position of neutralism, especially Dworkin and Ackerman’s, is that the state should not take sides amongst the diversity of moral outlooks in order to treat each person with equal respect. But, they also question whether the conception of persons underpinning this position on legitimacy is itself acceptable to the full range of belief systems. Some say it is not because it adopts a non-neutral view of human interest.

The main worry here centres on ethical neutrality’s adoption of two classically liberal injunctions. The first and roughly Kantian assumption is that any authentic endorsement of value comes through the self-conscious and independent acceptance of value. Ethical neutrality then adds the Millian condition that such choice is possible only when each
individual is free to explore myriad, equally accessible and unmanipulated ends. Critics respond by claiming that not all moral belief involves autonomy (Kant) and individualism (Mill). These assumptions are obviously not, for example, endorsed by romantics who believe we cannot detach ourselves from well-established, communal norms. Deracination, they say, negates one’s deepest self, for constitutive of one’s very being is the collective ethos of which each is an inexorable part (Larmore, 1990, 343-344; 1996b, 37-39). The essential critique here, then, is that the first-generation’s conception of human interest unfairly disfavours valid life options. Still, a better understanding of this worry can be gained by exploring its relationship with the remaining components of the sectarian critique.

3.1.2 Conceiving Moral Disagreement: So far we have heard that autonomous choice among competing moral ideals is a key ingredient of authentic value formation for liberals because it is a basic human interest. It seems, however, that pluralism takes all acts of valuation to be components of broader worldviews. If our so-called highest-order interest as moral persons is indeed self-actualization, and if all value affirmation is made within some larger system of ends, then political discrimination for or against any particular value will unbalance an otherwise level order of competing schemes. By unbalancing the ethical marketplace, the state does not show neutral concern for autonomous choice among the available options (MacLeod, 1997, 533).

This conception of moral disagreement comes from a theory of epistemology called pluralism. As mentioned in Chapter One, this doctrine assumes that all conflict occurs because of disagreement among independent and likely incommensurable value claims. Conceiving moral disagreement in this way means that if all ethical views are to be afforded equal respect, no contested value proposition can be assessed by the assumptions of any other. In other words, since all people follow their own discrete conception of the good even though the goods and virtues comprising this range of worldviews cannot themselves be rank
ordered (Galston, 2002, 5-6), no public decision can show equal concern for all positions if it feigns some insight into the comparative justifiability of each competing claim.

Critics point out the epistemological contradiction between this position from pluralism and ethical neutrality’s tendency toward classic liberal injunctions. On the one hand, ethical neutrality assumes that life conceptions cannot be rank ordered along some allegedly objective moral criteria, while, on the other hand, first-generation thinking appears to assume that only Kantian-Millian viewpoints meet the conditions of constrained power talk. Put differently, ethical neutrality requires from pluralism that the state avoids moral judgment in order to show equal respect for all contested beliefs, even while ethical neutrality’s conception of moral persons implies a standard of neutral dialogue that permits only certain distinctly liberal views to vie for power. The central contradiction here is that even though ethical neutralists claim to be uninterested in judging competing value claims, their neutralism nevertheless clearly favours the Kantian-Millian injunctions of autonomy and individualism. Critics argue that these assumptions, taken either by Dworkin as constitutive of liberalism or by Ackerman1 as the basis of public dialogue, threaten to make liberalism more, not less, invasive.

1 Perhaps the most likely candidate to be implicated by the sectarian critique is Ackerman’s theory of neutrality. All of the “argumentative paths” to neutrality that Ackerman vindicates are precisely those – each and every one of them – that the sectarian critique claims to be non-neutral. For example, Ackerman says that skepticism supports a principle of neutrality because “while everybody has an opinion about the good life, none can be known to be superior to any other” (1980, 11). Moreover, he suggests that both experimentalism and individualism look like the “true means of cultivating a truly good life” (11). According to Ackerman, these comprise the argumentative paths for defending neutrality. One must reject all of them, he says, in order to sufficiently reject neutrality. “And to do this,” he exclaims, “does not require a superficial change of political opinions but a transformation of one’s entire view of the world – both as to the nature of human values and the extent to which the powerful can be trusted to lead their brethren to the Promised Land” (Ibid.). It should be noted, however, that Ackerman also offers an empirical argument about the bases of power verses potential in exercising coercive power well. For him, it is unlikely (as history appears to vindicate) that those with power are also those with the requisite potential for leading well (12). But, of course, this position is shared by all liberals, including epistemic neutralists. No liberal could agree that possession of coercive power or access to coercive power implies, by itself, legitimacy. Liberal perfectionists invoke a similar argument when they suggest the possession of political power does not alone indicate the validity or the superiority of an endorsed moral ideal (Haksar, 1979, 254-287).
3.1.3 Conceiving Moral Constraint: An additional concern with ethical neutrality is noticeable when we look at the relationship between the way it conceives moral persons and moral disagreement. By marrying Kantian-Millian moral psychology with the epistemology of pluralism, ethical neutrality is compelled to restrict the state from engaging in any kind of moral enterprise, whatsoever. If it is true that life conceptions are incommensurable, then (LN) equal respect as neutral concern requires that none of them enjoys privileged state support. This, as the criticism runs, amounts to an implausible root-and-branch restriction.

Such a wide-reaching restriction on state-based political deliberation seems to entail that the citizens are utterly free to invoke, pursue and proselytize any and all moral ideals in the cultural marketplace. At a practical level, prohibiting the state from engaging in even remotely non-neutral activity (e.g., permitting or denying members of the Westboro Baptist Church from holding anti-gay protests outside military funerals because they believe that God is punishing American soldiers for the nation’s tolerance of homosexuality) will render meaningless the state’s role as a legitimate force of social reconciliation, for it will occasionally be required to help settle conflicts (like the one between the father of a dead Marine who sought to sue Westboro Baptist Church for picketing his son’s funeral) that eventually occur in pluralistic societies. But, more fundamentally, the very idea of bracketing the entire range of ethical conceptions from all power talk is contradictory. It restricts, on the one hand, the state from censuring irrationally vitriolic views, even while it requires, on the other hand, all power talk to meet the standards of neutral dialogue. As I mentioned in Chapter One, it therefore appears that an evaluation of neutralist legitimacy must ground itself in some (acceptable) moral position, while the standards of neutral conduct are meant to apply only to those state officials who are sufficiently impartial to the conflict in question. All said, first-generation neutrality is ruled out as a useful conception because it fails to satisfactorily address both the grounding and scope problems.
Second-generation neutralists build upon each of these critiques (from moral persons, moral disagreement and moral constraint) to construct their revised version of neutrality. Rawls largely focuses on moral constraint, while Larmore gives added attention to moral disagreement. Crucially, though, each emphasizes the underlying moral and epistemological aspects of an ideal mode of conduct they call “civility.” In other words, the concept of civility contains the substantive ingredients of a fundamental deliberative trait they imagine each citizen possesses as a “moral” person. They call this characteristic “reasonableness.” It forms the dialogic expression of equal respect and marks the distinguishing feature of a second-generation epistemology called “public reason.” I discuss public reason below, while Sections II and III assesses whether its constitutive norms, especially its moral and epistemological properties, can serve, foundationally, as the underlying ethic of a both sufficiently moral and sufficiently neutral account of general political obligation.2

3.2 Public, Not Plural

Second-generation neutralists respond to the shortcomings of ethical neutrality by suggesting that public – not plural – reasoning ought to constrain moral deliberation on issues of justice. This new epistemological position, called public reason, needs close attention, for I suggest that liberal neutrality stands or falls on whether its underlying assumptions are sufficiently anti-perfectionist.

---

2 As a reminder, general political obligation is a moral position on whether citizens have a duty to support and uphold all the central functions of the state. George Klosko, among others, argues that an account of our obligation to obey the law in this general sense “must be the main focus of any theory of political obligation” (1994, 253; Raz, 1984, 139-140). I should also reiterate that my critique of political liberalism need not take a position on the question of general political obligation, because I can quite clearly assess whether political liberalism invokes an account of obligation that is suitably neutral without deciding exactly which justificatory principle is ultimately stronger qua a justification of general obligation. Please see 5.3 for some elaboration.
Although John Rawls introduced the essential idea of neutrality to contemporary theory, his early writing does not use the title “neutrality”\(^3\) nor does it present a political rendering of it. His point there, more generally, was that “the right,” as he famously wrote à la Kant, must take priority over “the good” as a matter of (liberal) justice. Sparking renewed interest in liberal theory, this suggestion inspired some, like Dworkin and Ackerman, to lay out ethical neutrality. But, as William Galston indicates, “[s]ince the publication of Ronald Dworkin's ‘Liberalism’ and Bruce Ackerman's *Social Justice in the Liberal State*, attention has increasingly focused on neutrality of procedure as what is most distinctive, and attractive, about liberalism” (1990, 320). Neutrality, he continues, has increasingly become known as

...a special constraint on reasons that can be invoked to justify public policy. [This version of neutrality] stands in roughly the same relation to political deliberation as do rules of evidence to trial advocacy. Specifically, a reason is not publicly valid if it appeals to, or rests upon, the presumed superiority of any particular conception of the good life. A policy is illegitimate if such a conception is an ineliminable element of its proposed justification. (Ibid.)

The move from pluralism to this idea of public reason marks the shift to second-generation neutrality. John Rawls and Charles Larmore were the first theorists to push in this new direction. Like others (Raz, 1990; Clarke, 1999; Estlund, 2007), I take their position to involve a unique form of *epistemic* constraint\(^4\), and this is why I term their approach epistemic neutrality.

### 3.2.1 Rawls and the (Institutional) Limits of Moral Constraint

A primary motivation for second-generation, epistemic neutrality is specified by Rawls in his paper

---

\(^3\) The term “neutrality” appears only once in Rawls’s *A Theory of Justice* (2005 [1971]). Here he uses it to signify the idea that “there is nothing necessarily right, or morally correct, about the point of view from which things are judged to be good or bad” (2005, 403). This he calls “moral neutrality of the definition of the good” (404). “Moral neutrality” bears no direct relation to my discussion of “state neutrality” or “liberal neutrality”. However, in his paper “The Priority of Right and Ideas of the Good” (1988), Rawls does suggest that despite being an “unfortunate” and “misleading” term, neutrality can still stand-in as a “stage piece” for conveying his “priority of right” (260).

\(^4\) Take, for example, David M. Estlund’s recent book, *Democratic Authority* (2007). Here, he proposes a theory of “epistemic proceduralism.” It understands that “a proper democratic process taken as a whole can be agreed by all qualified points of view to have epistemic value with respect to political questions” (2007, 102). The political liberal aspect of Estlund’s view is that the standards of correctness we use in assessing procedures must be acceptable to all qualified viewpoints.
‘Justice as Fairness: Political not Metaphysical’ (1985). Here, Rawls rejects ethical neutrality because it, in his view, is morally comprehensive, meaning that it prescribes for the whole of life. A “point essential” to the liberal idea of justice, he argues, is that although it is a moral conception, it is not, as I have said, intended as a comprehensive moral doctrine. The conception of the citizen as a free and equal person is not a moral ideal to govern all of life, but is rather an ideal belonging to a conception of political justice which is to apply to the basic structure. I emphasize this point because to think otherwise would be incompatible with liberalism as a political doctrine (1985, 245; also see, Rawls, 1989, 240-241; 1993, 78).

In order to ensure the priority of political justice over sectarian moral conceptions, Rawls specifies two conditions. First, justice must be moral, but not comprehensively so. That is, liberal political morality ought to ground itself not in contested (or contestable) ethics, but in the public values accepted in (or acceptable to) shared political culture (Rawls, 1988, 252; Estlund, 1998, 254-255). Second, and relatedly, it is only the basic structure of society that should be constrained by these public norms (Ibid.). Rawls introduces a second-generation notion of neutrality with these combined claims. The specific development that I focus upon in this section is the latter position on institutional constraint. It is important to reiterate the specific scope concern here is not with whether restraint is to apply to all or just some political questions. As I highlighted last chapter, the question here is instead about whose action is supposed to be governed by this principle, or whose conduct is the principle meant to constrain? In one sense, the answer here may be “everyone,” since the principle applies to decisions about the basic structure of society that in turn governs all of our conduct. But, the focus of the question actually concerns whose decisions about the basic structure is neutrality meant to constrain – just officials, or citizens, too? Today’s dominant idea of “narrow neutrality,” first outlined in Chapter One, is most fully rendered in its response to this question.

For Rawls, neutralist restraint applies to merely the basic structure and only on matters of basic justice. Yet, Rawls nevertheless challenges the first-generation idea that legitimacy requires the state to “ensure for all citizens equal opportunity to advance any conception of
the good they freely choose” (Rawls, 1993, 192). The state, Rawls submits, cannot simply abstain from value judgment if it is to ensure justice; rather, it must take some moral stance to justify and uphold basic liberties (190-195). This opening to morality, however, is not carte blanche. The state may invoke justifications only from the range of moral views that are conducive to civic peace and security, e.g., reasonable ones, not all possible doctrines. He puts it this way: “While it is neither possible nor just to allow all conceptions of the good to be pursued (as some involve the violation of basic rights and liberties), a basic structure satisfying the principles of justice does permit a wide range of conceptions fully worthy of human life...” (1988, 258, emphasis added). Because ethical neutrality effectively bars the state from all moral judgment, it fails to uphold its own ethical injunction to protect the life interests of those whom others wish to harm. Charles Larmore adds that “[a] liberal political system need not feel obliged to reason with fanatics; it must simply take the necessary precautions to guard against them” (1987, 60). Of course, “fanatic” views fail the standards of neutral dialogue and are thus impermissible. Rawls says,

...the priority of right implies that the principles of (political) justice set limits to permissible ways of life; hence the claims citizens make to pursue ends that transgress those limits have no weight (as judged by that political conception). But just institutions and the political virtues expected of citizens would serve no purpose – would have no point – unless those institutions and virtues not only permitted but also sustained ways of life that citizens can affirm as worthy of their full allegiance. A conception of political justice must contain within itself sufficient space, as it were, for ways of life that can gain devoted support. In a phrase: justice draws the limit, the good shows the point. (1988, 251-252)

Hence, neutralist decision-making may be compatible with a “wide” selection of “reasonable” doctrines, but not the “complete range” of life conceptions. Accordingly, Rawls takes neutralist legitimacy to enjoin only the basic structure and require only a limited (i.e., certainly not a complete) bracketing of moral valuation from matters of justice. As Larmore puts it, “the argument...intends to be neutral only with regard to controversial conceptions of the good life and not to all values or norms whatsoever” (Larmore, 1987, 54-55).
It seems, then, that Rawls’s neutrality applies only to institutional adjudication among officials on controversial matters of public interest, which we would imagine to be the case in a principle of state neutrality. If his revised version of neutrality is to avoid the grounding and scope problems, most believe it would do so by barring only controversial moral premises from public decision-making at the state level. Thus, second-generation neutrality does find substantive support for political justice, though only in (the wide range of) permissible moral conceptions, while the standards of neutral conduct are merely meant to constrain the adjudication of constitutional essentials by officials, not the entire scope of political deliberation.

Rawls calls this new approach a “political” version of liberalism (1987, 21; 1988, 253; 1993). Following suit, Charles Larmore terms his own response to first-generation thinking a “political” kind of neutrality (1987, 52, 53; 1990, 342). It is likely apparent by now that the appellation “political” is meant to designate the shared or public values making-up collective culture. Both Rawls and Larmore believe we share these values precisely because they are acceptable to, or are a part of, all reasonable (i.e., not illiberal) conceptions of the good. In my view, Larmore best articulates the substantive nature of this epistemic turn; so, the remainder of this section reviews that aspect of his work.

3.2.2 Larmore and the (Justificatory) Limits of Moral Disagreement: In his paper entitled ‘Political Liberalism’ (1990), Larmore insists that “[p]olitical neutrality is a moral principle, stipulating the conditions on which political principles can be justified” (342). Where Rawls says liberal justice should “contain within itself sufficient space...for ways of life that can gain devoted support,” (1988, 252) Larmore looks to affirm this possibility by grounding neutrality in specific and substantive, but still uncontroversial, norms. An important formal assumption here is that neutrality serves a legitimizing function, since

---

5 Rawls says that these include “fundamental principles that specify the general structure of government and the political process...” as well as “equal basic rights and liberties of citizenship that legislative majorities are to respect...” (1993, 227).
neutral dialogue is a procedure of value justification. However, as Larmore argues, we still need a good moral reason to commit to this notion of legitimacy in the first place. Without one, he seems to agree, neutrality cannot overcome the grounding problem. Consider his recent remark on this point. “As I have maintained,” he reminds,

[liberalism] must also be drawing upon certain moral convictions, which imply that this is the proper route to take. After all, we may intelligibly ask why liberalism’s response to this [sectarian] controversy should be a reformulation of its principles. Why should liberalism become “political” in the sense that Rawls and I intend? Why should liberal thinkers not instead dig in their heels and, observing correctly that no political conception can accommodate every point of view, maintain that liberalism stands or falls with a general commitment to individualism. The answer must be that the essential convictions of liberal thought lie at a more fundamental moral level. So it needs to be made plain what those convictions are. (2008, 146)

Larmore’s point is that a coherent account of liberalism must acknowledge and defend the moral convictions that inform neutralist legitimacy, which, of course, is to admit “more than just the widening scope of reasonable disagreement” (Ibid.). At this point, however, it remains unclear what, exactly, these “more fundamental” “convictions” or “conditions of justification” will be and whether they remain sufficiently free of controversial assumptions. Illuminating them will finally and more fully distinguish epistemic neutrality from ethical neutrality.

We have heard Rawls’s concern with the potential of coercive power to swallow-up personal lives if legitimacy is grounded in the good. Larmore’s analysis of this worry concentrates squarely on the problematic nature of moral disagreement. As he says,

[t]here have been a great many liberal thinkers who justified liberalism on the basis of the ideals of autonomy and individuality. The theories of Kant and Mill stand out only as the versions most widely known and most often emulated. But the problem with this sort of defense of liberalism is that these ideals are far from uncontroversial. Although they are not themselves substantial views of the good life, but govern the way in which we are to affirm such views, they are nonetheless objects of reasonable disagreement. (1990, 343).

Though Larmore says Kantian-Millian morality is “not substantial,” he, like Rawls⁶, still finds it an object of controversy amongst reasonable persons because its epistemology seems

⁶ Rawls says that “it is clear what is problematic with the liberalisms of Kant and Mill. They are both general and comprehensive moral doctrines: general in that they apply to a wide range of subjects, and comprehensive in that they include conceptions of what is of value in human life, ideals of personal virtue and character that are
to regulate “the way in which we are to affirm” not just conceptions of public life, but those of all of life. A plausible principle of neutrality must, instead, find its ultimate basis of justification in commonly held or “political” norms that are reasonably acceptable by (reasonable) members of pluralistic polities (Larmore, 1990, 354-356; Rawls, 1988, 252). Larmore calls these fundamental principles a “core morality” (1990, 346).

A principle of legitimacy, Larmore argues, should occupy the space where conflicting creeds can agree on matters of moral importance. This, Larmore says, would comprise “a neutral justification of political neutrality” (1987, 53, emphasis original). In other words, when principles of justice strictly cohere with publically accepted (or acceptable) moral tenets, then policy decisions constrained by those standards will, *ipso facto*, be legitimate because each member has (or would have) already endorsed them. Liberalism, as Larmore elaborates,

...must seek its principles in a minimal morality, which reasonable people can share despite their expectably divergent religious and ethical convictions. Only so can the political world, governed as it must be by coercive rules, sanctioned by state power, come to more than merely the rule of force. Only so can it enjoy the sort of transparency in which citizens recognize the political principles that bind them to the expression of their own convictions. (2008, 140-141)

He concludes that a proper recasting of neutrality will show how public deliberation can remain independent of all controversial moral and epistemological views (1987, 54-55). As Bart Shultz puts it:

For Larmore as for Rawls, political liberalism deliberately tries to dodge interminable debates over contextualism versus foundationalism, realism versus antirealism, reductionism versus nonreductionist accounts of personal identity, and so forth. It is a doctrine for the public realm, insisting only on the norms of rational dialogue and equal respect, which can be appreciated from many different perspectives. (1999, 95, emphasis added)

Since, as Larmore explains, “[p]luralism itself is one of the things about which reasonable people disagree,” political liberalism turns our “attention toward a core morality on which reasonable people, despite their differences about the good life, can nonetheless agree”

to inform our thought and conduct as a whole. Here I have in mind Kant's ideal of autonomy and his connecting it with the values of the Enlightenment, and Mill's ideal of individuality and his connecting it with the values of modernity. These two liberalisms both comprehend far more than the political” (1987, 6).
The essential point here is that the norms of legitimate political decision-making must themselves be reasonably endorsable by reasonable people.

Hence, epistemic neutrality responds to ethical neutrality by demarcating a constrained kind of “public” deliberation within a constrained kind of “public” space. And, as Shultz indicates, the core moral standards upon which political liberals base this version of neutrality are equal respect and rational dialogue. Interestingly, both of these principles presuppose the presence and application of an allegedly fundamental capacity that political liberals call “reasonableness.” Let us now consider the relationship between this revised conception of persons and the kind of constraint second-generation neutrality endorses.

3.2.3 Epistemic Neutrality and Human Interest: As with Ackerman’s constrained power talk, the doctrine of public reason contains norms of acceptable dialogic behaviour. Consider Larmore’s description:

When two people disagree about some specific point, but wish to continue talking about the more general problem they wish to solve, each should prescind from the beliefs that the other rejects, (1) in order to construct an argument on the basis of his other beliefs that will convince the other of the truth of the disputed belief, or (2) in order to shift to another aspect of the problem, where the possibilities of agreement seem greater. In the face of disagreement, those who wish to continue the conversation should retreat to neutral ground, with the hope either of resolving the dispute or of bypassing it. (1987, 53)

Without such standards, there would be no discernable or consistent basis upon which committed members could affirm their shared allegiance or from which new members could authentically gain interest. Rawls says:

...given the fact of [reasonable disagreement], there is, I think, no better practicable alternative than to limit ourselves to the shared methods of, and the public knowledge available to, common sense, and the procedures and conclusions of science when these are not controversial. (1987, 8)

This rather procedural view of political deliberation does indeed tell us what this kind of conversation should include – e.g., reasonable premises – and how it should be conducted – e.g., in good faith – if the discussion is to remain suitably neutral in moments of conflict. However, it does not, in itself, constitute a moral reason for committing ourselves to these dialogic conditions in the first place.
Procedural principles may tell us what constitutes liberal tasks and how to perform them, but the reasons why we should act in such a way are sourced in more substantive accounts of conduct, like the suitable norms and characteristic behaviours of an acceptable conception of human interest. In other words, we commit to procedural rules not simply for practicality’s sake, but rather because they are shown to be in some way constitutive of valuable life pursuits for beings like us. If a strictly procedural reading of neutrality cannot in itself commit moral persons, however “reasonable,” to this form of justice over others, then second-generation thinking must show exactly which justificatory reasons comprise a sufficiently moral, but still widely acceptable, notion of neutralist legitimacy.

Political liberals suggest that a revised version of equal respect can furnish a substantive but still neutral reason for committing to constrained power talk. In Larmore’s words, this reformulated version of equal respect “forms the ultimate reason why in the face of disagreement we should keep the conversation going, and to do that, of course, we must retreat to neutral ground” (1987, 67). The key development here is the move from conceiving equal respect as “respect for beliefs” to understanding it as “respect for persons” (Larmore, 1987, 63-64). By respect for persons, Larmore specifically means our distinctly human capacity to explore ethical questions civilly; that is, under the moral and epistemological terms of reasonable dialogue. Justifying neutrality by this new variant of equal respect, Larmore argues, provides political liberalism with necessary moral credentials and avoids the slide to controversial grounding.

Although first-generation neutrality also makes the case for constrained power talk by invoking a principle of respect, Larmore says that its moral focus is unhelpfully centred on peoples’ beliefs. It grants moral persons an entitlement to hold and maintain their ethical commitments of choice because such beliefs are, at best, only internally justifiable (1987, 63). However, this kind of “respect for beliefs,” as Larmore calls it, is too limited morally,
since it “does not tell us that we ought to continue to talk once we discover points of disagreement about what principles to set up” (Larmore, 1990, 358; 1996a, 136). Showing respect for another’s ethical beliefs is not a form of treatment that can be given to all equally, for some views are internally inconsistent – e.g., a sexist Christian’s views – while others are rather incommunicable – e.g., a mystic’s beliefs.

Larmore suggests, instead, that an ideal of “respect for persons” is an equally affordable moral reason for committing to neutral public decision-making in times of conflict. This reading of equal respect, he says,

is not just that others have a capacity for developing beliefs justifiable within their own perspective...[Instead,] it is an obligation to treat others in a certain way because of that fact...[A] capacity for working out a coherent view of the world is one that everyone (except some of the clinically insane) possesses. So respect for persons, as an attitude involving recognition of this capacity, is something we can show equally to others. Of course, some people have this capacity to a greater degree than others, but respect is something that others as persons are due just by virtue of having that capacity, so it should be given equally to all. (1987, 64)

Larmore’s adaptation of equal respect clearly assumes, first, that each of us possesses this fundamental capacity\textsuperscript{7} to create, endorse and abstract both from conceptions of the good and conceptions of justice, and, second, that this ability to act reasonably forms the ultimate justification of epistemic neutrality, since all reasoning creatures ought to be treated as though they are able to recognize and act according to justifying reasons (Larmore, 1999, 607; 2008, 148-149; Rawls, 2005 [1971], 12; 1993, 19 & 34). In Jeremy Waldron’s words, “although people do not share one another’s ideals, they can at least abstract from their experience a sense of what it is like to be committed to an ideal of the good life; they can recognize this in others and they can focus on it as something to which political justification ought to be addressed” (1987, 145, emphasis original). Thus, the decision to “prescind” from controversial beliefs to convince others by different justificatory reasons is motivated, normatively, by our acknowledgement of and respect for our shared interest in exercising this

\textsuperscript{7} Larmore does note that this capacity is a very nearly universal trait, for it obviously excludes “some of the clinically insane” (1987, 64).
important natural ability, and made possible, practically, by actually exercising it in moments of conflict (Larmore, 1987, 53).

Political liberals argue that because all moral persons can exercise and wish to enact this special capacity of reasonableness, equal respect offers a strongly moral, but still uncontroversial, and thus “neutral”, justification of constrained power talk. In Rawls’ words, persons can accept this conception of themselves as citizens and use it when discussing questions of political justice without being committed in other parts of their life to comprehensive moral ideals often associated with liberalism, for example, the ideals of autonomy and individuality. The absence of commitment to these ideals, and indeed to any particular comprehensive ideal, is essential to liberalism as a political doctrine [of justice]. (Rawls, 1985, 245)

Conceiving moral persons only in their capacity as reasonable, public deliberators, or as citizens concerned merely with constitutional matters of justice is thought to steer epistemic neutrality away from the grounding and scope problems weighing on first-generation neutrality. As Larmore says, “…neutrality as a political ideal governs the public relations between persons and the state, and not the private relations between persons and other institutions” (Larmore, 1987, 45, emphasis original). Hence, and despite the empirical fact of moral disagreement, epistemic neutrality argues that moral unanimity – an “overlapping consensus” or a “core morality”8 – does exist in pluralistic forms according to the moral and epistemological standards of reasonableness (Rawls, 1987, 17; Larmore, 1990; Cf, Rawls, 1993, 157-158).

Before I can continue to develop my thesis that political liberalism offers sufficiently moral principles only at the cost of its neutrality, I must first consider an instructive critique of political liberalism’s attempt in moral grounding. Some argue that its second-generation version of neutrality is a “vulgar” expression of “modus vivendi,” one in which principles of justice amount to nothing more than temporal agreements of prudential self-interest.

8 I need not take a position here on whether Rawls is right or wrong to assume that a moral consensus exists, or whether he is right or wrong to suppose that because a norm of respect for persons is valid that it would, thus, emerge under conditions of free and fair deliberation. Larmore suggests that both he and Rawls affirm the latter position, which is enough for me to expect a functional kind of equivalency between their conceptions of “overlapping consensus” and “core morality” (Larmore, 1990, 356).
Outlining this criticism and political liberalism’s rejoinder to it is the subject of the following section. I argue that epistemic neutrality is not a modus vivendi. The important question, I argue, is not whether political liberalism makes itself non-moral, but whether it is actually too moral to call itself neutral. Although the conclusions of my criticism and those of the modus vivendi critique are drastically different, it is relevant to my study because both appear to take the underlying morality of political obligation as a key component of analysis.

3.3 Prudence and Civility

In ‘Vulgar Liberalism’ (1993), Patrick Neal confronts what is perceived to be a major shortcoming of second-generation neutrality. He puts the issue this way:

Either a conception of the good (or “comprehensive moral ideal”) is implicitly and unwittingly invoked along the way and traded on in the formulation of the principles of justice or, if it is allowed that no such moral foundation is invoked, we are, it is claimed, left with no theory of justice or right at all but, rather, with a prudential peace treaty among warring factions, the terms of which carry no force as morally obligatory duties. In the first instance, the neutrality model is said to be only a naive version of the ideal-based model after all; in the second, the specter of Hobbes is raised and the neutrality model is said to be not a model of political justice at all but a “mere” modus vivendi. (628, emphasis added)

On this interpretation, epistemic neutrality purges itself of the content which makes principles of justice morally attractive and obligatory in order to avoid grounding justice in controversial or reasonably rejectable moral assumptions. If true, the allegedly shared moral values upon which political liberalism claims to rest cannot amount to anything more than decision-theoretic⁹ reasons for action; or, put differently, the doctrine justifies only

---

⁹ In his ‘Taking Sides: A Fixed Choice Theory of Political Reasoning’, Paul M. Sniderman reports that “decision-theoretic judgements are standardly future oriented, taking, among other forms, estimates: (1) of ranges of gains or losses (e.g., expected standard of living gains or increases in unemployment); (ii) of probabilistic outcomes (i.e., how likely is a given consequence and how much variance or uncertainty is there in our likelihood estimates); and (iii) of tradeoffs (i.e., balancing levels of unemployment and inflation). In all these cases, judgement tends to take the form of ‘if, then,’ and requiring calculations of the comparative attractiveness of the alternative future state of affairs” (2000, 77-78). We might easily adapt the examples of his categories to make them more relevant to our discussion. The range of gains or losses might therefore come to include, say, an expected gain or loss in adherents of a conception of spiritual salvation, while probabilistic outcome considerations would attempt to calculate the likelihood of said gains or losses actually ensuing, including in that formula the fact of human error or ignorance. Both former estimates would also consider which
circumstantial concessions for civic peace and public security. These types of reasons, as the
criticism runs, are merely prudential, not moral. Political liberalism’s conception of
legitimacy is thus rejected as a “mere modus vivendi,” a “vulgar” account of prudent conflict
resolution\textsuperscript{10}, patently dissolvable the moment one conflicting party assumes coercive power

Now, from what I have reviewed above, it is hard to see epistemic neutrality as simply
an ethic of pragmatism. Indeed, Rawls and Larmore flatly reject this reading of their
position.\textsuperscript{11} Still, there is an important upshot in dispelling the misconception that political
liberalism is a merely pragmatic or insufficiently moral theory. The benefit, that is, in
detailing this faulty view is learning that the actual issue with political liberalism is quite the

\textsuperscript{10} An essential, Kantian assumption of this criticism is that a sharp divide exists between prudential and moral
reasoning. According to Kant, prudential reasoning concerns itself with practical means for realizing desired and
particular ends, while moral reasoning derives deontological principles from universal, a priori laws. He says,
“an action done from duty derives its moral worth, not from the purpose which is to be attained by it, but from
the maxim by which it is determined, and therefore does not depend on the realization of the object of the
action, but merely on the principle of volition by which the action has taken place, without regard to any object
of desire” (Critique of Practical Reason, Sec. I, Ch. 20). It is worth noting that labelling “vulgar” the “mere”
Hobbesian version of conflict resolution “will seem obviously compelling only to someone who has already
accepted the Kantian version of the dualism between ‘morality’ and ‘prudence’” (Neal, 1993, 630).

\textsuperscript{11} We should at least note a distracting terminological confusion here. Margaret Moore says, albeit incidentally,
that “liberals could argue, as Rawls has done in his recent essays and Charles Larmore in his 1987 book Patterns of Moral Complexity; that liberal political principles represent a modus vivendi among competing and incompatible moral conceptions” (1990, 689). This is, of course, generally true: contemporary liberals could, and some indeed do, make the modus vivendi argument. Yet, we should be clear about whether political liberals believe their own doctrine represents a “modus vivendi.” Larmore says, for example, this “extreme” kind of liberalism “is basically a Hobbesian one, since it aims to ground a moral principle (neutrality) on non-moral, purely prudential motives” (346). Footnoting this line, he adds that “[t]his [Hobbesian] approach is what Rawls calls a “modus vivendi” (“The Idea of an Overlapping Consensus,” section III). I should observe that it is not what I have called a “modus vivendi” in my book [Patterns of Moral Complexity, 1987], which instead resembles the position Rawls himself favors; this is a merely terminological difference between Rawls and me” (358-359). So, according to Larmore, Rawls takes “modus vivendi” to mean a decision-theoretic form of non-moral conflict resolution; and this is indeed what Rawls says in his ‘The Idea of Overlapping Consensus.’ (1987, 10-12) Yet, Larmore’s own writings initially use the idea in a much broader sense, meaning a chosen way of life in which the involved parties agree to settle conflict on defined terms. “Neutrality,” he says in his early work, “is simply a means of accommodation. It is a stance that we adopt in order to solve a specific problem to which our various commitments give rise, and so it is not a stance that expresses our full understanding of our purposes. It establishes a modus vivendi between persons whose ultimate ideals do not coincide” (1987, 74). Later, however, Larmore drops the term altogether, concentrating instead upon precisely how his and Rawls’s liberalism differs from both the comprehensive and non-moral “extremes.” It is fairly clear, then, that at least the term modus vivendi is out-of-step with Rawlsian terminology, and only very roughly in line with Larmore’s nascent language (Cf., Barry, 1989, 257-353; 1995, 57-67).
contrary. Here, I adumbrate the possibility that its underlying moral and epistemological assumptions may be too substantive to secure the kind of general acceptance that political liberalism deems necessary.

It appears to me that both Rawls and Larmore design political liberalism to occupy the precise middle point between the comprehensive, Kantian-Millian view, on one extreme end, and a non-moral, Hobbesian position, on the other. Larmore explains it like this:

We may think of political liberalism as the effort to occupy a point between two extremes. One extreme lies in basing political neutrality, as Kant and Mill did, on individualist ideals claiming to shape our overall conception of the good life, and not just our role as citizens. The other extreme consists in basing political neutrality on solely strategic considerations. In this view, individuals who have different ideals of the good life, but are roughly equal in power, may strike a bargain, according to which the political principles to be established will not favor any of these rival ideals. This approach is basically a Hobbesian one, since it aims to ground a moral principle (neutrality) on nonmoral, purely prudential motives. (1990, 346)

Whether they are successful on this score depends upon two accomplishments: their account must give a clear sense that it is moral enough to spur the public’s commitment and that this value-based position does not itself breach the standards of neutral justification. That is, to avoid trading ethical neutrality’s comprehensive assumptions for a simply non-moral and prudential one, epistemic neutralists are faced with the task of articulating our moral responsibility to uphold justice without sealing any controversial premises about human well-being into that justification.

As we have heard, epistemic neutrality claims to accomplish this task because its underlying moral assumptions represent only values already accepted by or implied in political culture. Even though these values are substantive, no reasonable person would reject them, they contend. As Rawls exclaims, in no unclear terms, political liberalism indeed “...has conceptions of person and society, and concepts of right and fairness, as well as principles of justice with their complement of the virtues through which those principles are embodied in human character and regulate political and social life” (1985, 247). Larmore later refines Rawls’ formulation when he says:
Political liberalism is a moral conception based on the norm of equal respect, even if its ambition is to be a minimal one... the norms of rational dialogue and equal respect, as well as the principle of neutrality they justify, are understood to be correct and valid norms and not merely norms which people in a liberal order believe to be correct and valid. (1990, 353)

In their view, each (reasonable) individual will endorse this conception of political morality not principally for prudential reasons, but because of our moral belief that we ought to treat each person with equal respect. No controversial views, like individualism, experimentalism or scepticism, are asked to justify this norm. Instead, each deserves neutral concern because of our allegedly universal capacity and overriding interest to engage in ethical deliberation and work out life plans (Larmore, 1987, 75). Political liberals insist that this norm of equal respect for persons grounds liberal legitimacy because it is a sufficiently binding moral belief that coheres with all reasonable positions on the good (Rawls, 1987, 1; Larmore, 1987, 54-55; 1990, 347-348).

Their point, then, is that legitimate political decision-making will be derived neither from comprehensive nor prudential reasoning, but from judgments that ease an acceptable middle course between those two kinds of thinking. The values underlying public reason are said to comprise this via media precisely because they are thought to be (not comprehensively) moral, even though they are still (not merely prudentially) neutral. For now, suffice it to say that I agree with Rawls and Larmore on the first claim: epistemic neutrality is moral, for it does ground itself in the substantive moral and epistemological principles (i.e., equal respect and reasonable dialogue) of civility.

But, the modus vivendi critique does not exhaust the problems with this second-generation account of neutrality. The invocation of public values is meant to show that our allegiance to liberal principles is not willy-nilly; indeed, political liberals argue, citizens of (liberal) pluralistic social forms have a moral and political duty to uphold them. An entitlement of equal respect owed to each citizen by virtue of his or her reasoning powers is
taken as a moral and reasonable (or neutral) premise for justifying this kind of civic expectation:

What is precisely then the obligation of equal respect that we should show others in virtue of their having the capacity to work out their own view of the world? Whatever we do that affects another is something with which he must deal from within his own perspective. When he demands that we justify our action to him, he is recognizing that we, too, have a perspective on the world in which presumably our action makes sense, and indicating his willingness to discuss it rationally with us (of course, his notion of rational discussion may differ substantially from ours, as I noted earlier). The obligation of equal respect consists in our being obligated to treat another as he is treating us – to use his having a perspective on the world as a reason for discussing the merits of our action rationally with (in the light of how we understand a rational discussion). This is the way in which equal respect involves mutual respect... (Larmore, 1987, 64-65, emphasis original).

Yet, Larmore writes later that his account of our “obligation of equal respect” or Rawls’s version of our “duty of civility” (Rawls, 1997, 769) is offered by political liberals “not to show that reasonable people, no matter what they believe, are obliged to be committed liberals,” but rather that Western thinkers of both liberal and romantic backgrounds must appeal to it in defending their historically competing claims (Larmore, 1990, 347). In my view, neutralists have not given adequate attention to whether or not their rights-based principles, like legitimacy, are actually congruous with the distinct moral assumptions that undergird their own account of political obligation. My attempt to find answers in this respect yields some important insight into the nature of a coherent liberalism.

As a preface to that discussion, recall our observation in Chapter Two that the grounding problem is not necessarily solved merely by asking equal respect to ground neutral concern, since both norms can amount to the same essential (neutralist) idea of legitimate political conduct. It is not clear to me that epistemic neutrality avoids this crucial problem. Political liberals claim to derive the idea of neutrality from the apparently deeper ideals of civility. Consider this comment from Larmore: “…in political liberalism, at least as I conceive of it, the norms of rational dialogue and equal respect, as well as the principle of neutrality they justify, are understood to be correct and valid norms and not merely norms which people in a liberal order believe to be correct and valid” (Larmore, 1990, 353, emphasis added). So,
the central grounding concern facing first-generation neutrality has now slightly changed for reviews of second-generation neutrality. The critical question here is whether political liberalism’s adaptation of equal respect (as “respect for persons”) provides some unique way of circumventing the grounding problem. But, as I will lay out in the remaining chapters, the overarching problem here is not just that there is indeed a discernable lack of neutrality in the derivation of public reason (Audi & Wolterstorff, 1997, 97-98; Eberle, 1999; 2006; George, 1995; 1997). The specific case that I present is that political liberalism’s actual defence of general political obligation is the clearest example of how the doctrine relies on a distinct form of liberal-perfectionist valuation. The important link that I scrutinize between civility and political liberalism’s account of political obligation is that the former both explains why we have a natural duty to support legitimate governments and how citizens must practice that duty in civic interaction. I undertake that analysis in Section III.

As I suggested in Chapter One, the liberal tendency to focus more on rights-based analysis than on duty-based considerations is perhaps the leading reason why this problem with political liberalism’s position on obligation has been overlooked. In fact, Chapter Five outlines why theorizing the limits of a state’s right to act, on the one hand, or the citizen’s right to be free from coercion, on the other, tells us very little about the political morality of political obligation. Legitimacy studies are inclined to show exactly where the state’s options end because of a citizen’s right, not where state interference is permitted in order to make good on the promise of citizenship. Yet, if the duty of civility is indeed a positive moral duty (Rawls, 2005 [1971], 109, 114, also see, Pogge, 2008, 140), then it at least implies that our political conduct ought to conform to its standards. I argue in the following chapters that political liberalism takes this position not because all people will agree with the underlying moral and epistemological principles (i.e., equal respect and reasonable dialogue) of civility, but because its main proponents (Rawls and Larmore) assume that the goods inherent to the
practice of discharging this duty are the kinds of goods that citizens ought to have.\textsuperscript{12} The point here is not that reasonableness – or the more general concept of civility that I discuss later – is perfectionist merely because it holds equal respect and rational dialogue to be in the basic interest of all people. I argue, somewhat differently, that when these moral and epistemological assumptions undergird political liberalism’s natural duty defence of political obligation, that move alters the valuation assumed in these principles by endorsing certain idealized traits and practices as one’s moral responsibility to exercise even though they might reasonably disagree. Such an idealized claim may well be a strong enough moral reason to justify general political duties, but it certainly does not look like a neutral justification.\textsuperscript{13} This possibility that perfectionist valuation lies in the moral background of political liberalism’s response to the problem of political obligation is severely understudied.

Thus, my project finds the important question for political liberalism not to be whether its doctrine is moral enough, but whether it is sufficiently anti-perfectionist. Larmore does admit that epistemic neutrality “is not completely neutral [but] very nearly so, and certainly neutral enough for practical purposes” (1987, 55). My critique from political obligation suggests that there is no obvious link between more plausible value-based principles, like

\textsuperscript{12}I claimed last chapter that Ackerman’s neutrality contains a hidden assumption that citizens’ highest interest is advanced when they exercise a fundamental and uniquely human capacity to sideline or bracket-out their own deepest ethical convictions in circumstances of moral conflict. The basic idea here seems to be that each party to the dispute can exercise a special-power of impartial arbitration even when it means disregarding aspects of one’s deepest convictions. This proposal would be incoherent without first assuming (i) that we possess this special-power to negate our own moral properties and (ii) that this capacity not only makes reasonable dialogue possible, but also entails the very possibility of individuals realizing their highest interests.

\textsuperscript{13}As Alan Carter has put it, “it is clear that the principles Rawls favours would not be chosen by just anyone. They would only be chosen by those who wished to act fairly. This means that, in the evolution of Rawls’s thought from ‘Justice as Fairness’ to A Theory of Justice, the justification for political compliance has moved from one resting on the assumption that “these are the principles all would choose rationally” to one resting on the assumption that “these are the principles all would have chosen if they were fair-minded” (2006a, 13-14). Also, and although David Estlund and I explore different facets of political liberalism’s claim to neutrality, Estlund does show that underlying moral and epistemological assumptions of reasonableness play an important role in political liberalism’s conception and defence of political obligation. He puts it this way: “Rawls advances two closely related doctrines that use the idea of acceptability to all reasonable citizens: the liberal principle of legitimacy and the ideal of public reason. The liberal principle of legitimacy is the more basic of the two and asserts that at least on fundamental matters political power is only justifiable by reference to principles and ideals acceptable to all reasonable citizens. He adds a natural corollary, that citizens are obligated not to exercise political power except in ways they believe could meet this test. This is the ideal of public reason, which Rawls conceives as a duty of civility that is recognized by all reasonable comprehensive doctrines” (1998, 254, n.7).
equal respect for persons, and anti-perfectionism. As we will see next chapter, much of today’s perfectionism is neither comprehensive nor monolithic in its ethical prescription. This means that if political liberalism is to be sufficiently moral, its main worry is whether this can be done without crossing any of its justificatory accounts into liberal-perfectionist territory. I argue that we can see this perfectionist colour in their account of general political obligation. The ethical question here is not whether civility is either “thin” or “widely” accepted (Macedo, 1990; 2000), but whether the kind of value assumptions it relies upon are characteristically perfectionist or not.

Conclusion

It may very well be true that Rawls’s “duty of civility” (1997, 769) or Larmore’s “obligation of equal respect” (1987, 64-65, emphasis original) escapes the Kantian critique that it is a “vulgar” expression of “merely” prudential reasoning; but the converse implication of “comprehensiveness” is not the only consequence of this admission. In Section II, I show that instrumental norms, characteristic of modus vivendi arguments, and intrinsic norms, characteristic of comprehensive arguments, do not exhaust the possibilities. In fact, I argue that in steering this middle-course, political liberalism adopts the uniquely liberal-perfectionist form of inherent value.

In other words, I admit the state can indeed place a premium on our interest in pursuing more than instrumental value – i.e., more than Hobbesian, decision-theoretic reasons – without committing itself to the comprehensive moral positions characteristic of intrinsic valuation – i.e., without endorsing the Kantian-Millian ideal of flourishing autonomous experimenters. But, we must note that this middle-way is made up of inherent values. These are clearly moral positions, but not in the instrumental or intrinsic sense. Inherent value,
however, is most certainly a perfectionist form of valuation, even though it is compatible with liberal norms. Reading civility by this kind of valuation makes it look something like a neo-Aristotelian form of *phronesis*, where “real moral knowledge comes to life at the moment when the wise or virtuous person *concretizes* his or her abstract understanding of ethical requirements in particular situations” (Beiner, 1997, 180). If this suspicion about substantive value invocation is true, then even political liberals must abandon their pretension to neutrality and admit that a crucial role of the liberal state is to inculcate a certain “liberal spirit” (Waldron, 1987, 145-146; Macedo, 1990; 2000).

Still, political liberals will challenge this perfectionist label by insisting that the values they endorse are narrowly tailored to one’s civic role, and not the entirety of life. I shall now consider in closer detail the distinguishing features of perfectionism so that we can decide how well it can take a liberal shape. An important question here is whether perfectionism can speak to moral matters of politics without simultaneously prescribing for the whole of life. Because it can, the final steps of my criticism must show precisely how political liberalism’s moral justification of political obligation turns on distinctly liberal-perfectionist ethics.
Section I concluded that Rawls and Larmore’s doctrine of political liberalism contains the most plausible version of neutrality to date. Yet, learning about epistemic neutrality does not teach us all there is to know about the ethical view that all neutralists set themselves against. Accordingly, Section II begins here by clarifying the ethical foundations of perfectionism. I do this in two ways. One shows that perfectionism, like neutrality, has had (roughly) two generations of thinking. The first spans millennia; the second is comparatively new. Henceforward, I most often refer to the classic expression as “illiberal perfectionism” and the recent school as “liberal perfectionism.” And while distinguishing the contemporary version from its predecessor, 4.2 defends its viability against three main criticisms, each of which wrongly assumes perfectionism is necessarily illiberal.

This chapter’s final and crucial discussion about moral valuation takes place in 4.3. There I highlight the precise difference between the rather different forms of value justification that liberal neutrality and liberal perfectionism adopt. Although first-generation doctrines of neutrality and perfectionism are starkly contrasting, today’s liberal versions of neutrality and perfectionism still source their prescription in value-types that are importantly distinct, even though the exact nature of that difference is less commonly considered by the literature. The key, but rarely noted, class of value at play here can be likened to what George Sher calls “inherent value” (1997, 9-11). Neither entirely intrinsic nor exclusively instrumental, inherent value is a uniquely liberal form of perfectionist valuation that is invoked more often than noticed; e.g., “civility” is also cited by liberal perfectionists as an example of the inherent goods that are promotable by states (Sher, 1997, 246; Chan, 2000, 12). My critique of epistemic neutrality in Section III argues that political liberalism’s moral
account of political obligation presupposes underlying assumptions of inherent value, making their overall doctrine sufficiently moral, but compromising its neutrality along the way.

“Contrary to everyday usage,” Douglas B. Rasmussen has said, “‘perfectionism’ in ethics does not typically refer to attempts to become God-like, immune to degeneration, incapable of harm, or anything non-human. Rather, it refers to becoming human, specifically, to fulfilling those potentialities that make one human” (1999, 1). I believe there has also been a tendency to caricature recent perspectives in the political theory of perfectionism. An early example of this comes from Rawls. Perfectionism, he claims, looks “to arrange institutions and to define the duties and obligations of individuals so as to maximize the achievement of excellence in art, science or culture” (2005 [1971], 325, emphasis added). Elaborating, he says that

[i]n order to arrive at the ethic of perfectionism, we should have to attribute to the parties a prior acceptance of some natural duty, say the duty to develop human persons of a certain style and aesthetic graces, and to advance the pursuit of knowledge and the cultivation of the arts...While [political liberalism] 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 join together to further their cultural and artistic interests in the same way that they form religious communities. They 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. Perfectionism is denied as a political principle. (328-329)

Here and elsewhere (1988, 273; 1993, xlvii, 208, 404) Rawls grants that intrinsic “judgments of value have an important place in human affairs” (2005 [1971], 328). Yet, we have heard why he and other neutralists ultimately reject these value-based justifications in public deliberation. Their concern is not that perfectionism necessarily fails “as a workable basis for assigning rights,” but rather that our specific right to equal respect rules out the illiberality of excellence standards (Ibid; Cf, Kymlicka, 1988). Rawls’s argument here is regularly flagged by today’s perfectionists as the symptomatic mischaracterization of their doctrine in that it wrongly ascribes an illiberal teleology to all perfectionisms.1

---

1 Kymlicka, who is sympathetic to this claim even though he is not a self-avowed perfectionist, says that “being a perfectionist does not commit one to accepting a ‘teleological’ theory in which there are no constraints on the way we maximize the desired good...” (1988, 188).
Most contemporary perfectionists argue that their ethic need not ground itself in some maximal or monolithic moral ideal, nor, they say, must it rigidly define the state’s specific role in advancing controversial moral objectives. These perfectionists, instead, are “committed to the general thesis that political authorities should take an active role in creating and maintaining social conditions that best enable their subjects to lead valuable and worthwhile lives” (Wall, 1998, 8). Although rarely noted by these perfectionists, Rawls does acknowledge this possibility of a “more moderate doctrine” of perfectionism, a version, he says, that takes perfection to be “just one standard among several” (2005 [1971], 325). The reason Rawls rejects even this moderate form of perfectionism is instructive.

Rawls argues that as a matter of legitimacy, equal respect “requires us [first] to show that modes of conduct interfere with the basic liberties of others or else violate some obligation or natural duty before they can be restricted” (331, emphasis added). We have already seen the relationship between rights-based thinking and the neutralist ethic: in order to protect basic liberties, the principle of (LN) equal respect as neutral concern prohibits controversial “aesthetic preferences and personal feelings of propriety,” however subtle, from influencing political deliberation (Ibid.). However, I think Rawls’s formulation of legitimacy here highlights a potential problem that has been left unconsidered. The suggestion, in my view, is that because justifications of general political obligation are reliant on their own background moral and epistemological principles, the nature of these underlying assumptions (in distinction from those of rights-based accounts) must also tell us something important.

---

2 As a reminder, a “general political obligation” is our duty to uphold all the central functions of the state. Klosko believes that offering an account of our obligation to obey the law in this general sense “must be the main focus of any theory of political obligation” (1994, 253). Joseph Raz describes and criticises the contractarian and the philosophical anarchist reading of general political obligation when he identifies its misuse in the claim that “even in a just state, if there can be such, there is no general obligation to obey the law” (1984, 139). Raz continues to say that “[n]ot even all those who deny the existence of general obligation to obey the law have fully realized its implications. If there is no general obligation to obey, then the law does not have general authority, for to have authority is to have a right to rule those who are subject to it. And a right to rule entails a duty to obey” (139-140). My critique of political liberalism need not take a position on the question of general political obligation, because I can quite clearly assess whether political liberalism invokes an account of obligation that is suitably neutral without deciding exactly which justificatory principle is ultimately stronger qua a justification of general obligation. Please see discussion in 5.3.
about the debate between neutralist and perfectionist ethics. In other words, since political liberalism’s neutralist version of legitimacy is typically linked with its rights-based conception of liberal citizenship, it is not clear that political liberalism also offers a broad moral defence of political obligation that is compatibly neutralist. The driving question here is whether political liberalism’s neutralist reading of legitimacy coheres with its own justification of general political obligation. An answer to this question will be found in an analysis of the precise kinds of valuation that political liberals invoke to explain and justify both the rights-based and duty-based “modes of conduct” they endorse.

Hence, Chapter Five presents a liberal typology of neutralist and perfectionist political obligation. Correlating key justifications of political obligation – primarily the transactional and natural duty accounts – with neutralist and perfectionist groundings will provide a framework for assessing which theories of obligation are sufficiently anti-perfectionist and which are not. The accuracy of that model, however, depends on the current discussion of perfectionism’s liberal credentials, since a plausibly liberal account of perfectionism will help illuminate whether a more coherent relationship between legitimacy and obligation is available under it. As I have mentioned, contrasting today’s perfectionism with its classic expression will be a helpful in clarifying and defending its current liberal form.

4.1 Perfectionisms

Although Rawls acknowledges a moderate version of perfectionism, he does not consider the possibility of a distinctly liberal version of perfectionism. Indeed, by lumping perfectionism and utilitarianism together as “intuitionist theories,” he relegates all perfectionisms to a tradition of inegalitarianism that runs from Plato to Nietzsche (2005

---

3 Rawls’s position, in fact a main premise in the case for his justice as fairness, is that “[u]tilitarianism does not take seriously the distinction between persons” (2005 [1971], 27).
[1971], 25). But this ascription is wrong. As I have indicated in Chapter One, a strong case can be made for the viability of liberal perfectionism. Before I further defend this view against specific neutralist criticisms, a moment should be taken to clarify the first-generation of perfectionist thinking from which today’s liberal version emerges.

Recalling Stephen Wall’s “four pillar” account of perfectionism from Chapter One, we can now further distil perfectionist thinking into two overarching claims. The first holds that all moral valuation is grounded by essential properties of distinctly human nature. By this proposition, perfectionists obviously do not mean simply that we ought to value what is valuable for us, as opposed to, say, what is valuable for dolphins. Rather, the view is that certain values are superior to others because they reflect unique human capacities, those which, more specifically, comprise the essential ingredients of human well-being. The second position is that legitimate state action should involve cultivating or promoting the achievement of related ends precisely because they are worthwhile for us (Wall, 1998, 8; Wall and Klosko, 2003, 13). Perfectionist values, in other words, are thought to comprise our ultimate justificatory reasons, both philosophically and politically.

For perfectionists, the highest values are given their status by a rather specific account of what is best in human life (i.e., virtues). Note that we say “best in” or even “best about” human life because these ethical conclusions are drawn from notions of what defines us qua human beings. Perfectionists, in other words, are concerned with the essence of a distinctly human character, those properties that deserve special attention because they bring us, as humans, the greatest rewards. Neutralists, as we have seen, try to stake a rather different claim; they say that our highest-order interests or values (e.g., equal respect) do not define a specific way of living (i.e., a virtue) as best. The alleged difference, then, is that only perfectionism designates superior human capacities and prescribes specifically tailored ways of living to maximize them. Though perfectionism does – and perfectionists say all political
moralities do – invoke considerations about our essential and superior characteristics as human beings, these primary judgments need not lead to illiberal conclusions in corollary decisions about suitable ways of life. In fact, this is exactly how second-generation perfectionism separates itself from its illiberal predecessor. Classic perfectionism generates uniquely illiberal inferences about ways of life, while contemporary perfectionist prescription is morally compatible with liberal values and modes of conduct, like equality and autonomy. A clearer sense of the differences between these strands of perfectionism will help set the context for my defence of liberal perfectionism in 4.2.

The first and long-standing generation of perfectionist thinking often assumes that properties of the highest ranked virtues (e.g., classical prudence, courage, wisdom) are natively present in only a small group of people. Many classic perfectionists thus conclude that just this select few can lead fully good lives. Like all perfectionists, these first-generation thinkers believe that we can know the constitutive elements of human well-being. But, classic perfectionists are largely distinguished by their belief that flourishing in this sense is possible only for those rare few who possess the properties of excellence by nature. Consequently, classic perfectionist doctrines most often arrange politics hierarchically, making this elite caste the exclusive rulers and main beneficiaries of political organization because the highest promise of human potential is thought to be realized only through them. This line of reasoning gives us either Plato’s philosopher-kings or Nietzsche’s übermenschen.

To summarize, the classic and historically dominant version of perfectionism has tended to favour elitist, paternalistic and inegalitarian forms of governance because it had often assumed narrow conceptions of human excellence. Clearly, there are some very important differences between first-generation perfectionists; Aristotle is not Nietzsche. As such, one may claim that the picture of traditional perfectionism as an elitist, inegalitarian theory is a caricature. Be that as it may, contemporary perfectionists have responded to liberal
criticisms of traditional elitism by articulating broadly liberal, egalitarian forms of perfectionism. Overall, this second-generation of perfectionism aims is to show that we can accommodate substantive thinking about the good without reaching illiberal conclusions. As I have been suggesting, this new stream of perfectionism employs a form of perfectionist valuation – again, I call it inherent value – that is uniquely compatible with liberal norms. I shall discuss it further in section 4.3 below.

One clear, if introductory, indication of how this second-generation distinguishes itself from the first is seen in a previous discussion from Chapter One. There, I outlined two levels of perfectionist thinking. One, called “philosophical perfectionism,” centres on sound decision-making with superior values, since these form the ultimate basis of evaluation; the other, termed “political perfectionism,” focuses simply on the state’s advancement of said values in public policy (Raz, 1986; Hurka, 1993; Wall, 1998; Wall and Klosko, 2003). Note, however, that a further subdivision can be made in this latter category. A strong version of political perfectionism expects all state action to be perfectionist (and coercive, if necessary) while a more relaxed view acknowledges that limiting political interference can indirectly promote perfectionist values (Hurka, 1993, 162-163; 1995, 38; Wall and Klosko, 2003, 16). This weak version of political perfectionism was shown in Chapter One to be based on only the presumptive case for the state promotion of superior values. In other words, the soundness of some comprehensive moral ideal (x) generates only a presumption in favour of state support for (x) because the state will not always be able to promote (x) effectively. The problem here is either that some aspects of (x) are not amenable to state involvement – e.g., love or friendship – or that inhospitable circumstances – e.g., crippling debt or political ineptitude – encumber or exacerbate the state’s usefulness.

In this latter way, second-generation perfectionists believe that state action in support of genuine values is legitimate – again, in amenable ways and in hospitable circumstances – and
since it is only sometimes feasible, only weak political perfectionism should be adopted. Illiberal perfectionists, on the other hand, tend to endorse strong political perfectionism under the belief that part of what defines the virtuousness of the ruling caste is their ability to advance excellence even in the face of bad circumstance; consider, for example, the Machiavellian notion of virtù. Today’s liberal reading of perfectionism distinguishes itself from this earlier generation by admitting, on the one hand, that values like love cannot be promoted via state action, while accepting, on the other, that values which are amenable to promotion still require the right circumstances for effective support.

Still, even though today’s perfectionists need not be strong political perfectionists, this does not by itself mean that all philosophical perfectionists are necessarily liberals. In order to show how perfectionist valuation is compatible with basic liberal norms, I will first consider liberal perfectionism’s strongest defences against neutrality’s three main criticisms, and then dig a bit deeper to clarify how, exactly, these perfectionist arguments invoke the uniquely liberal form of perfectionist valuation that I am calling inherent value.

4.2 Three Defences of Liberal Perfectionism

Some argue that perfectionist ethics is not just logically correlated with key liberal principles, but also practically necessary for executing liberal politics. The theoretical challenge in substantiating this view is justifying the state’s adoption and enforcement of controversial positions on moral valuation without violating liberal norms, especially equality and autonomy. An important step in this direction is demonstrating how perfectionism can be egalitarian. The main argument here is that liberal perfectionism upholds equal respect precisely because it rejects equal toleration.
4.2.1 Equal Respect, Unequal Toleration: In his *Equality, Liberty and Perfectionism* (1979), Vinit Haksar argues that perfectionism is, at bottom, an egalitarian doctrine. Two key premises are built into this proposition. First, in order to demonstrate that equality is a *human* concern, one must immediately isolate the distinct characteristics that make us (and only us) worthy of such normative attention. There are at least a couple of points that need clarification here. One is that certain character traits must be designated as more valuable than others in order to determine which entities (that do or do not possess such traits) count as equals. The other is that by designating certain traits as specifically and essentially human, we thereby rank those capacities as morally superior to other aspects of *our own* nature. As I have said, this is a perfectionist position not because it distinguishes us from dolphins, but because it judges the worth of certain human traits to be representative of our true or best nature and thus worthy of greater moral attention. And if our concern with equality *is* an exclusively *human* question, then the principle is already perfectionist because equality (of our species over others) relies on the ranking of specifically and essentially human characteristics as those worth greater value than our own less desirable features.

Haksar’s second proposition is that an egalitarian version of perfectionism, unlike illiberal perfectionism, can coherently assume superior forms of human life *without* concluding that those who do not adhere to them possess less value in themselves. He puts it this way: “One can quite consistently believe that some forms of human life are inherently superior to other forms of human life, without believing that the person who practises the latter form of life has inferior worth or deserves less (intrinsic) consideration than the former” (284). In other words, showing equal respect is not necessarily incompatible with endorsing superior life forms. Proving this to be possible in contexts where people frequently disagree about what ultimately matters in life is the challenge. The solution, liberal perfectionists can argue, is equal respect without equal toleration.
For liberals, respect generally involves treating people as though they possess the capacity to work out their own life plans. However, this kind of respect, as we saw in Chapter Two, may conflict with the restraint expectations that first-generation neutralists espouse. The problem here, as Eamonn Callan (2004) suggests, is the conflation of respect and forbearance. When we speak generally about a liberal version of equal respect, Callan says, there are often two forms of reciprocity bandied about. The first, equal respect, involves all parties embracing the rather demanding task of working out and fully understanding what is acceptable (or at least not rejectable) about another’s moral perspective. Mutual forbearance, however, is a quite different kind of reciprocity. Like Platonic justice, it requires only that one minds one’s own business. In other words, we tolerate another’s view when we remain uninvolved with it (77). By taking this second tack, first-generation neutrality is too comprehensive and paradoxically non-neutral in its political restrictions. Political liberals, however, endorse something rather like the former version of respect. Interestingly, so too do liberal perfectionists. Both hold that while respect for persons can be granted equally, respect for ways of life cannot because some of them are morally unacceptable (i.e., we should not forbear them).

Haksar’s egalitarianism, like Larmore’s, turns on the acknowledgement that each of us has the dynamic capacity to work out coherent and worthwhile life plans (Haksar, 1979, 289). And like Larmore’s distinction between “respect for beliefs” and “respect for persons” (1987, 63-64), Haksar also separates our distinguishing moral powers from our specific life conceptions, arguing that we cannot respect equally the full range of moral views because some of them will be set up to thwart, neglect or distort the very capacities that generate

Callan does not discuss whether forbearance is the same as toleration. He does strongly suggest that the two can be read this way, however. He says, in one of two brief examples, that “to escape the [taxing demands of civic concord], we might forgo the ambitions that generate them. Suppose we retreat to a less exacting citizenship that settles for mutual forbearance rather than mutual respect. After all, I can tolerate others without understanding their moral perspective or thinking for myself” (77). For this project, I will assume, with Callan, that both forbearance and toleration cannot be equated with the much stronger ideal of mutual respect.
individual well-being. But, liberal perfectionists insist that this conclusion follows only from the distinctly perfectionist assumption that all humans as moral beings with distinct and superior powers are members of an egalitarian club because of those shared capacities. From here, and only from here, can we judge which potential lifestyles are pursuant to those properties and, as such, worthy of equal political respect. Obviously this calculation rules out mutual forbearance, since the latter is grounded in a strict choice criterion of value. Mutual respect, instead, requires each to be involved in understanding and evaluating which among the range of lifestyle options improve our better qualities and therefore qualify for privileged support. This also means that morally inferior (and likely less reasonable) views are to be tolerated, but only in their private exercise (Haksar, 1979, 290). In short, equal respect sometimes requires unequal toleration for inferior (i.e., illiberal) lifestyles.

Liberal perfectionists can argue that this idea of equal respect without equal toleration is both liberal and perfectionist in two ways. First, certain undesirable lifestyles still can be freely chosen and privately exercised without prohibitive legal involvement, suggesting that the public discouragement of inferior lifestyles is not necessarily an illiberal form of intolerance. Second, assigning inferior status to certain ways of life is not a position on the moral or intellectual abilities of those who adopt such life plans, but a judgment that must be made to favour our collective interest in options that reinforce those very capacities. In other words, liberal states will promote superior lifestyles without coercing people to adopt them.

---

5 Some might claim that I use a sleight of hand by slipping the respect-forbearance distinction past a more relevant contrast between neutralist and perfectionist respect. Neutralist respect treats all reasonable belief equally, while perfectionist respect always entails unequal treatment for ideals that are not officially endorsed even though they may be reasonable views. Justifying legitimacy on these terms breaches liberal principles in exactly the way we saw Dworkin critique all “welfare-based” conceptions of justice in Chapter Two. It is disingenuous, therefore, to suggest that liberal perfectionism offers equal respect to allegedly “worthwhile” lifestyles in the same way that neutrality treats reasonable conceptions. The problem with this critique is the problem with neutrality. It depends on the assumption that political liberalism is both sufficiently moral and sufficiently neutral. I am working to show that it is not. Comparing Haksar and Larmore at this point merely indicates the difficulty in grounding equal respect without treading on perfectionist grounds.
because upholding equal respect requires government involvement in, not outright withdrawal from, controversial matters of moral valuation (294).

There are two responses worth considering at this point. The first is the familiar liberal concern with paternalism; the second acknowledges autonomy as an important condition of liberal respect. Haksar alludes to both in the following response:

The view that some forms of life are inherently superior to others, and that political principles should take this into account, does not commit one to a policy of paternalism with regard to those who practise the inferior forms of life. We can give inferior status to the way of life of the person who goes in for bestiality or smoking or for eating his excrement, not because we think that by doing so we shall force him to be better but, for instance, in order to provide a decent and morally healthy environment for the coming generation or even for the adult members of society who want to protect themselves from the temptations of the inferior forms of life. Of course if and when the state’s rationale for regarding some forms of life as inferior is that it regards as inferior those who practice such forms of life, then such a state would be violating the egalitarian doctrine. (284)

Haksar is right to flag the important issue of temptation-avoidance in order to balance goods. Still, the underlying point of his rather outlandish examples can be more forcefully conveyed by showing that equality and autonomy are mutually reinforcing only under a liberal-perfectionist account of pluralism. I now turn to this discussion first by outlining perfectionist pluralism and then by linking it with a perfectionist reading of autonomy.

**4.2.2 Perfectionist Pluralism:** Neutralists can still reject differential treatment on fairness grounds. They can do this even while they concede that government may not be acting paternalistically if it shows less tolerance for certain views precisely because it is attempting to ensure a “healthy environment” for everybody (Haksar, 1979, 285-290). Paternalism, put simply, involves the state forcing one to do X simply because it is allegedly good for him/her to do X. If a law is enacted on healthy-environment grounds, the paternalism charge does not apply because the law is not meant to restrict some person’s liberty in order to advance her own good, but to restrict her liberty in order to protect the good of those around her. A neutralist, then, can acknowledge that such cases are not paternalistic, while still insisting that the resulting treatment will be unfair because it burdens some people with the costs of other people’s flourishing. To the contrary, citizens are treated
fairly (i.e., with equal respect) only when states refrain from interfering in the process of autonomous decision-making on matters of substantive choice. Thus, neutralists will contend that even though perfectionist legitimacy may not entail paternalistic meddling, it still will entail an unfair ranking scheme that privileges only its preferred ways of life.

Perfectionists can counter-respond by challenging the assumption that fair treatment is neutral treatment (Raz, 1986, 114). This position argues that fairness in pluralistic contexts will occasionally require the demotion of certain lifestyle options precisely so that autonomous decision-making is preserved and advanced. As John Tomasi suggests, the idea that fair treatment is equal treatment is implausible because it has an illiberal cost, one that is “paid in terms of the vanishing social space in which reasonable people might otherwise have perceived and responded to the challenges of human social existence on their own, eudaimonistically directed terms” (2001, 123). And, perfectionists add, if the state is, instead, to pursue active involvement in creating or protecting the social conditions necessary for autonomy, it could justify this position only by invoking some substantive position about which of the competing moral positions are worth supporting and which are not.

For liberal perfectionists, this allowance of differential treatment can be justified only to the extent that certain lifestyle conceptions – e.g., drug-dependent “free spiritedness” or repressive forms of religious fundamentalism – undermine the possibility of autonomously forming a conception of the good. Furthermore, we can grant this kind of autonomy-based perfectionism without extending an invitation to perfectionisms based on other values. That is, a plausible version of autonomy-based perfectionism would presume that the state is justified in ensuring only that individuals pass a threshold of autonomy, not in trying to maximize autonomy. Indeed, liberal perfectionists are likely to agree that past a certain threshold of autonomy functioning, the choices people make merit respect, even if they do not actually maximize autonomy.
Thus, liberal perfectionists can acknowledge the relationship between pluralism and autonomy even though, as Raz has said, they believe that “there is nothing here which speaks for neutrality” (133). The point, then, is that because all deliberative content requires substantive values for meaning (i.e., philosophical perfectionism), it follows that coherent practical decisions must take those same value-based assumptions as justificatory reasons for action (i.e., strong or weak political perfectionism). In Raz’s emphatic terms, “the whole of life...is involved in the pursuit of the good life” (123-124). The inextricable connection between perfectionist moral valuation and sound practical decision-making rules out neutrality, even in the pluralism-autonomy package.

The essential claim here is that “[n]o plausible value theory can treat free choice as the only intrinsic good” (Hurka, 1987, 148; see also, Sher, 1997, 72-73). Only metrics of superior or inferior value can tell us which lifestyle options are good or bad, since this evaluation depends on whether they “develop properties essential to us qua human organisms” (Hurka, 1987, 727). Because authentic valuation comprises more than just free decision-making, fairness actually limits the range of life options that can be given equal consideration in public policy formulation. Autonomously seeking self-knowledge through experience, for example, is obviously more befitting of our moral powers than autonomously seeking utter ignorance through idleness or wilful negligence (Hurka, 1993, 149). Pluralism, then, reveals the need for moral judgment in order to balance goods, not for deliberative restraint on such normatively important matters: “the goal of all political action is to enable individuals to pursue valid conceptions of the good and to discourage evil or empty ones” (Raz, 1986, 133).

If this argument is correct, then a liberal standard of equal respect cannot entail neutral concern, but rather liberal-perfectionist standards of evaluation. Raz calls this view a doctrine of “perfectionist moral pluralism, i.e. of pluralism of many forms of the good which are admitted to be so many valuable expressions of people’s nature, but pluralism which allows
that certain conceptions of the good are worthless and demeaning, and that political action may and should be taken to eradicate or at least curtail them” (133, also see, Haksar, 1979, 290). On the political level, a liberal version of perfectionist pluralism would avoid the unfairness charge because it promotes (rather than coerces) autonomous decision-making by discouraging (rather than punishing) autonomy-undermining options. Thus, liberal-perfectionist policy offers the promise of reinforcing individual well-being, while neutrality’s moral abstinence or moral minimalism threatens by omission “the chances of survival of many cherished aspects of our culture” (162).

However, neutralists may argue that the worry about paternalism has not fully disappeared, since the decision to close allegedly autonomy-threatening options – again, an example may be the life-devouring tendency of drug-dependency – presumes that doing so is in the citizen’s own best interest (Clarke, 2006, 117). Today’s perfectionists respond that public polices which sanction a relative decrease in autonomy for balancing with other worthwhile goods do not necessarily turn on illiberal assumptions. Instead, contemporary perfectionists believe that true autonomous decision-making depends on an adequate variety of truly good options. If this assumption is correct, then liberal legitimately positively mandates the state to discourage bad options and promote good ones for autonomy. This argument’s success depends on whether autonomy can be balanced with other perfectionist goods. Liberal perfectionists think that it can and must. Let me explain.

4.2.3 Balancing Autonomy: Liberalism clearly takes autonomy to be an important part of moral valuation. But in what sense, we may ask, is autonomy related to other goods? There are two options to consider. We can say that autonomy is unconditionally good, while the value of other goods is conditional on them being autonomously chosen, or that autonomy itself is a conditional good, where its own goodness depends on some other value being obtained. But, the first reading must be wrong. Autonomy is not something one could value
by itself, since it necessarily makes reference to other values. Autonomy, after all, is a way of engaging with other values (critically, for example, by exercising one’s rational capacities, etc.). The way we value marriage or worship would be undermined if one were forced to marry or forced to pray. The question, then, is how to interpret autonomy in the second sense, as a conditional good. It can mean (i) maximum self-determination, such that any external interference thwarts authentic valuation. This strong conception of maximal autonomy is contrasted by a weaker version of (ii) minimal autonomy, where authentic valuation is possible in many, save the most restrictive, conditions. The weak view also assumes that so long as one passes some threshold of autonomy (in marrying or praying, say), then the activity in question still has its value, while the stronger view says that any interference robs the activity, and its attending goods, of value. The main issue at issue between (i) and (ii) is an important question about what degree of interference threatens the exercise of authentic moral agency.

The main difference between maximal and minimal autonomy is that the stronger version does not permit interference in order to balance autonomy with other goods, such as deference to an elder’s judgment. Minimal autonomy, on the other hand, says that sometimes the value of autonomy is secured by balancing it with other important goods, like drug-free or monogamous lifestyles. After all, the choice to tame, balance and restrict our own sometimes conflicting and sometimes crude interests will be better for us, as Plato illustrates in the Republic, than letting these inner, multi-headed desires run roughshod and turn us beastlike (588c6-589d1). Liberal perfectionists see this balancing aspect as the factor that distinguishes perfectionist autonomy and that lends it comparative strength over neutralist autonomy.

An instructive ranking example helps illuminate the claim that perfectionist states can both value and restrict autonomy because liberal perfectionism, unlike neutrality, does not adopt the strong version of autonomy as in reading (i). Imagine a government ranked list of
ten self-regarding choices, ranging from the first best to the tenth best. Position (i) on autonomy prohibits the state from imposing a law against even merely the tenth option, while (ii) does not. Though restricting the worst option, liberal governments can actually reinforce autonomy as a condition of good according to principle (ii). Today’s liberal version of perfectionism favours version (ii), since it excludes merely the strongest violations of autonomy – namely, the coercion of singular and illiberal views – and rejects (i), since by “ruling out all governmental efforts to promote valuable options over less valuable ones...we lose sight of the fact that it is not an autonomous life that is ultimately valuable, but rather an autonomous life of valuable pursuits” (Wall, 1998, 201; also see, Hurka, 1993, 149-156).

Perfectionists tend to defend their version of autonomy against neutrality’s reading by showing that the latter is implausibly strong. Following the tradition of “absolute liberty” from Wilhelm von Humboldt and John Stuart Mill, this strong reading of autonomy holds “that in actual conditions the state must never interfere in citizens’ private lives” (Hurka, 1993, 148). While political liberals do admit values other than autonomy, these second-generation neutralists also suggest that autonomy must come first in instances of pluralistic conflict. This strict priority position counts as absolute because it also rejects the option of balancing or trading off autonomy against other worthwhile goods. Considering that political liberals would likely concede some minimal degree of autonomy for goods like security and survival, the key neutralist claim here would be that autonomy can never be traded off against any substantive, specific, or reasonably contestable moral ideal.

Liberal perfectionism highlights at least three reasons why the neutralist position that autonomy cannot be balanced is incoherent. First, the above example of freely choosing ignorance over knowledge suggests that not all autonomously chosen activities are equally valuable. Countless other examples could be provided to make this case. Take, for example, Aristotle’s mean of courage between cowardice and rashness; it would be rather difficult to
defend the view that an individual who autonomously chooses rash behaviour in spite of circumstance is exercising more desirable judgment than one who possesses the good judgment to choose courage because of circumstance.

Another reason why autonomy cannot be considered in absolute terms involves suitable calculations of long-term gain by short-term sacrifice. We expect worthwhile challenges or meaningful accomplishments to involve some immediate restriction of options in order to expand our future choice range. Put differently, some freely chosen goods will prove to preclude later expressions of autonomy while some activities that temporarily and partially restrict will-formation hold the promise of expanding and enhancing future autonomy.

A final argument against the neutralist reading involves autonomy’s proper relationship with equality. Autonomy informs what is meant when we invoke equality, while equality helps illuminate the limits of autonomy. As Jeremy Waldron argues, “freedom” and “equality” are of such different logical types that the belief that we might realize them to the same degree is preposterous (1987, 129). Autonomy, in other words, cannot outweigh all other value-based considerations. For example, we can imagine a policy (e.g., hate speech restrictions) that undermines autonomy to an extent for some people, while greatly promoting substantive values in many other lives. The life of a neo-Nazi will still possess value (from an internal and external point of view) even if s/he is prevented from peddling hate.

Overall, then, autonomy cannot have all-or-nothing status, since it must be balanced against other values and measured across lives. If true, then autonomy (i) must be ruled out, while autonomy (ii) gains added relevancy. Under it, the state’s exclusion of worthless options is always undertaken to promote perfectionist goods, among which we can now include autonomy. Indeed, the state’s exclusion of just the worst options under (ii) leaves open an important and wide range of perfectionist goods for autonomous decision-making.
Hence, legitimate state interference is undertaken precisely in order to ensure that autonomous decision-making can be preserved and improved.

Thomas Hurka provides one notable example of this autonomy-based reading of liberal perfectionism. He argues that autonomy ought to be understood not (a) merely as free action, for if this were true no collective decisions could favour poetry over pushpin, nor (b) merely as rational deliberation, for even a slave may consider options. Instead, his perfectionist reading of autonomy offers a kind of balancing that favours the incorporation of specifically liberal moral powers. Hurka puts it this way:

Then we have not just autonomy but deliberated autonomy: free choice from a wide range of options that reflects practical reasoning about them. This kind of autonomy realizes deliberative rationality, but in a more than intellectual way. The elements it organizes are not beliefs, which are available to a slave, but intentions realized in the world. It therefore presupposes the simpler autonomy that consists in any free choice among options. Its foundation is a set of acceptances and rejections that converge on one goal, which is possible only for an agent who has many options to accept or reject....In this kind of choice, we both select and reject goals of high quality and thereby realize substantial agency. (1993, 151)

This ideal of “deliberated autonomy” is both minimal, since it must exclude pursuits that undermine rich deliberative rationality, and conditional, since it is valuable as a part of moral agency. Hurka’s reading, clearly, is philosophically perfectionist, as it isolates the capacity of deliberative rationality as a distinctive and superior human trait, and it is also politically perfectionist, since he adds that it is “generally favourable to liberty but rejecting [of] the stronger ideal of state neutrality” (160). I would like just to flag for now this conception of perfectionist autonomy, for in my view it shows some important overlap with the discussion of equal respect from previous chapters. More specifically, this version of perfectionist autonomy looks remarkably like the philosophical and political make-up of the special-power assumption I outlined in Section I. Both, that is, turn on assumptions about distinct and higher human capacities, while both follow such underlying moral and epistemological premises all the way down to prescription for political practice. My remaining chapters will return to this comparative idea in an exploration of political liberalism’s reliance on the underlying moral
assumptions of civility, since it seems to me that the doctrine’s account of general political obligation would not be intelligible without this background content.

Interestingly, liberal perfectionists often trace their conception of autonomy back to Aristotelian theory (Hurka, 1987; 1993; Sher, 1997; Chan, 2000). The neo-Aristotelian conception of autonomy avoids the illiberalism of classic perfectionism by maintaining that autonomy is a very important good, even though it is not unconditionally good. Any interference with citizens’ private lives based on perfectionist values other than autonomy will therefore always involve some cost, in term of flourishing itself, because autonomy is a part of human excellence (Hurka, 1993, 152). However, unlike neutralism, liberal perfectionism can admit that this cost is sometimes worth paying because autonomy does not always outweigh all the other components of well-being. Perfectionist autonomy is therefore “a simultaneous realization of some possibilities and rejection of others, with one’s rejection of the others reflected in one’s will” (129). As I intimated last chapter, we might wonder whether this connection between today’s liberal perfectionism and neo-Aristotelian theory implies the need for further studies on Aristotle’s notion of *phronesis*.

### 4.3 Practical Reasoning and Inherent Value

Political liberalism’s linchpin idea of public reason has reinvigorated debate on practical reasoning, especially on judgment in political ethics. George Sher’s (1997) work

---

6 George Sher, for example, takes his doctrine of “democratic perfectionism” to be neo-Aristotelian. It is neo-Aristotelian in the sense that it remains doctrinally independent of Aristotle’s metaphysical essentialism (1997, 15 & 19), even though it still promotes the classic connection between political life and the good life. Sher says this contemporary reading of a classic doctrine reveals that “state action to promote the good is justified because, but only because, it is approved by a democratic majority” (1997, 37).

7 The literature on practical reasoning is extensive. Broadly speaking, theorists divide into Aristotelian, Kantian and Arendtian camps. The first grounds itself in particular experience, the second in universal or impartial abstractions and the third tends to fuse the former two. Arendtian-type accounts take political decision-making to involve the public communication of pervasive aesthetic taste. The idea here is that such aesthetic judgments unite particular and universal qualities in the expressions of culture. Rawls appears to take the term as representative of cases in which general principles of justice are sought to fit with the unique local experience of
shows how this recent discussion about our value-based reasons for action relates with the above analysis of liberal perfectionism. As we have learned, a liberal commitment to philosophical perfectionism entails only a weak version of political perfectionism because perfectionist legitimacy positively requires state-based initiatives to support ways of life that reinforce equality and autonomy. This implies, of course, that a state’s right “to promote the good is not all-or-nothing,” since perfectionist legitimacy involves balancing civic freedom with non-neutral legislation (7). What we need to determine now, however, is why certain aspects of political activity may still be considered perfectionist even when they are not justified by any one comprehensive conception of the good. According to Sher, “[t]o say that governments may legitimately try to promote the good is to take no special position about what is good” (1997, 7, emphasis original). How, that is, can a state promote perfectionist value without endorsing a detailed account of what is good across one’s entire life?

Colin MacLeod’s (1997) defence of perfectionism highlights two relevant points for the current discussion. In his view, perfectionism

> aims at securing an environment conducive to independent deliberation about the good partly by ensuring that the deliberative context includes a rich repertoire of genuinely valuable options. Diversity is promoted not for diversity’s sake nor in the hope that a particular view of the good will be embraced by citizens but because a rich intellectual and cultural environment plays an indispensable role in facilitating effective deliberation about the good. (540-541)

One matter raised here by MacLeod has already been covered above. Perfectionism, he says, “is not indifferent to the actual value of the options it identifies as worthy of support...because it does permit the state to make judgments about the value of different options – e.g., that some options contribute to the richness of the culture because they are appropriately deep, complex and innovative” (541). We know that liberal perfectionism distinguishes itself from political praxis (Rawls, 2005 [1971], 274, 357). I suppose this is why Beiner, Nedelsky and O’Neill find “an unsuspected link between Arendtian judgment and Rawlsian public reason” (Beiner and Nedelsky, 2001, xiv). I assume, in this tentative way, that a broad treatment of practical reasoning can occasionally stand-in the terms “political judgment” or “public deliberation” for epistemic neutrality’s notion of “public reason.” I hope this does not, in itself, misrepresent what is ultimately meant by either term, nor suggest a misunderstanding of the fact that different theories of reasoning do exist for important conceptual and historical reasons.
neutrality by taking a stand in favour of the options that are more valuable or worthwhile for individual well-being. But, this conclusion is often referenced without a precise understanding of what it means to value a perfection *per se*. Take, for example, the second point implied in MacLeod’s work. He says that liberal perfectionists consider certain options more worthy of state support because only these options are “conducive to individuals making well-informed, autonomous choices about the sorts of lives they wish to lead” (Ibid.). On the surface, it is hard to see how a neutralist would reject this statement. Both neutralists and perfectionists recognize our moral powers and our capacity to use them. So, if we were to ask what distinguishes a liberal-perfectionist position from a neutralist one, that kind of sorting would not benefit much from a discussion of which camp actually shows some degree of respect for autonomous decision-making; it would, however, help to ask *what kind of underlying value-claim prefigures and ultimately justifies* their contrasting perspectives on political morality. Sher’s work on the competing value grounds is especially helpful in explaining this essential difference between neutralist and perfectionist ethics.

In *Beyond Neutrality* (1997), Sher examines the available types of value and sorts them on something of a valuation continuum. Each of the two main categories on the continuum he articulates has weak and strong expressions; the strong variations are diametrically opposed, while the weak versions approximate a middle area near the spectrum’s centre. As I have said, my specific interest is in the type of value Sher suggests in his discussion of inherent value. It, I argue, is the kind of perfectionist valuation that underlies political liberalism’s account of political obligation. Although this kind of duty-claim is compatible with liberal norms, it is still importantly perfectionist, which makes it unlikely to pass political liberalism’s reasonable acceptability test. Sher’s exhaustive depiction of neutralist and perfectionist valuation helps me make this case, so I shall now turn to it.
In the broadest sense, Sher argues, value can take either “subjective” or “objective” forms. On the pure-subjective (PS) end, value is that which is conferred upon things simply by self-directed interests or choice through affective taste. In short, the PS version equates value with at least crude desire. The mixed-subjective (MS) interpretation broadens the choice standard by seeing value as that which is conferred upon things by self-directed interests in the richest choice scenario. Though nodding to non-subjective standards of ideal-choice situations, MS is ultimately subjective because it still derives value from desire.

Shifting past the subjective end of the value continuum, Sher says that another kind of value is determined by mixed-objective (MO) standards. Value in MO terms is broadly determined by human capacities and personal interest. The important distinction here is that value for humans is a product of the value of humans. As Sher says, “while the value of a trait or activity does depend on certain facts about the individual who has or engages in it, the relevant facts concern neither his actual nor his ideal desires, choices, or enjoyments, but certain broad capacities that all members of his species share” (8). For MO, then, all valuation (including desire) is set against a backdrop of essential (and superior) human capacities. The other endpoint of Sher’s valuation continuum harbours a pure-objective (PO) kind of value. The idea here is that value is intrinsic to value-containing traits or activities. Value for PO is determined by nothing but something’s own nature. A property with pure-objective value maintains this status regardless of its relationship to anything else, human or otherwise.

Ultimately, Sher takes any position on value from PS or MS – “any theory that traces all value to some combination of actual or ideal desires, choices, or enjoyments” (8) – to be a position from “subjectivism.” On the other hand, MO or PO valuation, put negatively, denies that merely subjective considerations can confer value, or, positively, accepts that non-
subjective standards determine value. Sher categorizes these kinds of values as perfectionist forms of valuation.

Sher’s classification brings us to a final and crucial qualification about moral valuation. Subjectivist value theory says, quite simply, that personal choice confers value. Under this belief, actual decisions within the range of available options both signify what one takes to be “good” for that individual and indicate “the life that the agent would want, choose, or enjoy under actual or (more) ideal conditions” (154). In this sense, subjective valuation logically aligns with an instrumental understanding of personal goods. Instrumental goods are believed to be morally neutral because their value is thought to be conferred by personal or circumstantial utility alone. Perfections or perfectionist goods, on the other hand, are thought to be worthwhile pursuing for objective or intrinsically valuable reasons, which are thought to hold value independent of their instrumentality. Much of this separation between instrumental and intrinsic value is well known and discussed. But, Sher’s work indicates another crucial distinction that is rarely factored into the neutralist-perfectionist debate; namely, that there are two different forms of non-instrumental valuation.

One is indeed intrinsic value; it is most often associated with perfectionism. As we have heard Chan argue in Chapter One, perfectionism turns illiberal when intrinsic value is conceived in “pure” or absolutist terms (2000, 14). Following Sher, I see contemporary perfectionism to invoke, instead, the mixed-objective notion of value. Again, I refer to it as inherent value (Sher, 1997, 9). In order to distinguish these two forms of non-instrumental value, recall first that intrinsic value emanates from the very nature of a property, itself; for example, one’s capacity to reason. Inherent goods, on the other hand, are constituted by a kind of by-product value, one that sources its worth in the nature of an intrinsically valuable property, but is not itself that property, such as participating in a reading group or practicing Mozart’s Sonata No. 16 (9-11). Let me elaborate.
Alasdair MacIntyre’s account of virtue provides, perhaps, a clearer understanding of the distinction between inherent and intrinsic value. In his attempt to rehabilitate Aristotelian ethics by separating its conception of the good from a rather unnecessary “metaphysical biology,” MacIntyre says the constitutive elements of neo-Aristotelianism are moral “practice,” “narrative” and “tradition” (2007, 186-187). The latter two cover the ways one’s own life-story accord with cultural notions of intrinsic worth, respectively. MacIntyre’s discussion of practicing this good life, however, shows a much different kind of moral valuation. In Larmore’s estimation, MacIntyre “defines a practice as a cooperative human activity having shared standards of excellence that determine a form of success that is intrinsically related to the activity involved” (1987, 36, emphasis original). Notice that the value of a practice is sourced in a “form of success that is intrinsically related to the activity” but not defined by that success itself (Ibid., emphasis added). Instead, the inherent good in such practices is found internal to the activities themselves, as the experiences that come through exercising intrinsically valuable properties. Inherent value emerges in such activities because they ultimately relate to some intrinsic account of success or excellence, even though they are not necessarily good in themselves. In MacIntyre’s own words, a “practice” is an “activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive, of that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended” (2007, 187).

So, the inherent value of certain practices is comprised of goods internal to intrinsically valuable aims, which bears a sharp distinction from “external goods” that have instrumental value because their worth “lies not in how we acquired them but rather in what we can do with them” (Larmore, 1987, 37). This distinction among instrumental, inherent and intrinsic
value is vital for understanding the nature of value-based decision-making, and particularly, for an accurate understanding of the valuation invoked in distinctly liberal-perfectionist theory, and even, as I argue in Section III, of those that underlie political liberalism’s explanation and justification of political obligation.

Ultimately, the important point to acknowledge here is that liberal-perfectionist political morality is a theory predominately comprised of inherent value. Sher’s valuation continuum, I believe, reinforces that proposition (1997, 7-11). Thus, a liberal-perfectionist state has an interest in promoting a genuine range of moral ideals precisely because political values are comprised of myriad and disparate by-products goods properly conceived as inherent goods, even though their worth is grounded in our intrinsically valuable capacities (199; also see, Wall, 1998; Wall and Klosko, 2003, 15).

Conclusion

All perfectionists agree that politics should be based on ultimate standards of valuation. If the whole of life pursues the good life, then we simply cannot bracket perfectionist valuation from political deliberation. As Sher says, “far from justifying restrictions on study or debate,” the basis of all good judgment “positively requires that all modes of inquiry be protected and encouraged” (1997, 138). We have also seen that perfectionist valuation balances the promotion of superior values with typical liberal protections. In Chan’s words, today’s liberal “[p]erfectionists insist only that the pursuit of the good life is one important, legitimate task of the state” (2000, 15). He adds that “[i]f perfectionism takes the moderate form..., and if perfectionist policies respect individual rights, are made in an open and fair process, and may be changing in the long run to reflect different reasonable points of view, then the claim that the state lacks legitimacy to make perfectionist policies would be
unreasonable” (2000, 34). But, this chapter has additionally shown the unique way in which many of today’s perfectionists balance liberal values with perfectionist valuation. This is done, I have suggested, by grounding their political morality in inherent values, that milder form of valuation that is neither entirely intrinsic nor exclusively determined by choice.

Interestingly, we often hear the norms associated with civility cited by liberal perfectionists as the proper kind of value to be invoked and promoted by states. Sher, for example, says that perfectionist politics will look to improve “the quality of people’s relationships, the civility of their interactions, their levels of knowledge, accomplishment, and aesthetic awareness, and the content of their characters” (1997, 246). Chan adds that “liberalism is based on major substantive values such as personal autonomy, respect for persons, equality, and Rawls’s own ideal of reasonableness as a virtue of persons” (2000, 12). My critique of neutrality from the moral theory of political obligation will press exactly this point. If political liberalism’s ideal of civility is indeed grounded by inherent values, and if their justification of political obligation sources its moral content in these philosophic grounds, then political liberalism is unlikely to be neutral in the way it wishes. In the remaining chapters, I show this to be true through a framework of neutralist and perfectionist political obligation.
Chapter Five

Rolf Sartorius (1981) observes that all political thinking revolves around two main issues. The first concerns political legitimacy. What, if anything, gives the state a right to rule it citizens? Put differently, why is the state morally justified in having and exercising a monopoly share of coercive power? (Buchanan, 2002, 689; Quong, 2010, 1-2) I looked at this subject in previous chapters through the neutrality-perfectionism debate. The other main concern in political thinking, according to Sartorius, is the problem of political obligation. It asks whether citizens actually bear some moral responsibility to obey (legitimate) political authority. As I have mentioned, I consider the moral issue here to be much broader than questions about our legal duty to obey the law. This general assessment of whether we ought to comply with just governments still addresses the narrower legal question, but it tends to do so from a philosophically enriched position on how the nature of persons and good conduct conceptually link with formal rules.¹ I also think this broader view is necessary for justifying the stricter legal conception, but concede that a bigger picture will be more difficult to defend. This is perhaps why many, like Sartorius, are far more optimistic about articulating the moral limits of legitimacy than they are about locating a sufficiently binding (moral) principle of political obligation.

The problem of political obligation has been particularly challenging for liberalism in two ways. First, as Raz says, liberals tend to assume an “alleged incompatibility of authority

¹ As noted earlier (see Chapter One, note 11), Alan Carter offers an excellent example of studies that address the problem of political obligation from within this more inclusive critical context. He opts to use the term “political compliance” instead of the more traditional – and in his view, the “far preferable” – term “political obligation” because, as he suggests, today’s dominant strand of liberalism has “abandoned” studies on the morality of political obligation and has instead assumed that justifying general moral duties will suffice (2006a, 7-8). Carter spends a good deal of time in back-to-back 2006 articles showing, in part, that three interlocking features serve as the “underlying” premise of his justification of, what Carter has chosen to call, “political compliance.” They are “a specific conception of what is reasonable; a specific society; and a specific territory” (2006b, 136). Much as with my work here, Carter is concerned with the way political liberalism inconspicuously relies on understudied background assumptions about free and equal persons and about what counts as “reasonable” conduct while one practices the responsibilities of liberal citizenship (2006a; 2006b).
with reason and autonomy” (1979, 3; also see Wolff, 1990, 153). A duty to obey authority seems to presuppose that certain state directives contain reasons for action that are conclusive for citizens regardless of whether they disagree under their own worldview. We have seen some indication of why neutralists, especially, would consider this trumping of individual reasoning a great affront to autonomy. An additional, empirical concern flagged by liberals is the fact that even though a good number of people might agree with some notion of political obligation, there may, nevertheless, be significant discord between those beliefs and the actual conditions of political membership in their community (Edmundson, 1998, 59). Some consider it rather far-fetched to assume that even a slim majority of native-born citizens would now affirm the initial and often non-consensual terms of citizenship set during their country’s founding (Simmons, 1979). The severity of these concerns is perceived by some to threaten the entire enterprise of normative political thinking. As William Edmundson laments: “...it is an embarrassment to political philosophy that the possibility of a legitimate state is vulnerable to every worry about political obligation, especially given that these worries have not gone away after over two millennia of treatment” (1998, 46).

In my estimation, only liberal perfectionism can avoid this bleak prospect. I believe, in other words, that a neutralist ethic cannot offer pluralistic societies morally compatible conceptions of legitimacy and obligation; only liberal perfectionism can. I can make this claim while acknowledging, with most theorists, that legitimacy and obligation are not strict logical correlates. Legitimacy, as the right to rule, is the mirror image of no right against such rule, not of an obligation to obey it: “...political legitimacy explains why the state has a right to coerce its citizens and, correlatively, why its citizens have no right to be free from this coercion” (Wellman, 1996, 211-212; also see, Green, 1988; Edmundson, 1998; Murphy, 1999; Wellman, 2001). If legitimacy is about state permissions and obligation is about civic responsibilities, then, in analytic terms, one need not imply the other. But, substantively
speaking, they *do* need to stand coherently with one another; otherwise, liberalism will cripple politics by offering states and citizens “contrary directives” (Rawls, 2005 [1971], 335). My position is that an underlying neutralist ethic falls short of securing this kind of coherency for liberalism.

I begin that argument in this chapter by introducing a series of conditions that an account of obligation would have to meet in order to satisfy liberal neutrality, in one direction, and liberal perfectionism, in the other. Thus, as Chapter Two through to Chapter Four reviewed the competing moral accounts of legitimacy, this chapter explores the ways in which political obligation can be justified in terms that are morally compatible with those positions on legitimacy. After I articulate a typology of neutralist and perfectionist political obligation, my next step will be to assess where the current liberal justifications of political obligation fall on it.

The first justification that I consider is from contractarian morality. It ties political obligation with a rather strict principle of consent. Following the Hobbesian tradition we discussed in Chapter Three, this contractarian principle of direct voluntary consent certainly

---

2 Allen Buchanan offers an account of legitimacy that seems markedly different from the one I am adopting here. In his view, the idea of obligation is irrelevant to the idea of legitimacy because the latter is an “agent-justification notion,” meaning it has “to do only with the normative sufficiency of the justification for the act of imposing rules, not with whether those upon whom the rules are imposed have obligations to those who impose the rules” (2002, 695) The sleight of hand here is found in his confusion about what, exactly, justifies compliance. Citizens are not morally obligated to discharge some duty to another person because something about that person justifies her or his rule over other persons. Political obligation, like legitimacy, is instead grounded in moral principles that stand independent of those who enforce them. Granted, Buchanan may have intended to say, with many others, that moral obligations need not refer to and may even override political ones. As I argue below, the contractarian idea that not all ought-utterances amount to duty-utterances does not imply that political duties cannot be justified by the same moral considerations that confer legitimacy upon governments. Actually, this fact seems to impugn Buchanan’s own position, viz., how is it that his “theory of political legitimacy that does not rely on the notion of a right to be obeyed” (703) sources its ultimate moral appeal in a “Robust Natural Duty of Justice”? (703-709) Although this duty, strictly speaking, may be primarily moral, Buchanan does admit that its exercise is politically required to “sustain just institutions in [one’s] own locale” (703). Ultimately, Buchanan roots both legitimacy and obligation in the same moral content (equal concern and respect). It seems rather obvious to note that political principles draw from morality. But, the point I wish to highlight in this chapter is that because a coherent political morality must mutually sustain the value-based assumptions of both legitimacy and obligation, the crucial question, at least for our purposes here, is whether political liberalism consistently grounds these principles (of legitimacy and obligation) in neutralist valuation. Though I do not address Buchanan’s theory directly, my typology of neutralist-perfectionist justifications does suggest that in forwarding a natural duty account of obligation, it cannot claim to be anti-perfectionist in the sense that a neutralist account of political obligation can.
appears to satisfy some basic intuitions about neutrality. We can see this in David Gauthier’s summary of contractarianism’s essential thesis that “social norms must derive their validity, not from any or all norms that different individual members of society may happen to hold, but only from those norms that all members can recognize as ones they would themselves accept given appropriate circumstances” (1997, 133). The problem with this account, however, is that it tends toward libertarian, if not anarchist, conclusions. Political liberals must reject contractarian morality for this reason. After I show contractarianism to be implausible as a (second-generation) neutralist justification of political obligation, my next objective is to determine which justification political liberalism can coherently endorse. Chapter Six undertakes that analysis.

There we learn that only a contractualist account of obligation is actually consistent with the second-generation neutrality. However, we also see that this version of acquired obligation is unable to justify general political obligation without invoking natural duty assumptions. My typology of neutralist and perfectionist justifications of political obligation indicates a critical feature of this move from transactional (i.e., away from both contractarian and contractualist principles of political obligation) to natural duty morality. I believe that this move shows how political liberalism does indeed rely on liberal-perfectionist ethics. The

3 Again, general political obligation is a moral position on whether citizens have a duty to support and uphold all the central functions of the state. Klosko, among others, argues that an account of our obligation to obey the law in this general sense “must be the main focus of any theory of political obligation” (1994, 253; Raz, 1984, 139-140). I should also reiterate that my critique of political liberalism need not take a position on the question of general political obligation, because I can quite clearly assess whether political liberalism invokes an account of obligation that is suitably neutral without deciding exactly which justificatory principle is ultimately stronger qua a justification of general obligation. Please see note 2 of Chapter Four and 5.3 below for some elaboration.

4 My understanding of Rawls’s position here follows George Klosko’s (1994). In detailing Rawls’s “natural duty to support and further just institutions,” Klosko distinguishes this particular duty from some of the rest as a “natural political duty” or more generally as “political duties.” Klosko here acknowledges that these political kinds of natural duties are indeed owed to all other persons, but that, following Rawls’s methodological individualism, a collection of persons constitutes a government for Rawls (255). Klosko puts it this way: “It appears that, though Rawls’s discussion is in terms of just institutions, this can be translated as just governments. The natural political duty plays a role in Rawls’s theory functionally equivalent to that of political obligations in traditional theories. Thus in more familiar terms, ‘to comply with and to do our share in just institutions’ is to comply with the requirements of just governments, generally to obey the law. But in discussing the natural political duty, I will generally retain Rawls’s language” (Ibid., 255, n.9, emphasis original). Please see 6.2 below for more on this important point about the natural political duty argument.
specific argument here is this: although contractualism, strictly speaking, may be successful both in avoiding the problems of contractarianism and retaining consent-based morality for neutrality’s sake, the fact is that political liberalism loses any real claim to be neutralist when it justifies political obligation by its specific take on natural duty. While the comparative strength of this natural duty justification is indeed generated by its appeal to what is inherently valuable in the ideal of civility, political liberalism’s adoption of this justification indicates exactly how the doctrine trades-in its neutralism for a more plausible, but decidedly liberal-perfectionist political morality.

5.1 Want-Regarding and Ideal-Regarding Morality

My review of Sher’s work last chapter suggested that competing justifications of political obligation, like all valuation, must draw from one of the two broad and quite different kinds of value; namely, the subjectivist or objectivist forms. Although Sher does not mention this possibility, it would seem that each of these value-types could shape the entire range of principles needed to offer a coherent and distinct doctrine of political morality. Brian Barry’s well-known account of morality-types divides such overall assessments into either “want-regarding” or “ideal-regarding” perspectives (Barry, 1965, 38-41). His clearest explanation of what he means by this terminology is as follows:

In terms of a distinction which I drew in Political Argument (Barry, 1965) and which Rawls takes over, we are saying that the actors in the “original position” will come up with principles that are “want-regarding” rather than “ideal-regarding.” Since the point sometimes causes difficulties, I trust it will be apparent from the way that we have arrived at this point that the “wants” included here may be of any kind including the most exalted personal or spiritual ideals. The want-regarding/ideal-regarding distinction is not based on what it is that people want; it is based on how what they want is treated for the purpose of social evaluation. That is to say, if you assimilate all wants of whatever kind and evaluate states of affairs in terms of the overall amount or distribution of want-satisfaction, you are adhering to a want-regarding position. If you do anything else – in other words if you discriminate among wants of different kinds for purposes of evaluation – then you are an adherent of the “ideal-regarding” view. The basis of discrimination among wants can be of absolutely any kind. Obvious candidates which have or have in the past had actual adherents are the origins of the want (how the person came to have it), whether it is selfish or not, whether it is (in the judgement of the evaluator) an enlightened want or not, whether or not the want is compatible with the teachings of a religion
believed in by the evaluator, or (more generally) whether the want is an “intrinsically good” one to be fulfilled or not. (1973, 136)

Joel Fishkin later adds that want-regarding principles are “defined in terms of preference satisfaction” and thus require some neutral strategy for dealing with interpersonal conflict, while ideal-regarding principles are comparatively paternalistic because they consider “a person as better off even if none of his actual preferences support the inference” (1988, 464).

According to this original distinction, want-regarding perspectives are those that formulate distributional schemes merely in terms of satisfying people’s actual preferences (e.g., utilitarianism), while ideal-regarding principles assess public affairs by some external or non-subjective value standard that may or may not accord with people’s desires as they understand them. Since want-regarding perspectives simply aggregate personal preference to achieve some distribution of want-satisfaction, these moral positions, unlike ideal-regarding ones, can take people’s expressed interests and arrange them without evaluating them as good or bad. To the contrary, ideal-regarding views actively discriminate against those preferences that do not accord with the position’s predetermined standard of justice or goodness.

Although the distinction was introduced along these lines, it seems to have been taken-up and employed by subsequent thinkers in a subtly, but importantly, different way. Robert E. Goodin most clearly introduces this alternative reading. Goodin agrees with Barry that utilitarianism is a “preference-respecting, want-regarding morality” (1995, 119). But, Goodin also claims that this roughly anti-perfectionist stance “just echoes the more general Enlightenment liberalism from which it sprang” (1995, 119). What separates want-regarding from ideal-regarding morality, Goodin claims, is a position on who or what determines the nature of value, or, as he puts it, on “the best-judge claim” (120). If any given political morality is to offer some conception of justice by which we can organize ourselves in relation to goods, then it needs first to settle a foundational question about “the sense in which people ought to be said to be the best judges of their own interests” (119). Following Goodin’s
reading, we can say that want-regarding moralities are essentially marked by principles that take value (or the “best-judge” of it) to be solely determined by autonomous judgment, while ideal-regarding moralities see value in objective terms, such that worthwhile pursuits are valuable even independent of individual agreement.

A number of thinkers invoke Goodin’s distinction rather than Barry and Fishkin’s original one. Gerald Dworkin, for example, says want-regarding moralities adopt the view “that it is a necessary condition of something being good for a person that the person either desire it, or desires something to which it contributes” (2005, 314). Danny Scoccia elaborates when he says that “want-regarding principles assume first, that the satisfaction of any intrinsic [read: self-determined or internal] desire has value; second, that how much value a desire’s satisfaction has depends solely on how important its satisfaction is to the person who has it; and finally, that only the satisfaction of intrinsic desires has intrinsic value” (1987, 588, emphasis added). Both of these theorists imply that ideal-regardingness begins when even the slightest deviation from want-regardingness is premised on an objectivist account of value or desire fulfilment (G. Dworkin, 2005, 318; Scoccia, 1987, 588; also see, Farrell, 1991, 55).

The essential difference, then, is that Barry and Fishkin’s original distinction centred on whether distributive principles do or do not rely on some prior conception of the good, while Goodin’s adaptation instead marks the separation by what it is that generates value more fundamentally. You might say that the original version drew a line between political principles that are morally abstinent and those that are morally predisposed, while the alternative reading draws the line between whether principles are themselves sourced in subjective or objective value.

I am introducing Goodin’s “best-judge” version for three reasons. First, it broadly coheres with Sher’s illuminating account of moral valuation discussed last chapter; second, it
indicates the central problem with contractarian (not contractualist) accounts of political obligation that I discuss in 5.4 and 6.1; and third, it suggests that as ideal-regarding positions, inherent value claims are likely to fail epistemic neutrality’s reasonable acceptability test.

The first reason Goodin’s alternative reading is worth considering is its indication that political moralities rely on either the assumption that political principles are worthwhile adopting because an individual or an aggregate of individuals confer value upon them or that there is some objective reason (i.e., one that may not be derived from a person’s or a group’s interest) for valuing the principle. As Scoccia puts the latter view, “[t]o subscribe to an ideal entails believing that the satisfaction of the desires it prescribes has greater value (or makes a greater contribution to one’s well-being) than the satisfaction of other desires” (Ibid, emphasis added). So, the first point in highlighting Goodin’s “best-judge” account is that it appears to cohere with Sher’s valuation continuum. Want-regarding perspectives are subjectivist in the sense that they take value to be conferred by individual interests, while ideal-regarding principles are objectivist in that value bears on personal interest independent of desire.

According to Goodin, libertarian liberals “opt for strong versions of the [want-regarding, best-judge] claim,” since they urge, he adds, “that principle as an axiom of liberal value systems, as the unexamined and unexaminable premise on which all the rest must be built” (119-120). Goodin’s point here is that libertarians do not merely believe that (1) individuals are generally better motivated and better informed to make good judgments about what is good for themselves than anyone else, or at least than the typical government, but more strongly (2) that individuals have the fundamental right to decide for themselves what is good for themselves, even if they make mistakes or even if someone else might have superior knowledge, and that this right obtains without a correlative duty to justify one’s decision to others. This connection between want-regardingness (2) and libertarian strands of liberal
political morality supports another claim of mine. As we shall see in 5.4, my criticism here is that even though want-regardingness (2) may intuitively accord with neutralism, it fails to justify general political obligation and is thus an implausible combination for liberal political morality. Consider Gauthier’s characterization of contractarian morality: “the contractarian finds no basis for postulating a moral need for the justification of one’s actions to others. The role of agreement is to address each person’s demand that the constraints of society be justified to him, not a concern that he justify himself to his fellows” (1997, 134-135). This chapter argues that under this strong reading of (Goodin-type) want-regardingness, both contractarianism (not contractualism) and philosophical-anarchism should be discounted because they are unviable grounds for liberal political morality.

The third reason I invoke Goodin’s want-regarding/ideal-regarding distinction is that it allows me to expose an otherwise obscured problem between neutralism and ideal-regardingness. This concern, simply put, is that ideal-regarding principles carry a greater propensity for reasonable disagreement. As I shall elaborate in the chapters to follow, ideal-regarding principles are much more likely to be reasonably contestable, since ideal-regardingness necessarily grounds itself either in intrinsic or inherent reasons for action. As we have seen, these kinds of moral valuation comprise conceptions of the person and good conduct that are characteristically perfectionist. For example, in his specific comment on ideal-regarding views of character, Scoccia says:

Ideals of the person, (or, what is the same thing, ‘perfectionist’ accounts of the good) are one type of ideal-regarding principle. An ideal is a set of values, character traits, and abilities which the person committed to it thinks constitutive of human flourishing or self-realization. It provides a standard by which life plans are to be evaluated for their intrinsic goodness or worth. (1987, 588)

The example of ideal-regardingness that I find in political liberalism and use to levy my criticism against it involves the moral and epistemological assumptions underlying civility, especially the way this moral background theory informs political liberalism’s account of
general political obligation.\(^5\) Let me preface that discussion by briefly considering Rawls’s remarks on want-regarding and ideal-regarding principles. His commentary helps open a preliminary understanding of where, specifically, I locate this unexpected relationship between political liberalism and perfectionist valuation.

If Goodin’s “best-judge” characterization of want-regardingness and ideal-regardingness is correct, then we might place the morality of first-generation neutralists in the former camp; actually, Gerald Dworkin says that want-regardingness “is simply a non-cognitive version of [Ronald] Dworkin’s endorsement thesis – with ‘desire’ substituted for something like ‘believe good’” (2005, 314). Ethical neutralists assume this subjectivist kind of valuation in order to uphold their version of (LN) equal respect as neutral concern.\(^6\) But, as we have seen, political liberals endorse a conception of justice that does not consider the entire range (but only a “wide range”) of want-satisfaction to be equally valuable. As Rawls puts it, “a certain ideal is embedded in [their] principles of justice, and the fulfilment of desires incompatible with these principles has no value at all” to their doctrine (Rawls, 2005 [1971], 326; 1988, 258). What I find to be particularly striking about Rawls’s discussion here is his explicit identification of his own justificatory assumptions with perfectionist valuation. He says that these same “principles of justice as well as the principles of perfection (either variant) are ideal-regarding principles” (2005 [1971], 326). Still, we should ask whether this admission is necessarily contradictory.

Though I cannot answer this question just yet, I mention it to indicate my suspicion that both Goodin’s version of the want-regarding/ideal-regarding distinction and Sher’s subjectivist/objectivist valuation continuum will be instructive for understanding the justificatory relationship that political liberalism does have with perfectionism. In the course

---

\(^5\) See supra text accompanying note 3 in this chapter, note 2 in Chapter Four and my discussion in 5.3 below.

\(^6\) Granted, Ronald Dworkin (unlike Bruce Ackerman) was trying to counteract the perception that liberalism is sceptical, subjectivist, etc., which is a perception that that the idea of liberal neutrality can reinforce. We might say, then, that Gerald Dworkin is just highlighting a fact that Ronald Dworkin could not see or did not want to acknowledge.
of the following discussion, two important points will be made in this respect. First, want-regarding principles assume a subjectivist value structure, while ideal-regarding principles draw from more objective standards, those characterized in Sher’s discussion of inherent or strictly intrinsic values. And, second, because epistemic neutrality is meant to reject comprehensive standards of excellence, (Rawls, 2005 [1971] 326-329; 1988, 260-264; Larmore, 1990, 341-352) it should certainly rule out the stronger and morally controversial (e.g., illiberal) form of intrinsic valuation. But, as we heard in Chapter Three, political liberalism is still required to invoke sufficiently moral justificatory principles. If political liberalism’s moral account of political obligation does indeed push beyond strictly want-regardingness, it may not, I grant, reach quite as far as intrinsic value on the valuation continuum. Still, the point I am trying to make is that by resting squarely in the centre of this continuum, political liberalism’s defence of political obligation turns on the assumption that it is inherently valuable for citizens. And by grounding its justificatory account in this kind of value, political liberalism sneaks in specifically liberal-perfectionist assumptions through the less scrutinized matter of general political obligation.

The argument that political liberalism invokes liberal perfectionism in its account of political obligation, however, cannot be properly made without a clear impression of what neutralist and perfectionist justifications of political obligation would look like. Accordingly, I shall now discuss the intuitive possibility that a suitably neutralist justification of political obligation will hinge on (Goodin-type) want-regarding principles. This moral position apparently avoids controversy because it explains and justifies compliance with political authority by reasons that are entirely one’s own. However, the strong reading of want-regardingness – underlying both contractarianism and philosophical-anarchism – is clearly

---

7 As Sher says, “while the value of a trait or activity does depend on certain facts about the individual who has or engages in it, the relevant facts concern neither his actual nor his ideal desires, choices, or enjoyments, but certain broad capacities that all members of his species share” (1997, 8).
8 I follow Alan Carter in my occasional use of “political compliance” to cover Rawls’s conception of both political obligation and political duty. Please supra note 1, and note 11 in Chapter One.
unable to satisfy political liberalism’s morality requirement because it cannot generate a principled motive for all citizens to accept a general obligation to comply with just states. And because contractarian (not contractualist) and philosophical-anarchist positions fail in this way, we can clearly conclude that a second-generation justification of neutralist political obligation will cohere instead with the moral and epistemological structure of epistemic neutrality. I outline that position below and link it with contractualism – i.e., not contractarianism – next chapter.

Once we have considered these specifically neutralist justifications of political obligation, we will then be ready to consider what a comparatively perfectionist account of political obligation looks like. This kind of justification, as I elaborate in 5.3, would ultimately source principles of obligation in inherent value, even though such ideal-regarding principles will not accord with all citizens’ actual interests. We note here that this kind of moral position is better able to justify general obligation precisely because it, like the natural duty view more specifically, assumes an objective reading of human interest and well-suited modes of conduct. If such ideal-regarding assumptions do indeed rely on at least inherent value, then they will presumably show non-neutral concern because reasonable citizens can reasonably reject such justificatory reasons. Once I have given due consideration to these possibilities, I continue on to argue next chapter that political liberals betray their neutralism by supplementing their contractualist morality with a natural duty justification of obligation, which ultimately, I claim, shows political liberalism’s perfectionist colour.

5.2 Neutralism and Political Obligation

Dominant liberal theories of political obligation tend to assume two roughly neutralist premises. The first is that political obligation is not necessarily a moral duty. The second is
that all role-related responsibilities, including political obligation, gain moral significance for any given individual only if they have been generated through genuine voluntary agreement. Both premises seem to cohere with neutralism, if neutrality does indeed require that (a) public reasons are morally acceptable only when they accord with citizens’ actual interests and that (b) these reasons apply only to our distinctly institutional roles. Some elaboration on each connection will show that a most plausible justification of neutralist political obligation (NPO) is a very specific breed of this general species of liberalism.

Perhaps the first to propose that neither an obligation nor a duty is necessarily a moral responsibility was C.H. Whiteley in 1952 (Beran, 1972, 207). Although one might have a duty to do (x), he suggested, this does not necessarily mean that the individual ought to do (x) for moral reasons. Whiteley’s point, in other words, is that even though there may be significant moral reasons, all things considered, for discharging certain political responsibilities, this does not mean that all moral responsibilities logically entail legal obligations, or vice versa. As Joel Feinberg puts it, “to say that someone has a duty or an obligation to do X is not simply another way of saying that he ought to do X” (1961, 277). Or in Philip Soper’s words: “the mere fact that something is your legal obligation does not by itself tell you anything about what, morally speaking, you should do” (1985, 66). At bottom, then, Whiteley suggests that by conflating legal duty-utterances and moral ought-utterances, we make our justifications of political obligation question-begging. In his words: “to pose the main question of moral philosophy as an inquiry into the duties of men, is already to be half-committed to a particular view of morally good conduct” (1952, 101). We can recall similar expressions of this problem in Dworkin’s rejection of “welfarist” justice (1978; 1981a; 1981b), or Rawls and Larmore’s position that legitimate public policy decisions about civic conduct must be reasonably acceptable (Rawls, 2005 [1971], 331; Larmore, 1990, 354-356). It appears, then, that this separation between moral duty and legal duty correlates with a basic
criterion of neutralism; namely, that no public norm is justifiable by moral reasons that citizens do not themselves accept.

R.B. Brant (1964) agrees with Whiteley that duty and ought are not essentially tied concepts. However, following H.L.A. Hart (1958), Brant also suggests that duty is analytically divisible not just from ought, but also from obligation (Brandt, 1964, 374; also see, Feinberg, 1961). The proposition here is that in rejecting the classic triumvirate which holds ought, duty and obligation together, we free-up the following, more conceptually accurate connotations:

- **ought** means that “there are conclusive reasons for doing x”;
- **duty** means role expectations, as roles are defined by duties; while
- **obligation** means self-imposed commitment to the terms of one’s own voluntary agreements (Beran, 1972, 216).9

Following Whiteley, Hart and Brandt, these conceptualizations are now commonly assumed in liberal studies of political obligation. They also map quite well over the idea of acquired obligation first discussed in Chapter One. Accounts of obligations that adopt them are typically justified by (Goodin-type) want-regarding principles, since whatever *moral* status political obligation may have is thought to be conferred only by one’s own value commitments; i.e., by the underlying interests of the individual who self-imposes them. Duties generated by subjectivist valuation are understood as political only when institutional responsibilities are knowingly and willingly chosen (Hart, 1958, 100-105; Brandt, 1964, 387; Rawls, 2005 [1971], 112-114; Simmons, 1979, 12, 14-16).

This general connection between the dominant liberal conception of political obligation and the general spirit of liberal neutrality makes no distinction between the quite different readings offered in contractarianism, on the one hand, and contractualism, on the other. That contrast clarifies that only a *contractualist* justification of obligation coheres with political

---

9 Brandt calls this the “paradigm” view of political obligation. Any alternative understanding he terms an “extended” account of political obligation (Brandt, 1964, 385-393). My discussion implies that this “extension” takes place in the move from want-regarding to ideal-regarding principles, where the inclusion of values external to strict autonomous choice characterize an ideal-regarding principle of political obligation.
liberalism’s neutralism. My first step in making that case comes in 5.4 below. There I look closely at the contractarian reading of acquired obligation to show why it fails not just as a second-generation account of neutralist political obligation, but even as a plausible position outright. I then contrast this contractarian account with a more fitting contractualist position in 6.1. Those discussions, however, will benefit from the following outline of how a moral account of political obligation will cohere with the ethical standards of epistemic neutrality.

5.2.1 Neutralist Political Obligation (NPO): A suitably neutral version of political obligation would have to meet the following justificatory conditions. It will invoke moral ideals only if they are not controversial by reasonable epistemic standards; it will pertain only to our institutional involvement in politics, lest authority is given moral cause to impinge on private life; and finally, it will be morally compatible with the more fundamental concerns of neutralist legitimacy, since all public decision-making must uphold basic matters of justice. A principle that breaches none of these justificatory conditions offers an account of neutralist political obligation (NPO) at least according to the self-ascribed terms of epistemic neutrality by political liberals. Although it seems as though an acquired account of obligation would most likely meet these conditions, that particular justificatory avenue presents some significant obstacles. As we shall see, this is especially true of the contractarian reading.

Acquired obligations, in their most characteristic form, are the self-imposed commitments of genuine voluntary agreement. As such, the moral reason to discharge them is already embodied in the autonomous and rational decision to be a party to the contract. But there are two ways of understanding agreement; one that invokes the strong principle of want-regardingness discussed above, and another that takes obligations (or rather the account of why and when obligations are binding) to be generated by values that would be reasonably acceptable to reasonable persons. NPOs, then, can be taken as uncontroversial if they are conferred by free and equal persons pursuing their own interests in either actual (direct and
genuine voluntary agreement) or hypothetical terms (since a just duty is, hypothetically, one with which a reasonable person would agree). As mentioned, I will elaborate on the quite sharp contrast between these two positions (i.e., between contractarianism and contractualism) in 6.1. For now, I should also emphasize that NPOs (in either variant) are to be generated only between the agreeing parties as public actors. A citizen would knowingly and willingly ascribe to NPOs because they are articulated through public institutions to define merely the role-related responsibilities of those same institutions. Recall, NPOs are legal expectations that are to be discharged on pain of punishment only by the political institution under which they were initially contracted. In short, NPOs are (real or hypothetical) self-imposed responsibilities to obey the terms of citizenship.

Next chapter I argue that both Rawls and Larmore do not actually adopt the NPO view. They do not, I contend, because it cannot offer a strong enough moral reason for justifying our general duty to cooperate with and contribute to just polities. The basic problem with principles of NPO (both contractarian and contractualist versions) is that they assume that no one can reasonably reject the claim that voluntary agreement is a legitimate basis of obligation. While this position is neutralist by definition, contractarianism’s version of the account relies on too strong a reading of want-regardingness and thereby renders itself implausible, while contractualism’s assumption of reasonableness in the reasonable rejection test requires us to believe that people are not only capable, but deeply motivated to voluntarily adopt the norms of equal respect and rational dialogue, even though some reasonable people will be reluctant to do so.

To avoid both problems, political liberals seem to weaken the reasonable rejectability standard by adopting a stronger account of political obligation, one that obtains when a state’s justification of compliance is compatible with the defence of political obligation from natural duty. Even though a natural duty justification is, indeed, better able to justify the
responsibilities of liberal citizenship, I argue next chapter that this is so only because natural
duty principles tend to invoke value considerations that reach beyond want-regardingness. If
this is true, the critical question about political liberalism is whether it remains neutral (or
reasonably acceptable) despite its adoption of ideal-regarding morality. Before we can answer
that question, however, we need a clear distinction between the abovementioned account of
NPO and a contrasting version of perfectionist political obligation. Since I am not looking to
resurrect or defend illiberal ity, my depiction of perfectionist political obligation draws from
only liberal-perfectionist ethics.

5.3 Perfectionism and Political Obligation

Of the three classes of obligation principles I distinguished in Chapter One, the types I
called acquired and essential\(^\text{10}\) are most prominent in the literature. So far we have seen that
NPO appears to be a natural fit with the acquired type. I will now argue that perfectionist
valuation is prevalent in the category of justificatory accounts that I have called essential
obligation. As I have indicated, natural duty is the dominant position in this grouping. It,
unlike acquired obligation, is intelligible only in terms of ideal-regarding principles. If we say
that citizens are obligated “naturally,” we mean they bear a moral responsibility of
compliance to their polity in some way that transcends consent-based reasons, either actual or
hypothetical (Waldron, 1993). As Wellman says, natural duty assumes that “each citizen is
initially and by nature bound to support her state, without positing any descriptively

\(^{10}\) As I proposed in Chapter One, “essential obligation” can be understood as the unique type of justification
which sources obligation in some condition or trait that is distinctive of and necessary for human welfare. There
are two main versions in this category: one involves group association and the other natural law. The former
membership claim argues that we have duties to obey the law and uphold state institutions precisely because
action in accordance with their norms forms a significant part of our moral life, while the latter adopts natural
duty principles, typically claiming that because all people have an inborn sense of justice, each citizen is morally
required to comply with institutions that advance it.
inaccurate communication between states and their subjects” (2001, 739). Even if the underlying morality of a natural duty view proved to correlate with some expressed interests shown through people’s actual transactions, its distinguishing feature would be the ideal-regarding value assumption that our ultimate interests are in some way related to our distinct and essential characteristics *qua* human beings.

A justification from the “essential” reading of political obligation links with perfectionist ethics in two ways. The first is philosophical: natural duty principles turn on objective forms of valuation, either offering inherent or intrinsic reasons for action. The second is political: non-transactional principles rooted in specifically inherent values balance autonomy with other goods through non-neutral public decision-making, like Raz’s perfectionist pluralism or Hurka’s deliberated autonomy. Let me deal with this latter, political point first so that we can trace back to its philosophical roots in liberal-perfectionist ethics.

Natural duties are often said to apply “generally” as political obligations. Most take this to mean that the moral reasons for obedience are strong enough that they bind all citizens to comply with state directives regardless of circumstance (Dagger, 2000, 113; Raz, 1977, 223). Liberals worry about this characteristic, since the very possibility of a general duty to obey the law threatens, at least on the surface, to heighten the spectre of comprehensive and paternalistic politics that all liberals aim to avoid (Edmundson, 1998, 45). It seems, then, that the idea of general political obligation is less fitting with NPO than, say, the “positional duties” citizen’s hold by virtue of directly consenting to the well-defined terms of office (Simmons, 1979, 12, 14-16).

Still, the generalness characteristic of political responsibility should not be confused with illiberal moral absolutism. Indeed, all liberal principles of political obligation, including natural duty ones, are “prima facie” positions. These positions hold only “on first appearance” justificatory strength because certain circumstances can occasionally bring to
bear weightier moral reasons for not obeying (Raz, 1975a, 236). The fact that a liberal-perfectionist justification of political obligation can be a prima facie account is important if it is to properly balance liberal goods. Let me explain.

Recall Whiteley’s argument that all duty-utterances do not contain the same underlying moral structure as all ought-utterances. Rawls later adds that the bond of a prima facie duty is inversely correlated with the costs that demand places upon individuals (2005 [1971], 115). This means that when the particular circumstances of otherwise generally binding natural duties threaten too great a personal cost, they then become supererogatory (Carens, 1986, 41). But, the cost qualification gives us no reason to believe that prima facie accounts are justified haphazardly or weakly, or that they are constituted merely by consent, as in the acquired tradition. In fact, quite the contrary is true; prima facie justifications carry significant moral weight, a kind of binding moral force that is not necessarily tied to agreement. “Many who use that term,” Soper argues, “mean something quite strong: a prima facie obligation is almost like an ultimate obligation except that it allows for an excuse in exceptional cases where an unforeseen disaster can be averted only by disregarding what would otherwise be one’s duty” (1985, 66, emphasis added). If prima facie principles become supererogatory only in these “exceptional cases,” then ideal-regarding obligations that apply generally will be grounded in non-transactional but still non-absolute principles.

Thus, natural duty advocates can respond to the NPO tradition by contesting the assumption that justificatory nature of binding political obligations is necessarily subjectivist; in other words, and following the analysis above, we might say that the challenge involves questioning the assumption that “obligation” and “ought” must be so strictly separated. Granted, all duty-utterances and all ought-utterances will not always amount to the same justification; but still, natural duty morality suggests that at least some value-based justifications of general political obligation (save the overriding effect of “exceptional cases”)


are not sourced merely in consent nor, more basically, in want-regardingness. Instead, as I see it, natural duty accounts appear to turn on reasons generated by at least the inherent good of exercising certain political duties.

Thus, we can say that natural duties are ideal-regarding because they are decided by some evaluation that sources its ultimate justification in essential human characteristics, subjectively desired or not, like, for example, those that make civic or parental pursuits worthwhile (Greenawalt, 1985, 4; Cf, Simmons, 1979, 13\(^{\text{11}}\)). What I will now detail is exactly how the natural duty account grounds the distinctly political form of moral expectation in liberal-perfectionist valuation.

5.3.1 Perfectionist Political Obligation (PPO): My analysis thus far offers some good indications of what a liberal-perfectionist account of political obligation looks like. In contrast to NPO, a viable justification of perfectionist political obligation (PPO) will reach beyond subjectivist principles of consent to include objectivist positions on ideal-regardingness. But, because a PPO account will be liberal-perfectionist, we can expect it to be grounded neither in strictly instrumental nor intrinsic value, but rather in the via media of inherent value. As we have seen, the political modes of conduct thought to be inherently good are those that express and develop distinct and superior (i.e., intrinsically valuable) human capacities. Let me now detail this still rather broad explanation of PPO.

The justificatory structure of PPO involves at least these elements. First, PPOs are sourced in the inherent good of practicing uniquely human capacities. Second, PPOs will sometimes entail a required service that favours the inherent value of one perfectionist good over (strict) autonomous choice for balancing purposes. In pluralistic societies, this means, first, that even though PPOs obtain for citizens generally, their application will have agent

\(^{11}\) Simmons rejects this “consolidation” of “positional” and “natural” duties. In his view, nothing is gained by this connection because “it obscures the fact that the natural duties are moral requirements, while a positional duty need be no more than the consequence of an established ‘requiring rule’ in any institutional setting at all” (1979, 13-14). My review in 5.4 below suggests that this conclusion results from definitional fiat and not sound analysis.
relative expressions and also that only unexpected calamities turn these otherwise general expectations into supererogatory ones. Finally, political legitimacy is mutually sustained by PPO insofar as the state’s right to rule and the citizen’s obligation to obey are both predicated on the inherent value internal to the practices of individual well-being. Overall, then, a perfectionist account of political obligation is distinguished by its grounding in value assumptions about what is unique and worthwhile in human character.

I think this typology of neutralist and perfectionist justificatory structures can shed some important light on the question of moral compatibility between liberal justifications of legitimacy and obligation. Neutralist legitimacy requires state impartiality as a matter of equal respect. As we shall see next chapter, transactional morality – broadly including both contractarian and contractualist versions of political obligation – offers the closest match in this respect. Still, it is not yet clear whether political liberalism necessarily equates obligatory acts with what one agrees to do in want-regarding terms. We would expect that if political liberals do adopt a version of NPO, it would warrant only those reasons for action that agree with one’s inner moral convictions – i.e., the subjectively conferred values that make up one’s own balance of reasons – and those which follow a narrow and negative range of institutional concessions, like conformity with the minimal norms of distributive justice for peace and security. While, conversely, competing positions on perfectionist legitimacy and perfectionist obligation would turn on very different value-based assumptions. Indeed, they appear to entail that citizens must occasionally exclude as a reason for action some justificatory principle that they would otherwise find, on their individual balance of reasons,

---

12 Some, like Wellman (1996; 2001), will worry that this formulation conflates legitimacy with obligation. As we have seen, a moral right to rule cannot be the sole basis for generating moral obligations to obey. It should be clear by now that PPO does not take this tack. Instead of deriving obligation from a moral position on rightful rule, PPO instead sources its justificatory rationale in the same ultimate, liberal-perfectionist standards of evaluation. That is, both principles prescribe modes of conduct that are desirable because they reflect the distinct and superior aspects of our nature. Perfectionist legitimacy says it “is permissible for the state to design its political arrangement or policies with the aim of promoting what the state (or those citizens acting on the behalf of the state) thinks are worthwhile goods and ways of life,” while PPO builds a corollary system of citizenly expectation and justifies it according to the same moral assumptions (Chan, 2000, 35).
to be morally obligatory. In this way, one’s natural duty would be an instance in which certain civic modes of conduct are moral requirements, all things considered, despite wilful rejection. We have seen examples of this kind of morality in Raz’s (1986) doctrine of perfectionist pluralism and Hurka’s (1993) notion of deliberated autonomy. Consider Raz’s comment:

Since obligatory acts are required by mandatory rules with exclusionary force, they are acts which the agent must sometimes perform even if they should not be performed on the balance of reasons. The agent is faced, in such situations, with two assessments of what ought to be done. On one level he ought, on the balance of reasons, to perform an act. On another and superior level he ought to do the opposite. This conflict of the results of two levels creates the sense of being bound against (one-half) of one’s own self. ...Obligations derive from consideration of values independent of the person’s own goals and that is another reason why he is thought of as bound by them despite himself. (1977, 244)

Unlike NPO, then, a liberal-perfectionist justification of political obligation suggests that what one ought to do, all things considered, will include legitimate, state-endorsed reasons for action. These reasons appear to be conclusive; that is, they generate obligations even though another act may be preferable or more desirable on the balance of one’s worldview. This point will receive much more attention in Chapter Seven.

To summarize, my discussion above has shown that our attempts to locate a moral solution to the problem of political obligation will adopt either neutralist or perfectionist value structures. If liberalism is to resolve the basic tension between autonomous decision-making and state-based power, it seems by what I have covered above that NPO would rule out balancing autonomy with ideal-regarding justificatory reasons that can be reasonably rejected. I shall now argue that this is the fatal problem facing liberal neutrality. In brief, the ethical conditions of NPOs make them highly unlikely to obtain; and even if they do obtain, a government is unlikely to meet the logically corresponding standards of neutralist legitimacy. This puts political liberalism in the compromised position of having to decide between adopting an account of NPO that is unviable in pluralistic polities or a justificatory structure
that compromises its neutralist aspirations. Chapter Six explores this tension and begins to indicate political liberalism’s actual adoption of the PPO structure.

5.4 Contractarianism and Philosophical-Anarchism

I will now demonstrate that at least the contractarian version of NPO (setting aside contractualism until 6.1) is most certainly incompatible with a viable liberalism. The problem with this view is that it offers an unsustainable view of obligation for pluralistic social forms, on the one hand, and, at best, a far too weak moral reading of authority, on the other. These problems result from the libertarian assumptions of both contractarianism and philosophical-anarchism.\footnote{The number of “philosophical anarchists” among the ranks of political philosophers is surprisingly large; their work has been impressively influential. Some foundational work comes from Wolff, Robert Paul. 1970. \textit{In Defence of Anarchism}. New York: Harper & Row; Raz, Joseph. 1979. \textit{The Authority of Law: Essays on Law and Morality}. Oxford: Oxford University Press; and Simmons, John A. 1979. \textit{Moral Principles and Political Obligations}. Princeton, N.J.: Princeton University Press.} Under this version of want-regarding morality, (general) obligations rarely or never obtain, while philosophical-anarchism deduces from this contractarian conclusion that authority can have no moral legitimacy. Because political liberals agree that neither option suits the demands of today’s pluralistic social forms, they certainly cannot accept the transactional morality of this acquired view. If it is also true that political liberalism does, in fact, trade all transactional assumptions for natural duty ones, then it seems to me highly unlikely that the doctrine remains both sufficiently moral and sufficiently neutral. But before we can deal with that implication, we first need to know the trouble with the contractarian version of NPO.

5.4.1 Interlocking Assumptions: A passage from Anna Stilz’s recent book \textit{Liberal Loyalty} (2009) nicely introduces how the interlocking assumptions of contractarianism and
philosophical-anarchism produce conceptions of obligation and legitimacy that undermine, rather than sustain, one another. She says:

The first [of two general assumptions often proposed by liberals] is that citizens may have political obligations – not directly reducible to their moral obligations to other persons qua human beings – to the institutions of their own state above others, even when those others states are equally just. Vindicating this belief would require us to offer an account of how the state can have a right to rule, how it might possess legitimate political authority over its subjects. But...philosophical anarchists have argued, on broadly liberal grounds, that no political authority can be reconciled with individual freedom unless its subordinates have directly consented to it. If political authority is inconsistent with freedom, then it seems it must also be prima facie inconsistent with the basic principle of liberal morality, namely, the equal freedom of persons. This view ultimately leads a philosophical anarchist like Simmons to claim that their members have no political obligations. (85)

Stilz goes on to present an account of political obligation through a principle she calls “freedom-as-independence” (86-88). Although this notion may not fully reflect the version of perfectionist autonomy that I discussed previously, the particular passage cited is still relevant to my work because it indicates the prevalent assumption that moral positions on legitimacy and obligation must be squared with a strong conception of autonomy. Recall last chapter’s distinction between maximal and minimal autonomy. We also recognized in 5.1 that a principle of maximal autonomy must contain a rather strong reading of (Goodin-type) want-regardingness. Building on Stilz’s position, then, the point I want to highlight here is that it is the strictness of maximal autonomy that makes the contractarian version of NPO falter. NPO, on this reading, is unlikely if not impossible to obtain, especially if state interference to balance autonomy with other liberal goods is strictly prohibited.

We have so far considered the possibility that neutralism is compatible with a contractarian reading of political obligation. If this link held true, it would be because citizens can only retain their free and equal status as moral agents if they actually consent to the terms of political association, since their pursuits would otherwise be directed by reasons for action that are not properly their own. As Allen Buchanan says,

To the question, “How is the coercive nature of political power compatible with individual liberty?” the consent theory answers that we best preserve our liberty by the free choice of consenting to a political power to enforce a regime of individual rights. Even better, consent theory reconciles power with equality and liberty in a way that respects autonomy. For according to consent theory, it is not sufficient that the government secure my liberty for me by
exercising coercion over me; rather, the state may coerce me only if I freely limit my own liberty by authorizing the state to impose rules on me. (2002, 698)

As such, direct and genuine consent is expected to reconcile the tension between autonomous decision-making and state directives. Under contractarianism, then, only strict consent principles, which acknowledge merely pure-subjective value (Sher, 1997), will justify both legitimacy and obligation. Again, Buchanan:

In fact, according to this venerable theory [of consent] the answer to all four questions about political power is the same. (1) It is our consent that morally justifies the government in wielding political power (the answer to the agent-justification question). (2) In consenting to be governed by this entity we thereby obligate ourselves to obey it (the political authority question). (3) By consenting to government we incur an obligation to it to obey its rules, and if we are obligated to obey it, then the fact that the government issues rules is itself a reason for complying with them (the question of authoritativeness). Finally, the consent theory also provides an answer to what I described as being, along with the question of political legitimacy, the main concern of a moral theory of political power: under what conditions do we have sufficient reason to comply with rules issued by those wielding political power? (the reasons-for-compliance question). The consent theory answers: (4) when you have consented to it. (698-699)

If the moral responsibility to comply with authority is generated by voluntary agreement alone, and if such consent also confers legitimacy upon political authority to enforce compliance, then citizens would be morally compelled to obey state directives only in instances of actual and direct contract. This makes one’s own reasons for action and the state’s justification of compliance one and the same. As we have heard Stilz point out, philosophical anarchists highlight the logical and rather alarming implication of this contractarian view.

If the duty to obey is directly generated by actual consent, then authority abrogates its legitimacy the moment it either fails to secure continued and comprehensive support or when the original terms of initial agreement are breached. This means that legitimacy is not a once-and-for-all status. Yet, no polity of our size and diversity can feasibly or even effectively conduct plebiscites on every issue of governance. Even more, it is factually untrue that all natural born citizens have actually or would even hypothetically agree to pre-existing terms of political association. In fact, we are unlikely to find an example of this kind of transaction
actually occurring in the establishment of any ruling government, past or present. For these reasons, philosophical anarchists conclude that the very ideas of political legitimacy and political obligation have little to no moral relevancy. Simply put, if continued and comprehensive consent is unlikely to occur, then legitimacy and obligation are not useful for evaluation in political thinking.

It is important to notice that in rejecting the actual existence of political obligations to obey, philosophical anarchists presuppose the same normative assumptions as contractarians. Robert Paul Wolff (1970) and A. John Simmons (1979; 2001; 2008), for example, claim that no morally acceptable link exists between the idea of legitimacy and the practice of state rule. They do still acknowledge, however, the possibility of a defence of actual authority from pragmatism. As Simmons puts it, “[t]hese two dimensions – the general ‘justification’ of [actual] political society and its specific ‘legitimacy’ with respect to us – are in my view quite independent dimensions along which a political society can be morally evaluated” (2008, 41; see also, Simmons, 2001, 122-157). Thus, whichever way the argument runs, either for political obligation by genuine voluntary consent or against political obligation due to lack of such consent, the same “broadly liberal” (Stilz, 2009, 85) assumption is at play: authentic and direct agreement is morally required as a matter of (maximal) autonomy. Since both legitimacy and obligation do not obtain by this neutralist standard, merely prudential acts of authority for peace and security are allowable. Thus, Nozick’s (1974) night watchman state becomes our only option either for Kant’s race of intelligent devils or for Locke’s community of possessive individuals.14

---

14 If it is true that civic behaviour is, strictly speaking, non-moral conduct regulated by law, then Kant concludes it is just as plausible to construct a constitution for “a people comprised of devils (if only they possess understanding)” as it is for a group of human agents (Kant, 2003 [1795], 23). Here is where Kant and the contractarian version of NPO meet, for both assume self-interest can motivate citizens not to violate the basic rules of public order. My nod to C.B. Macpherson’s (1962) reading of Locke is not to suggest that I find it authoritative. I merely mean to relate it to the contractarian’s emphasis on protecting negative freedom and individualism while justifying political obligation.
5.4.2 Only Authority for Autonomy: The contractarian-anarchist norm of maximal autonomy makes the problem of political obligation a veritable black-hole, engulfing any prospect of plausibly theorizing the moral right to rule, as well. The implausibility of this account is striking. Consider the logic, running from obligation to legitimacy:

(i) Only genuine voluntary consent can generate (a morally binding principle of) political obligation;
(ia) Meeting the standards of (i) is impossible to determine or realize;
(ib) Even if (ia) were untrue, contractarian obligation is too weak to commit citizens to the diverse, dynamic and taxing demands required by a full-blown welfare state;

(ii) Neither mere political power nor legitimate authority\(^{15}\) entails a general obligation to obey;
(iia) If no general obligation to obey exists, than no political authority is legitimate;
(iib) A justification of existing authority is not a source of legitimate rule.

The problem with this line of reasoning is apparent when we group together primary assumptions (i) and (ii), then contrast this group with the derivative reasoning found among (ia),(ib), (iia) and (iib). Assumptions (i) and (ii) rest on a strict account of maximal autonomy; so strict, in fact, that it disallows justifications of obligation or legitimacy to draw from anything but want-regarding reasons. But, the implausibility of this assumption emerges in its own derivative logic. There we merely see that because the consent standard is very nearly impossible to meet, it is therefore insufficient as a moral justification of both legitimacy and obligation. Far from solving the problem of political obligation, this approach adds the

\(^{15}\) Rolf Sartorius argues that mere political power is different from legitimate authority insofar as the latter involves the right to engage in the performative aspects of legislative, judicial, and executive authority, a right to justify the use of coercion and a right to claim exclusive control over the former jurisdictions in the authority’s territory. In short, legitimate authority is distinguishable from all other competing forms of political power because only the former “is a morally justified form of authorship constituted by certain moral capacities, justification-rights, and claim-rights” (1981, 5). Recall, however, that liberals tend to draw a sharp distinction between state legitimacy, as its moral right to rule, and political obligation, as a separate position on the moral duty to comply with just regimes. The claim here is that any plausible account of a general political obligation must be grounded in some separate moral account of why each citizen is morally obliged to cooperate with the particular polity that applies to him/her. In short, and as I have said above, the position here is that legitimacy is the mirror image of no right against such rule, not of an obligation to obey it: “…political legitimacy explains why the state has a right to coerce its citizens and, correlatively, why its citizens have no right to be free from this coercion” (Wellman, 1996, 211-212; also see, Green, 1988; Edmundson, 1998; Murphy, 1999; Wellman, 2001). The position I am taking in this dissertation is that although legitimacy and obligation may not be strictly correlative, they still must be mutually sustaining in substantive terms, by which I mean the moral account of legitimate authority must be compatible with moral justification of political obligation.
implausibility of political legitimacy to the mix. Indeed, the standard of maximal autonomy permits minimalist authority (i.e., mere political power), and nothing more.

I join the legion of liberals who assume that contemporary pluralistic polities are not well served by a minimalist state. The ascension of “liberal virtue theory” in the last twenty years is perhaps an indication that there is something quite compelling about the idea that only a full-blown welfare state suits today’s civic reality (Kymlicka, 2002; Kahane, 1996; Macedo, 2000; Cf., Sabl, 2006). The real philosophical challenge, then, is to find some way of promoting the full range of valid life pursuits alongside the value of autonomy without undermining either the state’s crucial role in settling the conflict that is bound to occur in pluralistic contexts or the citizen’s responsibility to cooperate with the state in its provision of important goods. Here, again, state-based moral interference becomes the issue, since a state sanctioning certain moral reasons for action or inaction and not others will necessarily unbalance the marketplace of lifestyle choice.

Edmundson is right to say that “...legitimate political authority gives citizens good reasons to believe they ought to obey its laws, just as legitimate scientific authorities give the laity good reasons to believe what they say about the workings of the world” (1998, 58-59, emphasis original). But, what about those who (reasonably) disagree with the underlying rationale, ultimate moral purpose or even political viability of such reasons? Edmundson says that these state sanctioned reasons are “second order” or nonideal, making them a “legislative compromise” for which political authority carries only “some epistemic freight,” but not the status of “sufficient or conclusive reasons” (45, 58). This, of course, would be the line political liberals adopt. As we know, their principle of epistemic neutrality allows state

---

16 Rawls popularized the ideal/non-ideal distinction in his discussion of the affiliation between political theory and political action. Simmons (2010) offers the clearest and most recent “rational reconstruction” of Rawls’s account, where non-ideal theory is understood as a secondary, real-world compromise to the independent terms of perfect justice in ideal theory. Much like Edmundson, Simmons suggests that we should proceed with sorting out non-ideal implications, for much of the ideal work has been well enough accomplished. This, in my view, simply presupposes that their contractarian-anarchist version of NPO is the account that we should adopt in addressing the non-ideal problems of political obligation.
justifications to invoke value-based assumptions, but only if they stop short of reasonable controversy on important moral matters of lifestyle conduct. My analysis in this chapter has strongly suggested that if political liberalism were to reject the contractarian version of NPO for the reasons highlighted above, it would do so in order to take a step toward endorsing stronger moral accounts of liberal legitimacy and obligation. But, as I have been implying throughout, the critical question with that move is whether it necessarily entails reneging on their own version of neutralism.

**Conclusion**

We have seen that liberal research on (a) the problem of political obligation invokes questions remarkably similar to those raised within (b) the debate between neutrality and perfectionism. For example, (a) asks whether citizens have a moral obligation to obey state directives despite their right to self-realization, while (b) questions whether such public policy can legitimately favour particular moral ideals at the expense of others. Surprisingly, no studies have questioned whether this conceptual relationship illuminates something important about the underlying ethical assumptions in liberal political morality. This chapter shows that a unique opportunity to assess the competing value claims in the neutrality-perfectionism debate can be found through the integrated moral study on legitimacy and obligation.

Accordingly, I have so far argued that contractarian political morality appears to satisfy and hang together principles of legitimacy and obligation *only* in a very tenuous or morally weak sense. The problem here is that although genuine voluntary agreement shows some conformity with the general idea of impartiality, it ultimately fails to yield a plausible account of either obligation or legitimacy for polities like ours. Furthermore, if we wish to avoid the
conclusions of philosophical-anarchism, which I believe is the case for many of today’s liberals, then our justification of political obligation must be sourced in some other moral perspective. I argue next chapter that although political liberals do draw some substantive assumptions from the alternative, *contractualist* view of morality, they nevertheless find their full grounding in a natural duty position on political obligation. But, as I have also indicated, such “essential” accounts of political obligation tend to reflect perfectionist, not neutralist, forms of moral valuation. Chapter Six and Seven conclude my study by showing exactly how political liberalism’s moral justification of political obligation does indeed rely upon perfectionist ethics, at both the grounding level (i.e., philosophical perfectionism) and the applied level (i.e., political perfectionism).
The main objective of this chapter is to show that political liberalism invokes liberal-perfectionism by conceiving of civility as an inherent good. Political liberalism thereby fails to keep its grounding norms free of perfectionist value. I develop this argument through two general discussions. The first clarifies political liberalism’s account of general political obligation. I begin here by contrasting the contractarian morality that we have seen political liberalism reject with its favoured contractualist position on moral psychology and civic conduct. At this point in the discussion, reasonableness, and its underlying norms of equal respect and rational dialogue, again emerges as the core and distinguishing feature of political liberalism. Although we would expect political liberalism to match this contractualist ideal with a consent-based account of political obligation, I show that this is not the case. We see, instead, that political liberalism ultimately adopts a natural duty defence of general political obligation.

The second major discussion in this chapter is undertaken to clarify what this rather muddied move from contractual assumptions to natural duty morality tells us about the underlying ethics of political liberalism. The important link between civility and political liberalism’s natural duty position is that the former both explains why we have a natural duty to support legitimate governments and how citizens must practice that duty in civic interaction. Some prefatory discussions take place before I show that this link between civility and natural duty turns on liberal-perfectionist valuation. One builds on last chapter’s discussion by arguing that the natural duty account offered by political liberalism is indeed about political obligation in the sense most liberal thinkers understand it. Our object of attention here is political liberalism’s position that we have a “natural political duty,” as George Klosko (1994, 254-255) terms it, to support and uphold our existing (legitimate)
governments, not Kant’s original claim\(^1\) that we have a natural duty to *create* just
governments. The crucial component of this discussion is my argument that civility – i.e.,
“reasonableness” in its moral sense, as a principle of equal respect for persons, and in its
epitomological sense, as principle of rational dialogue – is indeed a sufficiently moral source
for explaining and justifying general political obligation, but that this particular ideal of
liberal citizenship is not neutral in the way political liberals need it to be.

6.1  Consent and Obligation

Chapter One outlined three general accounts of political obligation. These acquired, essential\(^2\) and contingent\(^3\) views contain the most commonly advanced justificatory
arguments in the literature. Acquired accounts have been dominant as of late because their
underlying transactional morality offers a rather straightforward way to relieve the tension
between individual autonomy and state authoritativeness\(^4\). When the state’s right to rule is
contingent on the genuine voluntary agreements of free and equal persons, legitimacy and

\(^1\) Kant introduced the natural duty position to settle two separate, but intertwined problems. The first is the
problem of unilateral interpretation, which involves people judging moral conflict by worldviews that do not
acknowledge their fellows as free and equal, and the second is the problem of sufficient assurance, which is the
particularly troubling prospect of insecurity threatened by the first since citizens would lose confidence in their
fellows to find and uphold fair and feasible public resolutions (Stilz, 2011, 580-581).

\(^2\) As I proposed in Chapter One, “essential obligation” can be understood as the unique type of justification
which sources obligation in some condition or trait that is distinctive of and necessary for human well-being.
There are two main versions in this category: one involves group association and the other natural law. The
former membership claim argues that we have duties to obey the law and uphold state institutions precisely
because action in accordance with their norms forms a significant part of our moral life, while the latter adopts
natural duty principles, typically claiming that because all people have an inborn sense of justice, each citizen is
morally required to comply with institutions that advance it.

\(^3\) I also said in Chapter One that a more recent response to the problem of political obligation is distinguished by
its scepticism about all previous moral justifications of political obligation. Known as philosophical-anarchism,
this account stresses that each previously discussed moral defence of political obligation fails either
descriptively or normatively. It concludes that states remain illegitimate until a sufficient justification is
generated. In the interim, authority will continue to wield power, while those subject to it will obey its demands
only pragmatically. I call this the “contingent” position because it takes the idea of obligation to suggest nothing
about universal moral imperative but only something about incidental facts of political life.

\(^4\) Allen Buchanan says that “an entity is authoritative if and only if the fact that it issues a rule can itself
constitute a compelling reason to comply with that rule” (2002, 692). Joseph Raz calls these rules “mandatory
norms,” since their status as authoritative excludes all other reasons from consideration and thereby requires
“that an agent behave in a certain way in certain circumstances” (1972, 93; also see, Raz, 1975a, Chapter 2).
obligation appear to coalesce quite neatly. But, as we have seen, at least the contractarian version of this claim simply fails to present plausible accounts of both legitimacy and obligation for liberal societies. Given political liberalism’s rejection of prudentialist accounts of political obligation as insufficiently moral, we must now determine whether the justificatory position that political liberalism does adopt remains neutral even while it sources itself in more substantive moral grounds.

Having already discussed the liberal penchant for consent theory and at least the contractarian way of linking it with neutrality, I would now like to consider what some have called the “reason-revealing” nature of social contracts (Lessnoff, 1986, 13). This means that whether real or ideal, actual or hypothetical, the agreement embodied by a contract shows “what we have reasons to do in our social and political relations” (Freeman, 2007, 19). I would add, however, that moral agreement can reveal more than justice principles. Granted, popularly accepted norms do tend to suggest better principles of legitimacy and better theories of legitimate decision-making. But, surely the very capacities that make such deliberation possible, and certainly the related interests that make engaging them worthwhile, are also highlighted by (actual or hypothetical) agreement. Thus, I will now attempt to lay bare the underlying assumptions of moral psychology and civic conduct that contractarianism and contractualism formulate as moral matters of citizenship, especially the way in which these consent-based perspectives are meant to explain and justify political obligation.

My discussion of contractarianism in the last chapter did not directly consider its conception of moral motivation, or, more broadly, its moral psychology. I shall do that in 6.1.1. There I establish that contractarianism’s conception of “rationality” is a strictly (Goodin-type) want-regarding or instrumentalist view, linking this conception of rationality with the Hobbesian form of prudential reasoning discussed in Chapter Three. I then contrast this rationality with contractualism’s conception of “reasonableness” in 6.1.2 to show that the
latter is not quite want-regarding. Although rationality and reasonableness are often taken to entail (actual or hypothetical) consent principles of political obligation, I show in 6.2 that political liberalism actually folds its contractualist assumptions into its natural duty account of political obligation. My argument in 6.3 is that when political liberals make these contractualist norms a matter of natural duty, they show themselves to be valuing civility in liberal-perfectionist terms.

6.1.1 Contractarianism and Political Obligation: My previous chapter explained that the problem of political obligation for contractarians centres on the tension between a principle of maximal autonomy and the freedom-limiting tendencies of political authority. The main contractarian position here is that any submission to external influence undermines autonomous living. More specifically, their claim is that all commitments to external forms of authority, including those purportedly motivated by “moral” reasons, are ultimately freedom-limiting unless one has prudential reasons for committing oneself to them. Contractarians take this position because they believe that it is “rational” to endorse procedural norms like social cooperation and peaceful negotiation only when its suits one’s personal interests and desires. As I have said, this is a subjectivist (or want-regarding) position because it assumes that value exists only when a person confers it on something.

Contractarianism is, therefore, “reductionist,” as it derives “moral” reasons for obeying authority from rational self-interest (D’Agostino and Gaus, 2008; see also, Kraus, 1993, 4-5). As David Gauthier puts it,

social norms must derive their validity, not from any or all norms that different individual members of society may happen to hold, but only from those norms that all members can recognize as ones they would themselves accept given appropriate circumstances. The contractarian view is that only the norms of deliberative rationality satisfy this condition. All other norms, deriving, say, from a religion, or from a view of the world as characterized by objective value, are ones that only fellow believers in the religion or world view can recognize as ones that they themselves would accept. They may not then be appealed to directly in the defence of social practices that must be justifiable to each. (1997, 133)
Thus, rationality is a want-regarding perspective on moral motivation and a Hobbesian-type, instrumental account of practical reasoning (Kraus, 1993, 5).

Remember, however, that political liberals require justificatory principles that are both sufficiently neutral and sufficiently moral. As we have seen, contractarianism and philosophical-anarchism hollow out the morality of both obligation and legitimacy in a way that political liberals cannot accept. Instead, these second-generation neutralists look to situate their liberalism exactly between the non-moral, Hobbesian assumptions of contractarianism and the comprehensive, Kantian-Millian assumptions characteristic of ethical neutralists like Bruce Ackerman. Since rational interest is too weak of a motivation to generate a sufficient sense of civic responsibility, political liberals have considered contractualism an alternative but still transactional way of explaining and justifying liberal political obligation.

6.1.2 Contractualism and Political Obligation: Although “contractualism” typically refers to Thomas Scanlon’s moral theory developed in What We Owe to Each Other (1998)\(^5\), Rawls and Larmore do present their own version of the theory. The Scanlonian account differs from political liberalism’s in three relevant ways. The third way is particularly germane for my discussion. First, the political liberal version of contractualism identifies a (Kantian) principle of impartiality with the idea of mutual agreement, whereas Scanlon sees impartiality as that which cannot be reasonably rejected (Larmore, 1992, 193-194; Rawls, 1993, 137; Scanlon, 1998, 85,137). In terms of justifying political obligation, this contrast means that a moral account of political obligation will be generated either by reasons upon which all reasonable persons agree, or upon reasons that no reasonable person can reject under reasonable assumptions. Thus, each version arises from its own standard of consensus. Political liberalism’s version aims to illuminate acceptable and therefore legitimate

\(^5\) To my understanding, the term was actually coined by Scanlon (1982).
principles, while Scanlon’s is designed to prevent public decision-making from adopting justificatory positions that are reasonably rejectable.

Though subtle, the contrast between these two versions of consensus is significant. Take, for example, Jonathan Seglow’s comment on the intersection of neutralist ethics and justifications of obligation:

Neutral liberalism should be understood as a solution to the problem of political obligation: Why should individuals consent to a state? Individuals should consent to a state because the values a liberal constitution embodies are neutral. The fact that a neutral constitution does not favor any particular way of life is a good reason for every person to accept it. Neutral principles are said to possess a special consent-making quality. (2003, 83-84)

Seglow clearly links neutralist obligation with consent-based morality. However, the so-called “consent-making quality” of neutral principles, Seglow suggests, plays a role for obligation theory only if no one can reasonably reject the values of the basic structure. Yet, the alleged reason to accept a principle of political obligation is not here a positive matter of agreement; it simply indicates a lack of disagreement. The noteworthy implication is that without consent, the very nature of these so-called neutral principles is only hypothetical; in other words, we are not certain that this “neutral constitution does not favor any particular way of life,” but we could know at any given moment whether one has yet to articulate their reasonable opposition to it. Still, as we shall discuss below, this kind of hypothetical agreement also seems unable to secure a general justification of political obligation. This is the reason political liberals ultimately adopt a natural duty defence of political obligation even while contractualist ideals fill-in much of the moral background story for this natural duty position.

---

6 As a reminder, general political obligation is a moral position on whether citizens have a duty to support and uphold all the central functions of the state. Klosko, among others, argues that an account of our obligation to obey the law in this general sense “must be the main focus of any theory of political obligation” (1994, 253; Raz, 1984, 139-140). I should also reiterate that my critique of political liberalism need not take a position on the question of general political obligation, because I can quite clearly assess whether political liberalism invokes an account of obligation that is suitably neutral without deciding exactly which justificatory principle is ultimately stronger qua a justification of general obligation.
The second distinction between their contractualisms is that Rawls and Larmore’s version is said to be “political.” In other words, it looks for general principles that can be applied at the institutional level of society without encroaching on private life or civil affairs. Scanlon’s account, however, is meant to address all interpersonal activity, since the moral idea of reasonable rejection includes concerns about all the relevant areas of the life that we actually live, both publically and privately. This leads us to the final and perhaps most crucial difference between political liberalism’s and Scanlon’s contractualism; namely, that the former frames moral motivation in idealized terms, while Scanlon’s looks to derive moral content from our real and often discrete interests. This distinction is best explained not just between contractualisms, but also between political liberalism’s version of contractualism and the distinctly non-moral account of rationality we just saw in contractarianism.

“Reasonable” persons, according to political liberals, are still self-interested in some sense; they do think rationally, of course. However, it seems that rational self-interest, for political liberals, is conditioned by a stronger, though complementary, “desire to cooperate with others on terms that all can reasonably accept” (Freeman, 2000, 401). Our allegedly basic sense of justice, then, supposedly compels us to pursue our interest in various public policy objectives only if those interests are agreeable with everyone else’s. Although Scanlon, by contrast, looks to keep one’s particular interests and circumstances as the essential basis from which one might reasonably reject moral initiatives, he still apparently understands reasonableness as “prior to our first-order desires in the sense that it regulates and constrains them, [just as] Rawls describes reasonableness as regulative with respect to our first-order agent-centred aims and desires” (Moore, 1996, 169). Imagining moral motivation along these lines is not conceiving it in (Goodin-type) want-regarding or (Sher’s) subjectivist terms. On the contrary, the background moral and epistemological principles of reasonableness appear to be rather ideal-regarding.
Now, some do argue that (Goodin-type) ideal-regardingness is necessarily perfectionist (Scoccia, 1987; 588, Farrell, 1991, 55). I am not trying to advance quite that claim. My argument is not that reasonableness – or the more general concept of civility that I discuss later – is perfectionist simply because it holds equal respect and rational dialogue to be in the basic interest of all people. My full position, somewhat differently, is that when these contractualist assumptions undergird a natural duty defence of political obligation, that move alters the moral position by endorsing certain idealized traits and practices as one’s moral responsibility to exercise even though one might reasonably disagree. Such an idealized claim may well be a strong enough moral reason for citizens to discharge general political duties, but it is certainly not a neutral justification. Thus, if political liberalism does overcome the grounding and scope problems I discussed in Section I, it does so only by invoking liberal-perfectionist value.

To summarize, contractarianism sees agreement as an instrumentally valuable aim of rational deliberation, where each individual is motivated by a non-moral desire for peaceful coexistence in order to pursue individual interests. For contractarians, free and fair contract procedures ensure such “moral” outcomes. The political liberal version of contractualism, on the other hand, sources the normative appeal of consent in grounds external to the actual contract procedure; namely, in the ideal-regarding principles of respect for persons and reasonable dialogue. Chapter Five showed why transactional accounts of morality, like

---

7 As Alan Carter has put it, “it is clear that the principles Rawls favours would not be chosen by just anyone. They would only be chosen by those who wished to act fairly. This means that, in the evolution of Rawls's thought from ‘Justice as Fairness’ to *A Theory of Justice*, the justification for political compliance has moved from one resting on the assumption that “these are the principles all would choose rationally” to one resting on the assumption that “these are the principles all would have chosen if they were fair-minded”’ (2006a, 13-14). Also, and although David Estlund and I explore different facets of political liberalism’s claim to neutrality, Estlund does show that underlying moral and epistemological assumptions of reasonableness play an important role in political liberalism’s conception and defence of political obligation. He puts it this way: “Rawls advances two closely related doctrines that use the idea of acceptability to all reasonable citizens: the liberal principle of legitimacy and the ideal of public reason. The liberal principle of legitimacy is the more basic of the two and asserts that at least on fundamental matters political power is only justifiable by reference to principles and ideals acceptable to all reasonable citizens. He adds a natural corollary, that citizens are obligated not to exercise political power except in ways they believe could meet this test. This is the ideal of public reason, which Rawls conceives as a duty of civility that is recognized by all reasonable comprehensive doctrines” (1998, 254, n.7).
contractarianism, fail as plausible accounts of legitimacy and obligation. I will now argue that political liberalism circumvents at least this plausibility concern by rooting its contractualist assumptions in what we might call a “second-stage” or “multi-principle” justification of political obligation (Wolff, 1990, 154; Klosko, 2004). What is important to notice here is that even though political liberalism retains key contractualist assumptions, it ultimately folds them into the stronger defence of general political obligation offered in natural duty morality. I demonstrate in 6.2, however, that this move also shows exactly where political liberalism sources itself in liberal-perfectionist valuation.

6.2 Political Liberalism and Natural Duty

Carole Pateman once said that “Rawls’s argument about political obligation is one of the least discussed parts of his theory” (1985, 114). I think this holds true today about studies of Rawls’s work, and especially about assessments of political liberalism in general (Estlund, 1998, 262; Cf, Carter, 2006a; 2006b).8 If there is a consensus reading of political liberalism’s position on political obligation, it is likely the opinion that the account offers no decisive justificatory reason for political compliance. Pateman says, for example, that Rawls’s position “oscillates from one end of the liberal spectrum to the other,” while Alan Carter spends back-to-back articles critically assessing Rawls’s “long odyssey through progressively

---

8 David Estlund’s discussion in this article is one of the few studies that speaks about political liberalism’s doctrinal account of obligation (Also see, Carter, 2006a; 2006b). Though he does root his analysis of political liberalism primarily in Rawls’s writings, Estlund makes clear from the start that his discussion equally applies to the political liberalism of Charles L amore and Thomas Nagel (252, n.2). I should also note that Estlund’s paper is largely concerned with the epistemic assumptions in political liberalism. He admits that he says very little about how these epistemological concerns link with political liberalism’s response to the problem of political obligation (261-262).

9 As mentioned, I follow Alan Carter in my occasional use of “political compliance” to cover Rawls’s conception of both political obligation and political duty. Please note 11 in Chapter One and note 1 in Chapter Five.
less and less satisfactory explicit and implicit justifications of political compliance” (Pateman, 1985, 114; Carter, 2006a, 8-9).

I think a more accurate and charitable understanding is available. It assumes, first, that any account of general political obligation is more plausible when it draws from the combined justificatory strength of multiple principles. In Klosko’s words, “a stronger theory can result from employing multiple principles of obligation, allowing them to work in combination, rather than attempting to develop a theory on the basis of a single principle” (2004, 801). Jeremy Waldron has argued that this strategy is often rather unintentionally employed by many theorists, especially in putatively acquired accounts of obligation. Waldron’s point here is that whether intended or not, natural duty principles often do the real justificatory work in theories of political obligation. As he puts it: “Either they [i.e., acquired theories] assimilate an individual’s receipt of benefits from a system (for the purposes of the principle of fair play) to his being treated justly by the system, or, if they adopt the consent approach, they turn tacit consent into hypothetical consent, defining a just system as one from which, hypothetically, consent would not be withheld” (1993, 4). “Philosophers”, Waldron concludes, “toy with something like the theory of natural duty in almost all their thought about what people owe to the state” (Ibid.).

George Klosko openly advocates for the very justificatory strategy that Waldron finds covertly at play in most obligation theories. Klosko calls it the “multiple principle theory” (2004, 801). This approach looks to draw from a variety of unique but compatible justificatory reasons in order to construct a strong moral explanation of why citizens are generally responsible to support their own political community. As he puts it, “[b]ecause [a range of] functions are assumed by virtually all governments and are intuitively legitimate, we must justify their provision. ...It seems to me that, in order to account for these functions, the principle of fairness should be supplemented with other moral principles, especially the
natural duty of justice” (1990, 208; 2004). We might say, then, that Klosko explains the motivation behind Waldron’s earlier discovery. Philosophers often invoke, even unknowingly, natural duty principles as the chief justification among other valid, though less weighty, reasons, since only natural duty principles can generate a sense of our general responsibility to support just governments without regard to the concerns of direct consent or the minutiae of fairness considerations.

I have been suggesting, similarly, that while political liberalism’s conceptions of moral psychology and civic conduct come from contractualist theory, these same underlying assumptions are folded into the doctrine’s ultimate justification of political obligation from natural duty. Actually, Rawls himself appears to suggest that this is the case. At one point, he admits that we have reasons to obey from both acquired and essential accounts. “The thing to observe here,” he says, “is that there are several ways in which one may be bound to political institutions” (2005 [1971], 116). “For the most part,” Rawls continues, “the natural duty of justice is the more fundamental, since it binds citizens generally and requires no voluntary acts in order to apply” (Ibid.).

Now, although this “more fundamental” natural duty principle may well offer a stronger moral account of general political obligation, my neutralist-perfectionist typology suggests that this justificatory strategy is more likely to contain value assumptions that are

---

10 Roughly speaking, Klosko’s argument here is, first, that healthy polities must offer both “presumptively beneficial goods” – i.e., heightened national defence procedures in severe cases of insecurity or rather intrusive public health measures to prevent a virus outbreak – and “discretionary goods” – i.e., resources that are not themselves necessary for a minimally acceptable life (like presumptively beneficial goods), but are instead indirectly relevant insofar as they help sustain the provision of presumptively beneficial goods (1987b, 355; 1987a, 246; 1990, 206). But, he adds, justifying obligations vis-à-vis discretionary goods is particularly troubling because despite their systemic importance, their discretionary nature makes widespread agreement on them much less likely to occur (1987a, 251-254; see especially, Klosko, 1990). Some, for example, reject costly welfare programs for, say, the unemployed, even though such programs fight recessionary downturns, while some will consider it unfair that car dealership owners pay increased income taxes in order to fund, say, Metro development because public transport is greener. Since only natural duty principles can generate a general sense of support for just governments without regard to individual consent or to the minutiae of fairness, they must be invoked as supplementary reasons for compliance.
non-neutral by political liberalism’s own standards. I will now look closely at political liberalism’s full account of political obligation to show precisely which of its underlying value assumptions are indeed sufficiently moral, but rather unlikely to pass their own reasonable acceptability test.

6.2.1 The “Natural Political Duty” Argument: Natural duties, Rawls says, “hold between persons irrespective of their institutional relationships; they obtain between all as equal moral persons” (2005 [1971], 115). For this reason, he admits, natural duty claims are more generally binding than acquired principles. Take the intuitively compelling cases of mutual aid or the duty not to cause unnecessary suffering. First, these duties bear no logical relationship with consent-based morality. For example, it is hard to imagine representatives in Rawls’s “original position” heuristic, with or without the veil’s restrictions, insisting that consent is required to generate a moral reason not to cause unnecessary suffering. Fairness, on the other hand, seems to be implied by the basic idea of unnecessary suffering. Indeed, our very concern with the phenomena of needless pain or unwarranted censure emerges from a sense of imbalance in what is otherwise fair treatment. In this sense, fairness is supportive of one’s more fundamental natural duty, which holds regardless of differentiating circumstance or characteristics (Rawls, 2005 [1971], 116). For these reasons, Rawls has shown a tendency toward natural duty principles over acquired ones since his 1958 paper, “Legal Obligation and the Duty of Fair Play” (Carter, 2006a, 8; also see, Rawls, 1964). But, political liberals offer no detailed discussion about the way this natural duty morality intersects with their so-called “political” account of justice. Though Rawls speaks more than other political liberals on the topic, his contribution is still wanting.

Rawls acknowledges that we do have a natural duty to comply with just institutions. This duty, he says, consists either in (1) doing our share to uphold and cooperate with legitimate governments that apply to us, or by (2) helping to establish just arrangements
when they do not already exist and only if such action has little personal cost (Rawls, 2005 [1971], 334). Whether circumstance calls for (1) or (2), Rawls asserts that the basic moral claim here is our “fundamental natural duty” to seek justice (115). As I have been saying, an overarching question of mine is whether political liberalism’s natural duty account actually coheres with its own neutralism. Before I can answer that question, some further clarification is needed. One matter to clear up concerns the conceptual relationship between the generalness of natural duty morality and the typically narrower moral claims made in liberal theories on political obligation. Clarification here will help specify what, exactly, political liberals mean by their natural duty defence of political obligation.

As we will remember from Chapter Three, both Rawls and Larmore say that neutrality is “an essential part of the conception of right” (Rawls, 2005 [1971], 333) insofar as it invokes strictly “political” norms (Larmore, 1987, 52, 53; 1990, 342). What is unique, they say, about this political conception of justice is that it avoids basing politics on perfectionist principles that prescribe for the whole of life. In a related way, most liberals, especially the neutralists among them, tend to see the generalness of natural duty morality to be what distinguishes its rather intuitive and broad prescription (like that of mutual aid) from the narrower kind of institutional or political responsibilities described in traditional theories of political obligation (like obeying the law). Recall that political obligation, from this latter point of view, is said to bind only individual members of just institutions who have acquired the obligation to discharge political responsibilities through some civic transaction (Hart, 1958, 100-105; Brandt, 1964, 387; Beran, 1972, 216; Simmons, 1979, 14-16; Klosko, 1994, 254-255; Rawls, 2005 [1971], 112-114).

We know, then, what is typically meant by natural duties, like the general responsibility of mutual aid, on the one hand, and by what Simmons’s call “positional duties,” or the idea of acquired obligation, on the other (Simmons, 1979, 12, 14-16). What is not clear, however, is
the role each plays with respect to the other in political liberalism. Consider Rawls’s position in the following passage:

> Given the value of a public and effective sense of justice, it is important that the principle defining the duties of individuals be simple and clear, and that it insure the stability of just arrangements. I assume, then, that the natural duty of justice would be agreed to...and that from the standpoint of the theory of justice, it is the fundamental requirement for individuals. *Principles of obligation, while compatible with it, are not alternatives but rather have a complementary role.* (336-337, emphasis added)

Bearing in mind the rather sharp distinction liberals have traditionally made between natural moral duties and principles of (neutralist) political obligation, Rawls’s final comment is rather ambiguous. Perhaps this is one reason why Pateman and Carter find his position on political obligation to be “oscillating” and “unsatisfactory” (Pateman, 1985, 114; Carter, 2006a, 8-9). What does Rawls mean when he says that justificatory accounts of political obligation are “compatible” and “complementary” with natural duty morality? In my view, George Klosko offers a unique and illuminating response to this question.11

Klosko’s reading of the relationship between natural duty morality and the idea of political obligation in Rawls’s work is summed quite well in Klosko’s title for it. He calls Rawls’s natural duty (1) to support and further just institutions our “natural political duty” (1994, 254-255, emphasis added). Klosko appends “political” to distinguish this duty’s characteristics from more general moral responsibilities that may be “natural,” like the expectations of friendship, even though, strictly speaking, they may not be “political.”

Klosko’s interpretation of Rawls’s “natural political duty” account illuminates two important points for my study. The first settles the question I have just asked about the

---

11 Klosko’s purpose in examining Rawls’s sorely under-detailed justification of this natural duty is to reject it as unable to justify our general obligations to uphold the central functions of the state, which, Klosko believes, “must be the main focus of any theory of political obligation” (1994, 253). I cannot assess Klosko’s alternative defence from fairness here. I should note, however, that he does not consider Rawls’s duty of justice to be properly “natural.” Because our responsibilities to particular just governments do have a contextual component, Klosko believes that these are better justified by fairness than our duty to bring about just regimes, the latter of which is appropriately considered a “natural” duty (261-262). Also, and despite Klosko’s formal claim about the main task of obligation theory, my thesis is ambivalent on the question of general political obligation. My concern, instead, is to assess whether political liberalism offers an account of it that is suitably neutral. That question can be determined without deciding which justificatory principle of general political obligation is stronger.
relationship between the generalness of natural duty morality and the typically narrower scope of political obligation principles. On this matter, Klosko claims that Rawls’s natural duty of justice actually amounts to a position not unlike the traditional understanding of political obligation; specifically, the kind of obligation owed to one’s state and one’s co-citizens (255, n.9; 2004, 809). The second point Klosko highlights is that these political kinds of “duties” are ideal-regarding in that they are owed to all other co-members for non-consensual reasons. I will now discuss each point in turn.

Klosko argues that even “though Rawls’s discussion is in terms of just institutions, this can be translated as just governments” (255, n.9).12 This is an important point because it indicates that citizens are assumed by Rawls to have a natural political duty to comply with the (legitimate) governments that apply to them. As Klosko puts it, “[t]he natural political duty plays a role in Rawls’s theory functionally equivalent to that of political obligations in traditional theories. Thus in more familiar terms, ‘to comply with and to do our share in just institutions’ is to comply with the requirements of just governments, generally to obey the law” (Ibid; 2004, 809). Since this natural political duty account is indeed political liberalism’s response to the traditional problem of political obligation – namely, whether autonomous individuals bear some moral responsibility to obey (legitimate) political authority – then it, too, must remain sufficiently neutral at the justificatory level. Again, the

12 Just to spell out Klosko’s point, he says that “Rawls subscribes to methodological individualism, and so views an institution as reducible to a number of roles, defined by rules, in accordance with which their occupants behave (TJ, p. 55). The most plausible construal is that we are to support and comply with the requirements of the individuals whose rule-governed behavior constitutes just institutions because this will benefit everyone alike (and so us), on the model of the other natural duties” (1994, 255). To be clear, methodological individualism is a deductive method of analysis that attempts to explain socio-political activity through to the motivations and deeds of singular agents. In Jon Elster terms, methodological individualism is “the doctrine that all social phenomena (their structure and their change) are in principle explicable only in terms of individuals - their properties, goals, and beliefs” (1982, 453). Similarly, John E. Roemer tells us that methodological individualism “attempts to deduce historical observations from basic postulates on individual behavior that are sufficiently fundamental to be considered self-evident” (1982, 514). Under methodological individualism, Klosko argues, Rawls indeed takes our natural duties to mean obligations owed to individuals (not necessarily institutions). But, Klosko adds, these individuals also make-up just governments. Thus, Rawls ultimately implies that we have a natural political duty to comply with “the individuals whose rule-governed behavior constitutes just institutions because this will benefit everyone alike (and so us)” (Klosko, 1994, 255).
concern I mean to flag here is not with Kant’s original claim\(^\text{13}\) that we have a natural duty to create just institutions. My question about political liberalism’s account of political obligation instead concerns the more contentious claim that we have a natural political duty to support and uphold the system of governance that already applies to us. What kind of valuation, I am asking, is implied in this latter account?

I think the ideal-regardingness of the natural political duty argument is particularly instructive here. As Klosko mentions, the natural political duty is “owed by all individuals without regard to voluntary actions,” even while it applies only to one’s membership in his or her particular polity (260-261, n.18; 2004, 810-812). Political liberals adopt this ideal-regarding account of obligation over an acquired one because a natural duty principle offers a stronger justification of general political obligation. Yet, as I have said, such ideal-regarding perspectives tend to be sourced in inherent or intrinsic values, making them much less likely to pass the reasonably acceptability test. Is this the case with political liberalism’s natural political duty? On what grounds do political liberals both explain and justify our natural political duty to comply with just governments? A simple insistence that we are obliged to comply because it is a “natural” matter of political justice obviously will not do.

Alan Carter, in one example, affirms that political liberalism is indeed question-begging in this regard. During the concluding remarks of his study on ‘The Evolution of Rawls’s Justification of Political Compliance,’ he puts the point quite emphatically:

\begin{quote}
In a word, the [politically liberal] polity chooses how persons are to be conceived, limits the parameters of discourse, and does so in order to so conceive persons that the polity is justified in its own terms. Hence, when the morally motivated anarchist, say, asks why she should regard herself as legitimately subject to the rules of the polity, the polity does not reply: “Because the political principles according to which we organize social interaction are ones which you would voluntarily choose”. Nor does it reply: “Because such principles are ones you would have chosen if you were fair-minded”. The polity doesn’t even reply: “Because such principles are ones which you would have chosen in order to safeguard your moral autonomy”. Instead, its reply seems to be: “Because such principles are ones which the parties we have assigned to represent you as a (political not metaphysical) cipher – a cipher specifically modelled so as to generate the conception of justice required to justify our power – would agree to on your behalf”. “Come again?”
\end{quote}

\(^{13}\) Please see supra note 1.
anarchist respond. “Run that past me one more time”. And then, after a moment's reflection, in sheer exasperation: “Are you serious?” Clearly, the politically liberal polity’s reply to the question of why one should regard oneself as legitimately subject to its rules would only carry any weight with someone who had already bought into that polity. Hence, the justification of political compliance that seems to be offered in Political Liberalism is radically question begging. (2006b, 152)

Now, we need to acknowledge that Carter’s project is to chart the course of Rawls’s position on political obligation from his early work to his later writings, and then assess the coherency of Rawls’s account within his own corpus. My intention here is a little different. I am concerned with the background value assumptions that political liberals, like Rawls, must rely upon if their justificatory account is to avoid begging the question. Thus, the ethical question I am asking, more specifically than Carter in his exposition, is whether political liberals’ overall account of political compliance is neutral in the way they, themselves, read neutrality. That assessment requires an overall reading of political liberalism’s doctrinal coherency, not an internal assessment of this or that thinker’s work across separate treatises. Accordingly, the remainder of Section III looks closely at the philosophic and political components of this natural political duty argument. I conclude that its underlying ethic is sufficiently moral but not sufficiently neutral.

Although it should be apparent by now, I would like to reiterate that this study needs to concern itself only with the existing accounts of liberal political morality that are meant to justify compliance with the existing institutions of pluralistic social forms. The duty of justice (2) as an obligation to bring about just institutions without incurring too much personal loss is not relevant here. However, the duty of justice (1), the duty to uphold and cooperate with legitimate governments that apply to us, is crucial. It pertains to the well established version of liberalism I have been scrutinizing. But, expression (1) still needs to be filled out. What, exactly, is the most plausible construal of what political liberalism means by doing our share to uphold and cooperate with legitimate governments that apply to us in today’s pluralistic contexts?
6.2.2 Civility and the Natural Political Duty: So far I have only adumbrated the connection between this natural duty account of political obligation and the moral and epistemological assumptions that underlie what political liberals call “civility” (Rawls, 1997, 769; Larmore, 1987, 64-65). My more direct efforts thus far have been illuminating why we cannot fully appreciate these underlying principles without placing them in the context of political liberalism’s obscured position on political obligation. We have now seen, however, that even though political liberalism does ultimately justify political obligation as a matter of our natural political duty, this account still depends on, because it must be “compatible” and “complementary” with, their contractualist conception of moral psychology and civic conduct. In my view, this is how our natural political duty comes to be characterized as our “duty of civility.” Let me quickly unite this notion of civility with our Chapter Three discussion of public reason to ensure that political liberalism’s full view of political obligation has been laid out.

Although plenty of theorists, including political liberals, make much of civility, little has been done to explain exactly how it fits within political liberalism, especially if we are to consider civility an important duty of liberal citizenship. My position is that political liberalism’s account of political obligation is unintelligible without the background story supplied in this duty of civility claim.

Civility, for political liberals, is taken as a solution to the immoral and unfeasible problems they find to be associated with the “paradox of public reason” (Rawls, 1993, 218). The concern here, roughly, is whether we can find a sufficiently strong moral reason for citizens to choose public values over sectarian ones even though moral disagreement appears

---

14 There seems to be a good deal of interpretative room in understanding Rawls’s “duty of civility” position (and Larmore’s implied acceptance of it). Perhaps the main reason this space exists is that Rawls does little to explain what he means by the concept, especially considering its apparently foundational importance to political liberalism. In Michael Meyer’s words, “while Rawls gives prominent mention to what he calls the ‘duty of civility,’ this idea receives little elaboration” (2000, 73-74).
to stem from people’s belief in such comprehensive truths in the first place (216). To be sure, Kant introduced this concern when he found the direct link between two separate, but ultimately intertwined problems. The first is the problem of unilateral interpretation, which involves people judging moral conflict by worldviews that do not acknowledge their fellows as free and equal, and the second is the problem of sufficient assurance, which threatens severe insecurity if people lose confidence in the likelihood that fair and feasible resolutions will be found and upheld (Stilz, 2011, 580-581).

Insofar as these problems are present within existing liberal polities, political liberals claim the duty of civility can solve them because, in Eric Brown’s words, it assumes the role of an “overriding value which would decide, on universally acceptable grounds, the conflict between the two values of the citizen’s comprehensive doctrine and the political conception, and would provide a publicly recognizable moral standard that would serve the purpose of sustaining stability” (2003, 5). Thus, the paradox of public reason “disappears,” in Rawls’s opinion, because citizens choose to act civilly (i.e., to “affirm” and live by “the ideal of public reason”) “not as a result of political compromise, as in the modus vivendi, but from within their own reasonable doctrines” (Rawls, 1993, 218).

As we heard in Chapter Three, the values which are thought to make this duty of civility “overriding” include equal respect for persons and rational dialogue. Equal respect, Rawls says, requires us “to treat one another civilly and to be willing to explain the grounds of their actions, especially when the claims of others are overruled” (2005 [1971], 179, emphasis added; 1993, 218). Larmore elaborates by saying that “[a] commitment to treating others with equal respect forms the ultimate reason why in the face of disagreement we should keep the conversation going, and to do that, of course, we must retreat to neutral ground” (Larmore, 1987, 67). Both Rawls and Larmore recognize that our epistemic responsibility to act reasonably is not merely a technical aptitude. Although it does indeed
require a willingness to consider the relevant evidence and observe basic logical and scientific standards of justification, it also contains a kind of moral responsiveness to the ethical commitments of others. And so this epistemological aspect of reasonableness links back to the moral principle of equal respect to show our inborn sense of justice, our intuitive understanding of what “is owed to human beings as moral persons” (Rawls, 2005 [1971], 511). Overall, the full ideal of civility imputes to liberal citizens a basic moral and epistemological commitment to use only “public values” in deciding otherwise essentially contested matters of politics (Rawls, 2005 [1971], 337; 1993, 226; Larmore, 1987, 65; Thunder, 2006, 678). As suggested earlier, political liberals take this moral and epistemic ideal of “reasonableness” to be the key for opening their middle way between Hobbesian-type prudentialist theories, on one end, and Kantian-Millian comprehensive doctrines, on the other.

Although reasonableness is bound up with contractualist moral assumptions, political liberals offer the full conception of civility as a matter of natural duty (i.e., as the duty of civility). This is because it is needed to specify what must be done by citizens if liberal politics is to satisfy the criterion of legitimacy. In other words, civility tells us why we have and how we discharge the natural duty to uphold and support just regimes. As David Thunder explains, “the duty of civility reflects the requirements to respect the political autonomy, i.e., the freedom and equality, of other citizens, by justifying laws on grounds they can at least view as legitimate, understandable, and reasonable, even if mistaken in the case at

---

15 Larmore does not tell us much about his leanings here. In ‘Political Liberalism,’ he does tell us how and why he departs slightly from Kantian contractualism (1990, 349). But, stressing the dialogic component of political justice is not itself an argument for contractualism, nor is it any clear invocation of any other principle of obligation. That said, and because Larmore’s defence of political liberalism aligns itself so closely with Rawls’s (See Larmore, 2008, 146), my understanding of Larmore’s “obligation of equal respect” (1987, 64-65, emphasis original) can continue under the plausible assumption that he does not disagree with Rawls’s natural duty account of political obligation. Indeed, Larmore once wrote that “I am convinced that the norm of equal respect lies at the basis of Rawls’s own theory of justice, though I do not want to go through that here. I also find myself in agreement with a great deal of what he has written about political liberalism” (1990, 354). As Shaun P. Young has argued, the two so closely align in their accounts of political liberalism, that we might even say they “mimic each other”, making any differences cited by Larmore “cosmetic in character and insignificant in effect” (2002, 68).
hand” (2006, 680). We might then say that the ethos of respect and reasonableness that lies behind the duty of civility is crucial for explaining and justifying political liberalism’s natural political duty argument.

In my view, then, the duty of civility (or, more specifically, the ideas that lie behind the duty of civility) is the condition for making intelligible political liberalism's story about political obligation. But, as Eric Brown notes, this “ideal of citizenship,” which has civility at its core, can be an “idealization” in one of two senses. It can be taken as normatively attractive either because of its feasibility or because of its excellence (2003, 7).16 Neither sense, Brown adds, is fully affirmed by Rawls’s “extremely murky” “inferential connections” on the subject (Ibid.). And so we return to the question with which we began: is political liberalism’s full moral account of political obligation one that all reasonable citizens will accept under their own reasonable worldviews?

I have been staging a twofold response to this question. The first has just argued that political liberalism must use the moral background theory of civility to explain and justify its natural duty defence of political obligation. I shall now contend that this particular idealization of civility as a natural duty is not neutral. Civility, I claim, is considered valuable in political liberalism not simply because it is thought that subjects do in fact find it morally valuable, but instead because political liberalism suggests that citizens should consider it an overriding good. This move to find a stronger moral account of political obligation is successful only because it assumes the inherent goodness of civility, which I have shown to be a type of ideal-regardingness that is much more likely to be reasonably

16 Here is the point in Brown’s words: “The ideal of citizenship (1) is a reason for citizens to desire to and make efforts to be and to be recognized as reasonable (to keep matters simple). It can be an ideal in two senses, which Rawls does not distinguish between. That which an agent admires for its excellence and tries to embody in herself, honor, and/or maximize in such a way that it is preferred over other things that the agent wants and value – this is an attractive ideal. That which is the best possible instance (perhaps imaginary) of some type of thing, as such, or in one of its aspects, and on the basis of this superiority has a legitimate claim on its inferiors within this type to become more like itself – this is a normative ideal” (2003, 7).
rejected. Here we see exactly how political liberalism ultimately grounds itself in philosophical perfectionism.

6.3 Civility and Philosophical Perfectionism

We can begin by considering the rather odd fact that political liberalism leaves the duty of civility unrestricted by the same cost considerations that it says will limit our duty to just institutions in exceptional circumstances, like *establishing* state structures when they do not exist or supporting them *during* times of *unforeseen disaster* (Klosko, 1994, 255; cf., Simmons, 1979, 153-154). These latter cases make any normal expectation, political or otherwise, supererogatory. Considering the neutralist worry about burdening citizens for perfectionist reasons, it is surprising that our moral responsibility to practice the politics of civility within *existing* and just polities is not similarly restricted by political liberals. Of course, if their position on civility is itself neutralist, then the problem would indeed dissolve as Rawls says it does (Rawls, 1993, 218). So, the key question here is *not simply* whether civility costs, but rather what *kind* of cost is exacted by the duty of civility. This question of value returns us to the ethics of neutrality and perfectionism.

In Rawls’s opinion, civility is a “minor” burden to our “self-interest” when judged against “the support [it will generate] for the sense of one’s own worth” (2005 [1971], 338).17 Natural duty positions, like the duty of civility, are most often criticized for being too costly because they tend to require more from people’s lives than is reasonable even under normal circumstances. The typical criticism here is that the generalness aspect of natural duty claims implies “that we are to comply with and do our share in just institutions *wherever* they are;

---

17 In his *Theory of Justice*, Rawls closes his discussion of civility by concluding that “[e]veryone benefits then from living in a society where the duty of mutual respect is honoured. The cost to self-interest is minor in comparison with the support for the sense of one’s own worth” (2005 [1971], 338). As I have mentioned, this same cost criterion is conspicuously absent in Rawls’ notion of our duty of civility to existing institutions.
and this, of course is not just an unreasonable demand, but one that might be impossible to meet” (Simmons, 1979, 153, emphasis original). Again, criticisms like this one emphasize the scale of a duty’s cost. But an evaluation of civility from the ethics of neutrality and perfectionism is really not about scale. The concern, instead, is with the type of value this kind of responsibility is assumed to have.

Even the small cost of practicing something of no value will seem overly demanding for most reasonable people. Imagine, for example, how Catharine MacKinnon would evaluate a request that she write even a very short but merely benign review of Brigitte Berman’s rather heroic portrayal of Hugh Hefner in ‘Hugh Hefner: Playboy, Activist and Rebel’. I suspect, alternatively, that an ardent atheist would consider abandoning a friendship with a missionary if Mass was even just twice proposed as the afternoon activity. Because civility is assumed by political liberalism to be inherently good for human beings, it will indeed seem too costly for some reasonable people in this latter, ethical sense. Let me explain.

If political liberals really intend to prevent citizens from being burdened for perfectionist reasons, then we can expect that the background assumptions of civility will be compatible with the justificatory conditions of NPO (i.e., where the moral responsibility to discharge distinctly political duties is generated only when a certain justificatory threshold is met). We saw last chapter that NPO allows the state to ground its moral defence of compliance only in reasons that all citizens can reasonably accept. All principles of perfection, however subtle, must be omitted from this justification as a matter of (LN) equal respect as neutral concern, since, as Klosko has commented, “we cannot expect people to make onerous sacrifices for the sake of some loose conception of the general good” (Klosko, 1994, 256). For both Rawls and Larmore, this means that even the “more moderate doctrine” of perfectionism must be strictly prohibited from justificatory accounts of political obligation (Rawls, 2005 [1971], 331).
Now, recall for a moment that doctrines of “philosophical perfectionism” are ultimately grounded in the distinguishing and morally superior properties of human well-being (Hurka, 1993, 162-163; 1995, 38; Wall, 1998, 8-15; Wall and Klosko, 2003, 16). In what way is political liberalism’s conception of civility different? The important point to remember here is that liberal neutrality is allegedly sourced in only uncontroversial value-claims, where human goods can be legitimately promoted by the state when agents have themselves deemed them valuable. We have also seen that liberal perfectionism, quite differently, appeals to inherent value, where the value of certain goods is gained through (and not conferred by) practices that accord with our essential and superior characteristics, regardless of whether agents wish to engage them. Is not the contractualist claim that reasonableness is our “core” and “overriding” feature as moral persons a position about civility’s inherent goodness?

To be sure, the political liberal will respond by saying that civility does indeed display our highest moral powers, but the expectation that we use them in this way is not meant to secure any aspect of human flourishing; civility is, instead, expected as a requirement of democratic citizenship, one that allows for peaceful civic relationships amongst citizens despite their deep and unresolved disagreements. This kind of relationship, the political liberal will add, is surely “good” for citizens, but instrumentally so given our reasonable disagreements, not good simpliciter. To me, this response indicates the political liberal’s unwillingness to acknowledge his or her presumption that the duty of civility is a condition of being fully reasonable in the first place. As I will now explain, the only difference between philosophical perfectionists and political liberals on this level is that political liberals fail to see that their particular idealization of citizenship is “neutral” only by stipulation. This presumption is clearly noticeable when we look closely at a key ambiguity in Rawls and Larmore’s conception of civility.
When Rawls and Larmore’s accounts of civility are read together, it seems unclear whether the duty of civility is actually implied by the ideal of reasonableness and its constitutive values. If civility is implied by reasonableness, then there would be reason to believe “that reasonable people, no matter what they believe, are obliged to be committed liberals” (Larmore, 1990, 347). This, put simply, would mean that if we do indeed have a “duty of civility,” then the actual moral claim is not merely that we should show respect for persons, but that we should show the distinctly liberal kind of respect for persons that political liberals endorse because good citizens desire this expression of citizenship to the exclusion of others (Macedo, 1990; 2000).

Rawls appears to believe that the moral principle of equal respect for persons and the epistemic value of reasonable dialogue do indeed entail civility. If this is the case, then the values underlying reasonableness do serve as the main justificatory grounds for considering our duty of civility a moral (and indeed even “natural”) condition of political membership. Rawls says, for example, that

mutual respect is shown in several ways: in our willingness to see the situation of others from their point of view, from the perspective of their conception of their good; and in our being prepared to give reasons for our actions whenever the interests of others are materially affected....When called for, reasons are to be addressed to those concerned; they are to be offered in good faith, in the belief that they are sound reasons as defined by a mutually acceptable conception of justice which takes the good of everyone into account. Thus to respect another as a moral person is to try to understand his aim and interest from his standpoint and to present him with considerations that enable him to accept the constraints on his conduct. (2005 [1971], 337-338)

He later adds that “citizens share in political power as free and equal, and that as reasonable and rational they have a duty of civility to appeal to public reason...[such] that each of us must have, and be ready to explain, a criterion of what principles and guidelines we think other citizens (who are also free and equal) may be reasonably expected to endorse along with us” (1993, 226). Rawls appears to be saying, on the one hand, that we are owed a right

---

18 To clarify, equal respect for persons, epistemic responsibility and a willingness to find mutually acceptable solutions to problems of moral conflict are the main underlying values of reasonableness as a political ideal.
of equal respect because free and equal persons have the capacity and the need to create and
evaluate their own life plans, and, on the other hand, that we must discharge the specific
moral and epistemic responsibilities of equal respect because that is what we, as reasonable
beings, should do in moments of moral conflict. Let us set aside for a moment this apparent
circularity so that we can compare his view with what Larmore says on the matter.

Larmore obfuscates the issue of whether or not the duty of civility is implied by the
ideal of reasonableness and its constitutive values. While defending political liberalism’s
neutralism, he says that what distinguishes their moral view from non-neutral liberal ethics is
that theirs

is a minimal one. It appeals to elements of a core morality. It can be accepted even by
those who are convinced that autonomy and individuality have serious drawbacks and that
much of what makes life worth living is less a matter of choice than of tradition. This does
not mean, I should add, that the norms of rational dialogue and equal respect are
implicitly contained in the bare notion of reasonableness, to which I alluded earlier. The
point is not to show that reasonable people, no matter what they believe, are obliged to be
committed liberals. (1990, 347, emphasis added)

It seems, then, that Larmore is saying reasonableness does not by itself imply support for the
duty of civility\(^{19}\), while Rawls believes that reasonableness does imply this duty of civility. I
think this contrast confirms what I have been trying to point out all along. It shows that
Larmore is at least worried about the fact that the moral and epistemological norms of civility
are reasonably rejectable, while Rawls shows little willingness to acknowledge that
possibility.

Ultimately, however, neither of them can actually avoid this problem. They cannot, I
believe, because their doctrine is grounded in inherent value assumptions. If, as Larmore
says, “[t]he point is not to show that reasonable people, no matter what they believe, are

---

\(^{19}\) As I have mentioned, Larmore uses the term “obligation of equal respect” (1987, 64) instead of what Rawls
calls the duty of civility. Larmore says that this obligation “consists in our being obligated to treat another as he
is treating us – to use his having a perspective on the world as a reason for discussing the merits of our action
rationally with him (in the light of how we understand rational discussion)” (64-65). I see no essential difference
between his justification of political obligation and Rawls’s, since both are grounded in equal respect and
reasonableness. In other words, we could substitute “civility” for Larmore’s understanding of rational dialogue,
itsl based on equal respect and understood to require restraint.
obliged to be committed liberals (1990, 347), then this may well be a point for self-avowed neutralists to avoid because it would otherwise slide them into liberal-perfectionist territory. In other words, the link between the moral and epistemological assumptions of civility and any justification of political obligation is the normative belief that reasonable people should want to treat others with equal respect because the goods that inhere in such conduct are truest to one’s highest-order interests.

Political liberals do conceive reasonableness as the (moral) willingness and the (technical) ability to reason with others sincerely about what is true and good and right, and to be guided in one’s conduct by the results of these deliberations. But, we simply cannot expect that some reasonable people could not reasonably reject the ideal of civility (Audi & Wolterstorff, 1997, 97-98; Eberle, 1999; 2006; George, 1995; 1997). The only response that political liberals have to the claim that reasonable people could reasonably reject civility (in good faith with valid reasons) is that accepting the duty of civility is a condition of being fully reasonable in the first place. But, as I have said, this position is “neutral” only by stipulation. Reasonableness, therefore, is not a neutral good in the sense that all people want to possess and express it. Instead, reasonableness seems to be regarded as inherently valuable because the promise of liberal citizenship can only be fully realized when we discharge our duty of civility.20

As I have been suggesting throughout, political liberalism’s success as a neutral doctrine depends on whether its “values of political justice,” as assumptions about legitimacy, can cohere with its “values of public reason,” as assumptions about our duties as citizens (Rawls, 1993, 223-224; Thunder, 2006, 677). Comparing Rawls and Larmore on civility

---

20 It should be plain enough that subjectivist accounts of political obligation, like contractarian consent, will be derived from citizen’s want-regarding interests, while other views of political obligation will instead source the value of such duties in moral considerations that stand independent to personal choice or desire. As I have said, these latter accounts, like the natural duty view, are ideal-regarding. Although ideal-regarding accounts of political obligation may be correlative to an agent’s expressed and specific interests, they are not derived from them.
confirms that the value assumptions underlying political liberalism’s natural political duty account are not sufficiently neutralist. Indeed, a neutral justification of political obligation cannot simply impute to people the deepest moral interest in discharging that same duty, for this strategy embeds a highly controversial proposition into the very idea of what it means to be a liberal citizen. Political liberals must be saying, therefore, that people wish to comply with liberal norms because they hold the promise of both expressing and protecting what distinguishes us as moral beings even if one’s deepest convictions (wrongly) suggest otherwise. This conception of civility may well dissolve the paradox of public reason, and, as a background story, it may also help solve the problem of political obligation. But it can do neither neutrally. Political liberals therefore fail to avoid the grounding problem first discussed in Section I because they cannot separate the underlying, liberal-perfectionist morality of respect for persons from their political ideal of civility.

Political liberalism certainly does not suggest that reasonableness is merely a prudential position on political deliberation; civility, they say, asks agents to do much more than weigh sums of potential want-satisfaction. Political liberals admit, in other words, that their justification of our duty of civility is grounded in substantive moral and epistemological values. On whether this crosses the neutralist line, at least Larmore’s opinion is clear:

...by requiring citizens to rank the norms of rational dialogue and equal respect above their other commitments, political liberalism must encourage them to reflect critically upon these commitments from the impartial standpoint involved in those two norms. But this does not mean that constitutive commitments to some substantial ideal of the good life, whose value cannot be manifest to an impartial, distanced point of view, must be undermined. (1990, 350-351)

I have shown, to the contrary, that civility is assumed to be inherently valuable for human beings. It, in short, offers a perfectionist picture of what we are as moral beings and how we ought to live as such. In this way, the duty of civility is indeed undermining of other non-liberal but likely reasonable worldviews. My next chapter leans on Joseph Raz’s work to show exactly how this occurs politically.
The upshot of my grounding critique is the recognition that if those who follow Rawls and Larmore wish to offer a coherent liberalism for the citizens of today’s pluralistic polities, they will abandon all pretence to the idea of (LN) equal respect as neutral concern and embrace the aspects of liberal perfectionism they already draw upon. My analysis suggests that we could call this alternative position (LP) equal respect as civil concern.

Conclusion

This chapter has argued that that political liberalism offers an account of perfectionist political obligation and not a neutralist one. Two important considerations introduced this argument: (i) both actual and hypothetical agreement are unable to generate a satisfactorily general (though still prima facie) account of political obligations; and (ii) epistemic neutrality acknowledges that a sufficiently moral ground for generating civic expectation will be more substantive than consent-based principles of obligation. For these reasons, political liberalism adopts a natural duty justification of general obligations.

I also considered what the requirement that this natural duty account remains “compatible” with contractualist norms tells us about political liberalism’s overall ethic. My position here was, first, that this complementariness shows civility to be an ideal-regarding principle. I then linked that conclusion with my neutralist-perfectionist typology to argue that political liberalism’s natural political duty justification relies on inherent value assumptions. Political liberalism, I conclude, adopts the evaluative structure of philosophical perfectionism. I close my case against liberal neutrality in the next and final chapter by detailing precisely how this natural duty position commits political liberals to political perfectionism, as well.
Chapter Seven

I began this project by highlighting what I take to be the two main challenges facing neutrality theory. The first concerns neutrality’s success in an evaluative sense; namely, why should liberals be committed to a principle of neutrality? The difficulty in finding a satisfactory response to this question is locating justificatory content that is both sufficiently moral and sufficiently neutral. I have just argued that political liberalism fails to solve this “grounding problem” because its defence of general political obligation relies on a liberal-perfectionist reading of civility. Since this rationale is clearly incompatible with neutralist legitimacy, political liberals are faced with the choice of sacrificing a plausible account of political obligation, on the one hand, or accepting, on the other hand, that the state’s right to rule is ultimately grounded in a liberal-perfectionist principle of (LP) equal respect as civil concern.\footnote{As I mentioned in Chapter One and Chapter Five, Rawls says that the natural political duty must “constitute a coherent conception of duty and obligation when taken together with the two principles of justice” (2005 [1971], 334). We know these principles – “the liberty principle,” which establishes an equal right to the most extensive range of freedoms for everybody, and “the difference principle,” which stipulates that economic inequalities are permitted only if they offer reasonable advantages to all persons pursuing their determinate conception of the good, but as citizens who are free to pursue goals that the polity construes as reasonable. Moreover, it is “reasonable” for the polity to expect them to revise conceptions it deems unreasonable. And as such, they will not fit properly together” (294). I have shown that this “simple” strategy does not work for political liberals: their moral justification of political obligation does not cohere with their neutralist position on legitimacy.}

In his article ‘Political Liberalism and Political Compliance,’ Alan Carter seems to agree with my critique from grounding. He says,

What seems especially problematic in political liberalism is that Rawls does not stipulate that each citizen must view the constitution as reasonable, but rather that the polity can reasonably expect its citizens to so view it. And it does so by construing them not as persons pursuing their determinate conception of the good, but as citizens who are free to pursue goals that the polity construes as reasonable. Moreover, it is “reasonable” for the polity to expect them to revise conceptions it deems unreasonable. And as such, they will...
be “free” in the polity’s conception of what it is to be free. We might go so far as to suggest that there seems to be a sense in which, within Rawls’s philosophy, citizens are forced to be “free”. (2006b, 154, original emphasis)

My discussion about the underlying value assumptions of NPO and PPO tells us how political liberalism is led in the liberal-perfectionist direction that Carter implies. The notion that civility (or, more specifically, the view of reasonableness that lies behind it) is inherently good for human beings is the key, but obscured, assumption that underlies political liberalism’s natural duty defence of political obligation.

I will now close my critique of liberal neutrality by showing how this grounding problem dove-tails with the second major challenge facing neutrality theory. Chapter Two introduced this related concern as the scope problem because it involves the trouble with specifying a suitable range of neutral constraint for political practice. At this practical level, theorists have mainly asked how broadly or narrowly state neutrality is to be applied. As I have said, the common responses in “narrow neutrality” and “comprehensive neutrality” have typically understood neutrality in an institutional sense, as a principle of state legitimacy. Left unspecified in this discussion, however, is a clear account of who is meant to represent “the state.” Is neutrality meant to govern the conduct of officials, alone, or officials and ordinary citizens, as well?

The idea of civility clearly shows that political liberalism’s exclusion of reasons constraint also applies to the deliberation of regular citizens. In my view, the immediately noticeable concern with this broader scope of constrained dialogue is that it seems to impose reasonably contestable conditions on the very decision-making it means to liberate. The issue here is that while neutrality is presented as an entitlement or right that citizens hold against their government, liberal neutralist’s seem to correlate this right to be respected as free and equal with an expectation that citizens perform distinctly liberal political acts. But this seems odd. Neutrality is meant to protect against state paternalism by securing one’s right to pursue life according to one’s own (reasonable) interests. As Waldron puts it, “[r]ights express the
idea that respect for a given interest is to be understood from the point of view of the individual whose interest it is. By protecting the interest, we vindicate that point of view, proclaiming that it has as much validity as any other perspective in morality" (2006, 576). Like Carter above, I have argued that the duty of civility claim is a rather different position. It says that membership in the just state requires citizens to exercise a special-power to exclude their own reasons for action when they prove to be incompatible with other people’s interests. Such constraint may help settle conflict in pluralistic societies, but it certainly cannot be said to equally protect all people’s reasonable interests. Let me restate the problem in the terms I used in Chapter One and Two.

Since neutrality theorists often presume the strictly institutional reading of neutrality, they also endorse what Will Kymlicka calls “social perfectionism,” for “...the flip side of state neutrality is support for the role of perfectionist ideals and arguments in civil society” (1989, 895). The well-known calculation here is that political or state perfectionism only exacerbates the conflict that would otherwise resolve itself in ethnoculturally diverse contexts. A combination of state neutrality and social perfectionism, on the other hand, is considered a viable solution for ensuring that people are free to lead a good life because, under this arrangement, “social perfectionism” will naturally “drive out those [ways of life] which are worthless and unsatisfying” (884).

Although I share Kymlicka’s interest in a thriving marketplace of ideas, I worry about the assumption that it will naturally settle conflict in autonomy-reinforcing ways. In fact, it seems to me that political liberalism makes civility the central responsibility of citizenship precisely because it constrains the cultural marketplace to the range of ideals that are compatible with liberal norms. Yet, if this is true, then it cannot also be true that “state neutrality presupposes, rather than denies, social nonneutrality” (Kymlicka, 1989, 895-896). Political liberalism is not, in other words, politically neutral and socially perfectionist. As I
have been suggesting throughout, political liberalism is, instead a doctrine of “philosophical perfectionism” at the grounding level, and one of “political perfectionism” in praxis (Hurka, 1993, 162-163; 1995, 38; Wall and Klosko, 2003, 16).

I develop the second, “political” point of this argument below by leaning heavily on Joseph Raz’s discussion of practical reason and mandatory norms. Raz’s work helps me show that when political reasons for action (like those underlying civility) are regulative of people’s first order interests (again, like the duty of civility), they take on what Raz calls the “normative power” of “exclusionary force” (Raz, 1975a, 101; 1972, 93). That is, the state-sanctioned rules that breach the ethical limits of NPO do so because liberal states must, to some relevant degree, impose the practice of balancing autonomy with other important goods, like the inherent good contained in civility’s exclusion of reasons condition. This demonstrates that political perfectionism, not social perfectionism, is ultimately what keeps the range of truly good options available for autonomous decision-making.

7.1 Civility and Political Perfectionism

The liberal tendency to focus more on rights-based analysis than on duty-based considerations is perhaps the leading reason why the problems with political liberalism’s position on obligation have been overlooked. Theorizing the limits of a state’s right to act, on the one hand, or the citizen’s right to be free from coercion, on the other, will tell us little about the political morality of obligation. Legitimacy studies are inclined to show exactly where the state’s options end because of a citizen’s right, not where state interference is permitted in order to make good on the promise of citizenship. This is perhaps why people tend to assume, as Kymlicka points out, the state neutrality-social perfectionism equation.
Yet, if the duty of civility is indeed a *positive* moral duty (Rawls, 2005 [1971], 109, 114, also see, Pogge, 2008, 140), then it at least implies that our political conduct ought to conform to its standards. And this may even be so in spite of want-regarding principles like rights. Rawls has said, for example, that “[t]he existence of institutions involves certain patterns of individual conduct in accordance with publicly recognized rules. The principles for institutions have, then, consequences for the acts of persons holding positions in these arrangements” (2005 [1971], 335). Daniel Weinstock echoes this point when he says that “[p]ermissions create demands, and in some cases the state cannot avoid to some degree being active in organizing the supply that goes along with the demand thus created” (2006, 237). In one sense, these acknowledgements clearly reflect what I have said throughout: the ethics of legitimacy and obligation must be mutually sustaining. They are also suggestive of my claim that when it is the underlying principles of civility that form this unification, legitimacy and obligation will coalesce in non-neutral or liberal-perfectionist terms.

I would now like to shift my critical attention a little. As we will remember from Chapter Two, requiring citizens to exercise “constrained dialogue” in their civic affairs also constitutes a scope problem for neutralism. The issue here is that the duty of civility position implies political perfectionism, since this view will involve the imposition of distinctly liberal modes of conduct that citizens might otherwise reject by their own reasonably held beliefs. As Margaret Moore writes, political liberalism “succeeds in motivating justice as fairness by articulating a philosophical psychology that imputes to people a regulatory sense of justice which assesses and controls first-order desires (conceptions of the good)” (1996, 169). If the underlying assumptions of this “philosophical psychology” (I have been calling it a “moral psychology”) do indeed value civility as an inherent good, then there is reason to believe that

---

2 See Chapter One or note 20 in Chapter Six.
3 Again, I have argued that it is incorrect to understand Rawls’s discussion here as one of merely “positional duties.” Hence, these “persons holding positions” in political arrangements is inclusive of all citizens and their related civic activity, whether or not they hold a particular office. Please see 5.2, 5.3 and 6.2.
the special-power assumption I uncovered in first-generation thinking is also at play in political liberalism not as some supererogatory act, but as an expectation of regular political conduct. So, the main point I would like to make now is that when moral reasons for action (like those underlying civility) are regulative of first order interests, they take on what Raz calls the “normative power” of “exclusionary force” (Raz, 1975a, 101; 1972, 93). State rules can exert this kind of power because they sometimes preclude citizens’ own reasons for action in a morally relevant way.

Political liberals do admit their intention to offer a moral conception of justice. As Larmore says, “no contrast is intended between ‘political’ and ‘moral.’” (1990, 353) “Political liberalism,” he continues, “is a moral conception based on the norm of equal respect, even if its ambition is to be a minimal one” (Ibid.). In a recent study, Thunder asks whether political liberalism can remain neutral even considering these “minimal” or, as Thunder puts it, “more indirect or subtle forms of political power?” (2006, 681) “For example,” Thunder asks, “what about the moral, not legal, rules that structure and constrain the justification of political power?” (Ibid.) I have shown that the duty of civility plays this role in political liberalism. So, we might say that the point Thunder is implying is that states

---

4 I argued in Chapter Two that Ackerman’s neutrality contains a hidden assumption that citizens’ highest interest is advanced when they exercise their fundamental and unique human capacity to sideline or bracket-out their own deepest ethical convictions in circumstances of moral conflict. The basic idea here seems to be that each party to the dispute can exercise a special-power of impartial arbitration even when it means disregarding aspects of one’s deepest convictions. This proposal would be incoherent without first assuming (i) that we possess this special-power to negate our own moral properties and (ii) that this capacity not only makes reasonable dialogue possible, but also entails the very possibility of individuals realizing their highest interests.

5 Incidentally, I think it is rather insincere to claim, since most simply posit, that so-called “political” conceptions of “virtue” can successfully avoid this tension between controversial philosophic groundings and specific political prescription. My critique of political liberalism from the idea of inherent value shows why this strategy begs the question.

6 To be clear, the argument I am about to forward is not that even liberal authority is perfectionist simply because it exercises coercive power. My position, instead, is that when civility is taken as an inherent good, that kind of moral assumption will produce some equally controversial political prescription; in this case, the position is that citizens must practice civility even when other behaviour is morally obligatory by their own judgment. As Joseph Raz suggests, because such “obligations derive from consideration of values independent of the person’s own goals,” this is how a citizen “is thought of as bound by them despite himself” (Raz, 1977, 224; Carter, 2006b, 154). It is in this way that I use Raz’s work to explain why political liberalism is a politically perfectionist doctrine.
exert “indirect or subtle forms of political power” even through the “moral, not legal, rules,” like civility, that structure polities.

If we grant that moral assumptions can have this kind of political power, then we can see how the specification or scope problem re-emerges in political liberalism. The concern here is not exactly with grounding; it is not, that is, with whether civility itself fails the reasonable acceptability test. Instead, the concern here is with specifying whose conduct this form of constraint is meant to govern. Political liberalism makes civility a permanent fixture of all civic activity. All agents, whether state officials or regular members, are expected to bracket-out their own ethical commitments if those interests conflict with the requirements of civility. This shows, I will now argue, that political liberalism is also politically perfectionist. Joseph Raz’s work on the tension between autonomy and mandatory norms will help illuminate that point.

7.1.1 Exclusionary Reasons and Political Obligation: According to Raz, state sanctioned rules invoke reasons for action which take the structure “X ought to (or should or must) do A in C.”\(^7\) (1975b, 481) From here, he argues that any plausible interpretation of practical conflict must acknowledge that there is a difference between “first order and second order reasons for action and that conflicts between first order reasons are resolved by the relative strength of the conflicting reasons, but that this is not true of conflicts between first order and second order reasons” (483). The relevant insight of this thesis is that competition among first order reasons (i.e., non-derivative reasons) is structurally affected not merely by second order reasons, but especially by those promoted through what Raz calls the “normative power” of legitimate political institutions.

Raz begins this discussion with a seemingly banal reminder. All practical conflict, he notes, logically entails competition between different reasons for action (482-483). Here,

\(^7\) For this statement, “X” is the norm-subject, “A” is the norm-act and “C” is the condition of application.
though, a rarely detected but significant distinction can be made between the level or weight of reasons that are adjudicated in such disagreement. All first and second order reasons, Raz contends, are typically conflated as equally weighted “reasons,” “considerations,” “grounds,” “factors,” etc. This confusion, he insists, precludes a full understanding of practical reasoning on moral questions, since conflict involves different logical relationships between and among reasons from different levels of consideration. Granted, we should decide how to act on the balance of reasons: an agent “should act on the reason or combination of reasons which override those conflicting reasons which apply to the problem facing him” (482). Raz insists, however, that not all reasons conflict with one another for the same reasons.⁸ To make this argument, he further scrutinizes “second order reasons.” In their general form, these types are distinguished by the fact that they bear directly on other reasons for action. Doing one’s best in one’s dissertation is a reason to work hard. Avoiding debt that cripples future endeavours is a reason to work quickly even though one is attempting to present one’s best work. The reason to work hard is conditioned by the reason to work quickly in this case. Similarly, a second order reason, Raz says, “is any reason to act for a reason or to refrain from acting for a reason” (1975b, 487).

The idea of second order reasons leads us to consider what Raz calls “exclusionary reasons.” “An exclusionary reason,” he says, “is a second order reason to refrain from acting for some reason” (Ibid.). They work in this way:

If p is a reason for x to do A in C and q is an exclusionary reason for him not to act on p then p and q are not strictly conflicting reasons. Q is not a reason for doing not-A in C it is a reason for not doing A in C for the reason that p. The conflict between p and q is a conflict between a first

---

⁸ Consider the following example of typical conflict between reasons. Addison should eat her spinach because (R1) her mother told her to eat it; but Addison also has a reason (R2) not to eat her spinach because her aunt told her not to eat it. If Addison feels her mother’s authority more strongly than her aunt’s, then R1, as the more weighty reason, overrides R2. Therefore, R1 succeeds on the balance of reasons; Addison should eat her spinach (483-484). This “intuitive model,” Raz says, assumes that “[i]t is always the case that one ought, all things considered, to do whatever one ought to do on the balance of reasons” (1975b, 484; 1975a, 36). Raz’s aim is to show that this premise does not apply to all conflict situations, especially those in which legitimate political authority adds justificatory reasons to the fold. I think these latter cases bear directly on the relationship between legitimacy and political obligation as I have been treating it.
order and a second order reason. Such conflicts are resolved not by the strength of the competing reasons but by a general principle of practical reasoning which determines that exclusionary reasons always prevail, when in conflict with first order reasons. (Ibid.)

Acknowledging the presence of second order reasons and exclusionary reasons helps us understand that conflict among exclusively first order reasons will affect the merits of the case, all things considered, differently than if, all things considered, a second order reason exists which has peremptory status over both first and second order considerations. In such a case, that second order reason tips the balance of reasons in its favour. 9

Second order reasons indicate, contrary to the “intuitive model” of practical reasoning, that it is not “always the case that one ought, all things considered, to do whatever one ought to do on the balance of reasons.” (1975b, 484; 1975a, 36) Raz says this allegedly intuitive premise – i.e., the premise (P1) that one should always do what one ought to do on the balance of reasons – does not apply to all conflict situations, especially those in which legitimate political authority adds justificatory reasons to the fold. He substantiates this point by highlighting the instances in which first order reasons Q and R for deciding the merits of pursuing case A are overridden by a second order reason S which does effect the negative conclusion not-A on the balance of reasons, but not because the merits of the case, Q and R, warrant the rejection of A (1975b, 485-486). These instances also show how a second order reason functions as an exclusionary reason; namely, a reason to refrain from acting for some reason. If exclusionary reasons do exist10, then a plausible conception of practical reasoning

---

9 Following my example in the previous footnote, imagine Addison’s mother had also said that Addison’s grandmother is always to be obeyed, and that Addison’s grandmother had said that Addison should not eat spinach under duress. This exclusionary reason would rule out the first order reason to comply with her mother’s wishes, but not because she is obeying her aunt. Conflicts, like this one, that include exclusionary reasons, Raz claims, are important cases of practical reasoning overlooked by previous philosophers (1975a, 36; 1975b, 483).

10 Alan Buchanan has recently said that “no one has yet succeeded in” developing a “plausible” account of exclusionary reasons (2011, 7). No plausible account is available, he argues, because the only likely way that a reason might exclude all other considerations is if someone has self-imposed that exclusion by promising to do so. But surely that reason, Buchanan suggests, cannot exclude all other reasons in all instances. As Buchanan says, “[i]f the cost to oneself of keeping the promise is great enough, and the promise is trivial enough, then a consideration of one’s own interest is not excluded” (17, n. 3). There are two problems with Buchanan’s argument. The first is that Raz, as the theorist who probably has said the most about exclusionary reasons, does not link exclusionary reasons with either the act of promising or the intention implied in the act of promising.
will instead consider the following premise, (P2): “One ought not to act on the balance of reasons if the reasons tipping the balance are excluded by an undefeated exclusionary reason” (488). The “undefeated” qualifier is meant to capture those exclusionary reasons which may conflict with other second order reasons, but are strong enough to override them.

The crucial insight that Raz’s discussion of exclusionary force offers this dissertation is that even though all practical reasoning involves decision-making, and even though all “decisions” are logically equivalent to exclusionary reasons for action, it is only the decision-like status of legitimate state sanctioned rules that constitute “undefeated exclusionary reasons.” This is the aspect of justifying political obligation that tightens the tension between autonomy and authority. Raz’s terms these kinds of reasons “mandatory norms.” Take, for example, his comments in this early passage:

Mandatory norms are norms requiring that an agent behave in a certain way in certain circumstances. Duty-imposing norms, both legal and non-legal, are the most important species of mandatory norms. Given an account of power to affect mandatory norms, there is no difficulty in generalizing it to provide a general account of normative powers, i.e., powers to affect any type of norm be it mandatory, power-conferring or permissive. (1972, 93)

Only these reasons concern us here because it is due to them that “mandatory norms in general play the same role as decisions in the practical reasoning of those who follow them” (1975b, 497). From here, we come to understand Raz’s conception of a (legitimate) state’s “normative power.” It is the state’s special ability to influence citizens’ practical reasoning by

Instead, Raz says that the exclusionary force of a reason is generated by the fact that people take these reasons to be valid (Raz, 1975a, 68; also see note 11 below). The second problem with Buchanan’s claim is shown in his example. It appears to suggest that exclusionary reasons can be outweighed by other reasons. Of course, Raz’s basic point is that what defines exclusionary reasons is their comparatively “undefeated” status as second order reasons (1975b, 488). Buchanan’s point that the great cost of upholding a trivial promise cannot exclude a person’s overall interests just because s/he has promised is certainly an example of how promises are not always binding reasons, but this merely indicates that promises under those circumstances are not exclusionary reasons. So, Buchanan’s claim that even the more intuitively binding reasons for action, like promising, are not exclusionary simply points out that these are not exclusionary reasons, which tells us very little about whether a plausible account of exclusionary reasons exists and nothing about whether Raz’s well-developed account is itself plausible.

11 In his discussion of the logical structure of decision-making, Raz claims to have shown that “decisions are exclusionary reasons in the sense that it is logically true that if x has decided to do A then x believes that his decision is a reason for him to disregard further reasons for or against doing A” (1975a, 68). He clarifies that he has not meant to suggest by this that all decisions are valid exclusionary reasons, but merely that in taking up decisions people often hold them to be valid.
promoting and enforcing mandatory rules that are themselves justified by the exclusionary force of protected reasons. We shall see below that because “[m]andatory rules are regarded by those who follow them as both a first order reason for performing the norm-act and a second order reason for not acting on conflicting reasons,” (498) the kinds of value assumptions that underlie mandatory rules will determine whether political obligation is neutralist or perfectionist in practice.

7.1.2 Normative Power and Autonomy: The fact that mandatory norms have exclusionary force is particularly germane for understanding the ethics of political obligation. Political liberalism’s neutralist conception of legitimacy is incompatible with its account of general political obligation because the exclusionary force of civility increases the likelihood that some citizens’ reasonable interests will be unequally treated. Again, the essential conflict here, as with the problem of political obligation writ large, is between authority and autonomy.

As I have shown, political liberalism’s approach to solving the conflict between authority and autonomy is much different than the contractarian interpretation. Raz sums this other view quite well:

To be subjected to authority, it is argued, is incompatible with reason, for reason requires that one should always act on the balance of reasons of which one is aware. It is of the nature of authority that it requires submission even when one thinks that what is required is against reason. Therefore, submission to authority is irrational. Similarly the principle of autonomy entails action on one’s own judgment on all moral questions. Since authority sometimes requires action against one’s own judgment, it requires abandoning one’s moral autonomy. Since all practical questions may involve moral considerations, all practical authority denies moral autonomy and is consequently immoral. (Ibid.)

We have seen why contractarian-anarchist thinking is rather unhelpful in solving this so-called “paradox of authority.” Civility, by contrast, is indeed a sufficiently moral reason to comply with just states, since it assumes conceptions of moral psychology and civic conduct that do not suggest compliance with authority is always irrational. However, I have also been using Raz to show that while civility may be sufficiently moral, its promotion at the political
level will involve requiring citizens to balance their autonomously chosen interests with the inherent goods offered through practicing civility. The specification or scope problem here is that while political liberalism’s natural duty account of political obligation cannot be explained nor defended without assuming the controversial moral assumptions underlying civility, the political expectation that regular citizens uphold the ideal of reasonableness in practice is not open to reasonable dispute. Raz’s discussion of the conflict between autonomy and normative power will help clarify this latter, political point.

Imagine an authority figure ordering her inferior to follow another’s directions even though the other’s power does not derive from the authority issuing the order. Say, more concretely, this authority figure is a mother directing her child to follow the instructions of the child’s father. This case differs, Raz argues, from one in which the mother instructs the child to obey the babysitter. In this latter case, the babysitter’s authority over the child exists only to the extent conferred by the mother’s authority. In the former case, however, the mother adds a reason for the child to obey the father on top of the reason the child already possesses, as both the mother’s and the father’s authority is derived independently of one another. The mother’s instruction, under these circumstances, amounts to a reason to act for a reason; Raz dubs them “positive second order reasons” (1979, 17). Now imagine the mother were to tell the child not to follow the father’s orders. For Raz, this constitutes a “negative second order reason,” a reason to disregard an existing reason. The negative force exerted by this kind of second order reason is why Raz more often calls them exclusionary reasons. The importance and uniqueness of these reasons emerge when a reason for acting is matched by an exclusionary reason that defeats it.

On the occasions when a consideration is both a reason for acting and an exclusionary reason for rejecting the reasons which advise against that same action, Raz says we encounter “protected reasons” for action (1979, 18). Protected reasons are “undefeated” in the way we
saw articulated above: all things considered, they carry more weight than other second order reasons. For Raz, the ability to create and change these reasons is the essence of “normative power” (Ibid.) “[R]easoning with rules,” he says, “is reasoning with protected reasons” (1999, 194). All mandatory rules are protected reasons for the simple fact that “rules laid down by authority are like decisions about what to do taken by somebody else” (Ibid.).

Once we grasp this aspect of normative power, this ability to make and to change protected reasons, the moral connection between legitimacy and obligation becomes even more relevant. “Authority,” Raz says, “is ability to change reasons. Power is ability to change a special type of reasons, namely protected reasons” (1979, 19). “Ability over persons,” he adds, “is ability to change protected reasons for their actions” (21). The legitimate exercise of such normative power is what defines political authority, since the exercise of this unique power over citizens is warranted even in instances of reasonable conflict. When the state changes citizens’ protected reasons for action, it does so because the mandatory norms it sets down constitute a reason for disregarding what one otherwise considers a valid decision based on his or her own balance of first and second order reasons. In other words, under this exercise of legitimate political power, “the individuals concerned defer to its judgments and do not act on the balance of reasons, but on the authority’s instructions” (1975a, 64), since the mandatory rules laid out by normative power can create a “situation in which the [individuals] will do wrong to act on the [their] balance of reasons” (1979, 24; 1977, 221). We must not fail to consider this relationship between normative power and individual decision-making, Raz adds, because mandatory rules are indeed relevant to everyone’s moral deliberation (1977, 221).

What Raz does not himself consider, however, is whether the peremptory status of such rules is morally justified by neutralist or perfectionist values. In other words, what kind of value-based influence will mandatory norms have? The connection between my typology of
neutralist-perfectionist justifications and Raz’s theory of practical reasoning turns, then, not simply on whether or not states exert moral influence, but on the type of moral valuation that the state issues in its promotion of civility as a protected reason. Whether these facts of normative power challenge the political liberal account of obligation ultimately depends upon whether the basis of influence adheres either to NPO or PPO justificatory structures.

If normative power is exercised by legitimate government in the way Raz describes, then the only justification of obligation that could cohere with a neutralist form of government would be NPO. Protected reasons for action, under the NPO account, would be the very reasons citizens, themselves, endorse as their own reasons for action. This conformity is what makes them reasonably acceptable. If, however, an agent’s own reasons for complying with state directives turn out to conflict with the state’s natural duty defence, then neutralist liberals, under NPO, cannot expect compliance from that citizen, or, for that matter, from any other person who “reasonably rejects” the duty of civility claim. Liberal perfectionists do not face this problem. When protected reasons for action are perfectionist, they exert exclusionary force by requiring citizens to act for themselves even when it means acting despite themselves (Raz, 1975a, 41; 1984, 143). Liberal perfectionists can coherently justify this duty to practice the politics of civility, while liberal neutralists can do so only by contradiction (Thunder, 2006, 681).

7.2 Political Liberalism and Perfectionist Political Obligation

I argued in Chapter Five that a distinctly liberal-perfectionist justification of political obligation would assume the inherent goodness in discharging political duties. This means, at least negatively, that sufficiently strong moral reasons to comply with the rules of just states are unlikely to be derived from merely subjective reasons for action. While my discussion of
political liberalism’s combination of contractualist and natural duty morality shows this to be true of their philosophical position on political obligation, Raz’s work shows how these inherent value assumptions will have politically perfectionist implications. The important insight gained in connecting Raz’s formal account with political liberalism’s defence from natural political duty is that the political practice of civility is morally obligatory even in the face of wilful rejection. Chapter Four highlighted at least two examples of similar reasoning in liberal-perfectionist literature: Hurka’s perspective of deliberative autonomy or Raz’s perfectionist doctrine of moral pluralism. Following suit, my analysis in Section III has argued that political liberalism’s position on general political obligation is both philosophically and politically perfectionist. Let me now close out my argument with some final summative remarks on this Section’s discussion.

7.2.1 Justifying Civility: We have heard that a satisfactory account of NPO will avoid merely prudential or non-moral justifications. A plausible principle of NPO must instead source its appeal in substantive moral principles, but only those that would be reasonably acceptable to reasonable people. In other words, a neutralist justification of political obligation would have to be both sufficiently moral and reasonably uncontroversial. We have also heard that political principles are said to be morally uncontroversial when they are acceptable to a sufficiently wide range of worldviews, and sufficiently moral if they elicit a greater sense of commitment than prudential, aesthetic or purely sensual reasons.

I have attempted to show that these “political” or neutralist principles of justification are most clearly generated by what Sher calls subjectivist valuation; namely, the view of morality which “identif[ies] the good life exclusively with the life that the agent would want, choose, or enjoy under actual or (more) ideal conditions” (1997, 154). I concede that the subjectivism that Sher speaks of here is not exactly what political liberals claim to endorse. Recall Sher’s discussion in Chapter Four of mixed-subjective value theories. These broaden
the choice standard by seeing value as that which is indeed conferred upon things by self-directed interests, *but only interest as it is shown in the richest choice scenario*. Rawls appears to defend neutrality in somewhat similar terms. He says, for example, that “the first principles of justice” find their true value as “the object of an original agreement in a suitably defined initial situation” where “rational persons concerned to advance their interests” are in a “position of equality to settle the basic terms of their association” (2005 [1971], 118-119). Interestingly, Rawls calls this “a practicable conception of objectivity” and claims that it will “avoid the problem of truth and the controversy between realism and subjectivism about the status of moral and political values” (1985, 230, emphasis added). We now know that the “problem” with “subjectivism” he mentions here is the very same reason political liberals reject *contractarianism*; under it, all substantive content, even that derived from ideal choice scenarios, is no less arbitrary than the prudential, atheistic or sensualist metrics (Chan, 2000, 12-13).

In my view, however, this so-called “practicable conception of objectivity” remains subjectivist in a very important sense. Value is still ultimately *conferred by* individual interest; it is still want-regarding in the sense that Goodin highlights. As we have heard, subjectivist value theories assume either one of two instrumentalist positions: value is derived from either crude, self-directed interest – the pure-subjective account – or by personal preference in the richest choice scenario – the mixed-subjective account (Sher, 1997, 8-18). Although political liberalism’s “wide” choice criterion resembles the non-subjectivity of ideal-regarding principles, this position is nevertheless subjectivist because it does not abandon the basic formula that takes value as something conferred upon things by discrete individuals.

Neutralist obligation, therefore, sees one’s duty as what one ought to do according to one’s own balance of reasons for acting; namely, one’s inner, rationally and emotionally
derived convictions pertaining to the case at hand. As I have argued, this neutralist conception of political duty takes obligations to be (i) constituted by values that are want-regarding and derivative of pre-existing rights, and (ii) institutional in the sense that political responsibility must be self-ascribed to some formal office in order to generate any moral significance. Here, only a very narrow and negative range of instrumental concessions are conceivable as political values, such as conformity with the allegedly minimal norms of distributive justice for peace and security which support (i).

A competing, perfectionist account of political obligation would invoke values that are possibly correlative to certain rights-based considerations, even though they certainly are not always derived from them. Following Sher, we have come to see that the duty of civility is ideal-regarding in that it conceives its underlying norms as inherently good for human beings. And even though the objective value assumptions of such a position will “depend on certain facts about the individual who has or engages in it, the relevant facts concern neither his actual nor his ideal desires, choices, or enjoyments, but certain broad capacities that all members of his species share” (1997, 8). Indeed, as discussed in Section II, all valuation (including desire) under the mixed-objective (MO) account of inherent value is set against a backdrop of special human properties. What distinguishes liberal perfectionism is the distance marked between its use of inherent value and the classic, illiberal reading of intrinsic value. This means that PPO’s justificatory reasons are still compatible with liberal norms even though other moral positions may be preferable or more desirable under other reasonable worldviews.

12 It should be plain enough that subjectivist accounts of political obligation, like contractarian consent, will be derived from citizen’s want-regarding interests, while other views of political obligation will instead source the value of such duties in moral considerations that stand independent to personal choice or desire. As I have said, these latter accounts, like the natural duty view, are ideal-regarding. Although ideal-regarding accounts of political obligation may be correlative to an agent’s expressed and specific interests, they are not derived from them.
In fact, Raz seems to suggest that unless all citizens’ want-interests are communally shared and entirely coalescing, perfectionist principles are the only way to justify political obligation in the face of disagreement:

Since obligatory acts are required by mandatory rules with exclusionary force, they are acts which the agent must sometimes perform even if they should not be performed on the balance of reasons. The agent is faced, in such situations, with two assessments of what ought to be done. On one level he ought, on the balance of reasons, to perform an act. On another and superior level he ought to do the opposite. This conflict of the results of two levels creates the sense of being bound against (one-half) of one’s own self. (Raz, 1977, 224, emphasis added)\(^\text{13}\)

As shown, only a claim from inherent value can justify practicing the moral and epistemic responsibilities of civility if one’s own balance of reasons reject them. We could say, then, that the duty of civility is, in part, learning the moral lesson that it is sometimes good to act, however peculiar it may initially seem, despite ourselves (Raz, 1975a, 41; 1984, 143). But this position works only because it excludes conflicting moral reasons for perfectionist purposes. I would now like to close my discussion with some final remarks on this practical aspect of civility.

7.2.2 Practicing Civility: Our natural political duty is a matter of civil, not neutral concern. In practice, the value grounds of equal respect and reasonable dialogue use exclusionary force to rule out people’s reasons for action that are not suitably liberal. Here, we might recall Larmore dismissal of unreasonable people: “[a] liberal political system need not feel obliged to reason with fanatics; it must simply take the necessary precautions to guard against them” (1987, 60). Yet, the issue here clearly turns on the kinds of assumptions that allow some to conceive others as “fanatics” and, further, to justify the “precautionary” response methods for preventing conflicts with them. If civility does set this theoretical framework, then, following Raz, it seems that “the law’s direct function is to motivate those

\(^{13}\) To settle any confusion, Raz says that “[s]ince rules are both reasons for the act they require and for disregarding some reasons against it, they can affect the all things considered judgment without changing the balance of reasons. This explains their special position in practical reasoning without denying their prima-facie character (they need not exclude all conflicting reasons and may be overridden)” (222-223).
who fail to be sufficiently moved by [such] sound moral considerations.” (1984, 143) “It forces them to act as they should,” he adds, “by threatening sanctions if they fail to do so” (Ibid.). Civility, as we have also heard David Thunder suggest, also works this way, even if uses the “more indirect or subtle forms of political power” (2006, 681).

To me, the fact that the responsibility to act reasonably impugns all citizens, and not merely “fanatics,” is added confirmation that the duty of civility is liberal-perfectionist. Remember, practicing civility is significantly onerous, especially when it requires that we act despite ourselves. Recall my depiction of this requirement as the special-power assumption, where each citizen is expected, in pluralistic conflict, to disregard aspects of one’s own deepest convictions. This assumption clearly turns on liberal-perfectionist reading of human nature; one that distinguishes this special-power to review and revise our innermost beliefs as a specifically human trait and that values it for the promise it offers individual well-being. This picture of moral psychology and civic conduct is incongruous with neutralist ethics for a few reasons14, but the primary one that I have been highlighting is that civility is conceived as inherently good for human beings. Let me explain this one last way.

First, we should consider a comment Samuel Freeman makes on Rawls’s idea of reasonable conduct:

Reasonable persons for Rawls are not simply tolerant (indeed they will not tolerate injustice at all). Rather, they want to be able to live with others according to principles other reasonable persons can acknowledge and policies they can endorse; also they want to be able to justify laws and political policies to people holding different reasonable doctrines with reasons that other reasonable persons recognize and can reasonably accept as well. Reasonableness involves a readiness to politically address others of different persuasions in terms of public reasons. (2000, 401)

14 In Chapter Two, I claimed that the special-power assumption poses at least the following problems: (1) expecting citizens to bracket their religious and otherwise comprehensive convictions is unrealistic, i.e. it will simply never happen, and so is futile; (2) expecting citizens to bracket their religious and otherwise comprehensive convictions is unfair, because this restriction will weigh more heavily on some than on others; and (3) expecting citizen to bracket their religious and otherwise comprehensive convictions is in some way incoherent, because the demand is motivated by a moral principle that is itself controversial, and thus by its own accord should exclude itself.
Freeman’s indication that reasonableness is more civically engaged than tolerance is precisely the case that Eamonn Callan (2004) makes when he discusses the practice of civility in culturally diverse polities. As I mentioned in Chapter Five, Callan argues that though there are two moral notions of reciprocity that can inform an idea of equal respect, only one of them underlies the ideal of reasonableness. Mere tolerance, what Callan calls “mutual forbearance,” is not it, for the expectation here is simply that each remains entirely uninvolved with others and their viewpoints. But, civility, quite differently, requires mutual respect. This conception of respect is a comparatively thick ideal. It assumes that we possess the moral capacity and epistemic readiness to individually work out and fully understand another’s moral perspective (77). Thus, and following what I have explained above, it should be no surprise that other theorists build theories like “democratic perfectionism” (Guttman, 1989, 86), “pluralistic educative perfectionism” (MacLeod, 1997, 540) or “liberalism with a spine” (Macedo, 2000, 5) on the weighty and, indeed, non-neutral demands entailed in the politics of mutual respect.

Since conflict most often emerges because people are committed to different moral ideals, requiring citizens to bracket their own convictions from deliberation in these circumstances is like expecting that a good Christian is one who agrees (against her deepest beliefs) that the morally satisfactory resolution to any conflict begins with the admission that judgment on religious matters must be forever deferred (Greenawalt, 1993, 673; Wolgast, 1994, 1939; Thunder, 2006, 688). If all citizens are to exercise this kind of impartial arbitration, some of them will have to do so by disregarding their deepest convictions. It is hard to conceive, let alone justify, this conception without assuming (i) that all persons do indeed possess a special capacity to negate their own moral convictions and (ii) that this power is not merely the special ingredient of healthy and peaceful polities, but also an essential practice for realizing one’s true interests.
The challenge that political liberalism faces in justifying political obligation is particularly instructive. We have heard that this challenge involves finding moral convergence between the justifications of political legitimacy and political obligation. In other words, a coherent liberalism will provide states and citizens with mutually sustaining reasons for action.

My analysis has established that political liberalism fails this coherency standard because it assumes civility to be inherently good for human beings. I have also argued that political liberalism draws such philosophically perfectionist considerations into the political realm of praxis. If this is correct, then what I have called the principle of (LP) equal respect as civil concern should be acknowledged as political liberalism’s actual grounding norm. Hence, my critique of political liberalism from the theory of political obligation shows that a coherent liberalism for pluralistic social forms like our own will ground itself in liberal-perfectionist value and seek to provide liberal-perfectionist goods. The following, Conclusion chapter completes this study by summarizing my overall argument. There I restate my implied position that today’s pluralistic polities would do well to reconsider the viability of liberal perfectionism.
Conclusion

My dissertation has analyzed the competing values underlying neutralist and perfectionist legitimacy, on the one hand, and the moral elements of citizenship, on the other. Specifically, I have examined the relationship between moral justifications of a state’s right to rule and those defending our general obligation to uphold and comply with just institutions. Exploring neutralist and perfectionist ethics through the prism of liberal citizenship allows us to see that political liberalism explains and justifies political obligation, not, as we would suspect, neutrally, but by grounding this account in a broader, liberal-perfectionist conception of persons and conduct.

My critique from obligation stands out in the literature on neutrality. Over the past fifteen years, scholarly criticism of political liberalism amounts to one overarching claim; namely, that reasonableness is itself (reasonably) contestable. By this, many have meant that political liberalism’s central “political virtue,” itself, fails the standards of public justifiability (Wolgast, 1994; Wenar, 1995; George, 1995; 1997; Moore, 1996; McCabe, 2000; Seglow, 2003; Weinstock, 2006; Eberle, 1999; 2006). This concern largely materialized from an early-to-mid-1990s shift in attention from the terms of the liberal-communitarian debate to the ethical and epistemological questions involved in the study of neutrality and perfectionism. As I suggested in Chapter One, this transition was imperative for normative political theory, since the liberal-communitarian debate tended to detract from the more integrated study of political morality (Wall, 1998, 2). This dissertation is an example of how such broader ethical questioning can offer more illuminating responses to crucial questions of liberal citizenship.

My analysis of political liberalism is thus unique in two major ways: first, I examine its neutralism against its moral position on general political obligation; and second, I show
exactly how political liberalism’s ideal of civility is not only constitutive of its account of natural political duty, but also that these underlying assumptions lie firmly within the sphere of liberal-perfectionist valuation. So, even though I agree with others that civility is itself reasonably rejectable, I have sought to ask whether political liberalism can coherently invoke the norms of civility in their explanation and justification of political obligation, and not whether there can be such a thing as a political virtue like reasonableness or any other. I will now close this study with a brief summary of its main stages in argument.

**Perfectionist Political Obligation: A Summary**

Chapter One introduces my study by noting that any plausible version of liberal neutrality must first articulate the concept in a satisfactory way and then explain why that rendering ought to play a prominent role in normative political philosophy. I reject today’s dominant neutrality principle on both counts. This introductory chapter articulates the two main strategies I use to make my case. The first evaluates neutrality’s *grounding* assumptions; the second analyzes its *scope* implications for political practice. The critical question in the first area is whether neutrality theory can secure a value-based justification that is actually uncontroversial. I call this the “grounding problem.” An additional concern, which I call the “scope problem,” demonstrates the challenge of specifying neutral constraint in praxis. This applied issue concerns exactly whose conduct is to be restrained by neutrality, for if citizens (not just states) are governed by its standards, then it seems liberal neutralism succeeds only by controlling the behaviour it seeks to free. If neutrality is to work for liberal pluralistic polities, it must offer viable solutions to both of these problems.

Section I begins in Chapter Two by tracing the development of first-generation neutralist thinking through versions of the grounding and scope problems. The first half of
this chapter looks at Dworkin’s claim that neutrality follows from a liberal reading of political equality. I argue, on the contrary, that Dworkin’s neutrality is not actually derived from a notion of equality, but rather that his notion of equality presupposes an idea of neutral concern. My claim here is that his account of equality cannot serve as the independent ground of neutrality that he claims it to be. This rather analytic point helps clarify what, exactly, is at issue in the grounding problem because while my critique affirms that we need some way of answering why each citizen is entitled to a right of equal respect, it also highlights that essential matter here has to do with a more precise principle that I call (LN) equal respect as neutral concern.

Chapter Two also discusses the tendency in neutrality theory to reach beyond a state-centric reading of legitimacy. Here, I highlight an important premise in neutralist theory that I call the special-power assumption. It implies that all moral persons possess and seek to exercise their capacity to sideline or bracket-out their own deepest ethical convictions in circumstances of moral conflict. Neutrality theory relies on the assumption that all persons actually possess this special-power to negate their own deeply held beliefs, and it implies, as well, that this capacity is the surest way for each to realize his or her highest interests. I also suggest here that the neutralism of such an account would be self-contradicting if these underlying conceptions of moral persons and civic conduct were themselves contestable.

Chapter Three distinguishes Dworkin and Ackerman’s neutrality from a second-generation version in political liberalism. First-generation thinking, which I call “ethical neutrality,” insists that the way to show equal respect for competing ethical views is to remain uninterested in their epistemic validity. Rawls and Larmore’s revisionary position, which I titled “epistemic neutrality,” argues that public – not plural – reasoning ought to constrain moral deliberation on issues of justice. The essential idea here is that moral disagreement can and should be guided by some position on which kinds of ethical claims all
reasonable people would find admissible in public deliberation. Only those worldviews which adhere to the moral and epistemological standards of reasonableness, say political liberals, can garner this kind of consensus. By conceiving all moral persons as *reasonable, public* deliberators – or as citizens concerned merely with constitutional matters of justice – epistemic neutrality claims to steer itself away from the grounding and scope problems facing first-generation neutrality. The ideal of reasonableness, therefore, is a moral but still sufficiently uncontroversial way of justifying neutrality, say political liberals.

Some critics respond that this second-generation account of liberal neutrality is itself problematic because it trades the substantive moral prescription of its predecessor version for a non-moral or merely prudential view of justice. This so-called “modus vivendi critique” is clearly misguided. Political liberals do indeed ground their liberalism in a limited set of core values so that it can remain moral, though not comprehensively so, and neutral, but not prudentially so. Although I agree with Rawls and Larmore that political liberalism *is* moral, my analysis in Sections II and III shows that the doctrine does not remain sufficiently neutral because its account of political obligation relies on liberal-perfectionist values. In order to frame this thesis, Section II begins in Chapter Four with a discussion of perfectionist ethics.

An important point I notice about today’s perfectionism is that very little of it is comprehensive or monolithic in its ethical prescription. Chapter Four shows that this middle-way between liberal neutrality and *illiberal* perfectionism is comprised of *inherent* values. These are neither instrumental nor intrinsic principles. Instead, inherent values allow a decidedly liberal version of perfectionism to take a substantive position on controversial political matters without simultaneously prescribing for the whole of life. I offer three arguments to make this case: first, liberal perfectionism can show equal respect while rejecting equal toleration for inferior life forms; second, legitimate state action in pluralistic contexts occasionally requires the demotion of certain lifestyles precisely so that autonomous
decision-making is preserved and advanced; and, finally, public policies must seek to balance liberal goods because autonomous decision-making depends on an adequate variety only of truly worthwhile options.

A key point emphasized in this chapter is that this crucial, but rarely noted, class of inherent value shows that liberal neutrality and liberal perfectionism do not walk a blurred-line. The former claims to invoke only uncontroversial values, where the goods in question are accepted if agents directly confer value upon them, while the latter appeals to inherent value, where goods are gained by *practicing* activity that accords with essential, superior, but still broad human characteristics even if many agents would rather not engage them. A central claim of mine is that political liberalism’s justification of obligation relies on this distinctly liberal-perfectionist form of (inherent) valuation.

Chapter Five acknowledges that because political legitimacy concerns state permissions while political obligation defines citizens’ civic responsibilities, one does not necessarily imply the other. But I do insist, with at least Rawls, that in order to prevent liberalism from pitting states and citizens against one another, the moral accounts of legitimacy and obligation must cohere. In exploring how this might occur, I detail a series of conditions that a justification of obligation would have to meet for compatibility with neutralist legitimacy, in one direction, and liberal-perfectionist legitimacy, in the other. I conclude, in short, that neutralist political obligation (NPO) would adopt at most contractualist principles of acquired political obligation, while perfectionist political obligation (PPO) would source duties in assumptions about the inherently good properties and practices of human character.

I also argue in Chapter Five that although the contractarian version of NPO might seem like an intuitively suitable justification, it is not viable in the end. The problem with this account is that it tends toward libertarian, if not anarchist, conclusions, clashing contractarianism with the more plausible moral reading of second-generation neutralism
outlined in Section I. A compatible version of NPO for political liberals, instead, requires that justifications of political obligation are moral, but not so much so that they become reasonably contestable. And comparing this more likely NPO position with the PPO account, we learn precisely where their value-based assumptions diverge. Unlike NPO, a liberal-perfectionist justification of political obligation suggests that what one ought to do, all things considered, includes legitimate, state-endorsed reasons for action that can generate obligations *even though* another act may be preferable or more desirable by one’s own worldview. The ethical patterns outlined in this typology raise two important questions about political liberalism: (i) what, exactly, is the full account of political obligation that political liberalism advances? and, (ii) is this explanation and justification sufficiently free of perfectionist valuation? Section III explores these questions.

If political liberalism is to be thoroughgoing in its rejection of perfectionism, then we would expect its account of our distinct political responsibilities to cohere with the justificatory structure of NPO. We learn in Chapter Six, however, that this is not the case. Political liberalism does not adopt NPOs justificatory structure for two reasons: (i) both actual and hypothetical agreement are unable to generate a satisfactorily general (though still prima facie) account of political obligations; and (ii) although political liberalism’s conceptions of persons and conduct form sufficiently moral justifications of political compliance, they are far too unlikely to be seen as reasonably acceptable to all reasonable persons. The key to this discovery is my analysis of political liberalism’s natural duty justification of general political obligation.

A crucial matter to settle here is political liberalism’s actual relationship with transactional morality, specifically the contractualist version. We noticed at the beginning of Section III in Chapter Six the attempt to avoid the problems of contractarianism without losing consent-based principles of obligation for neutrality’s sake. What I take to be
instructive here is that political liberals do retain some contractualist assumptions about moral psychology despite their ultimate adoption of a natural duty justification. I then observe that even though the largely contractualist ideal of reasonableness is “compatible” with a natural duty account, it can undergird authoritative reasons for general obedience only at the cost of requiring action for reasons that may not correspond with individual lifestyle preferences. In other words, the complementariness of contractualist assumptions and the natural duty justification do not amount to a (Goodin-type) want-regarding or acquired principle of obligation, but to an ideal-regarding one that is sourced in the controversial moral and epistemological assumptions of civility. This finding answers the question I have been asking throughout the dissertation. Political liberalism ultimately betrays its neutralism for a more plausible, but ultimately liberal-perfectionist account of citizenship. My essential claim is that our moral responsibility to practice the standards of civility is ultimately justifiable only by perfectionist standards. Although these inherent goods are liberal, they are not neutral.

Chapter Seven moves on to demonstrate that political liberalism breaches its neutrality standards not just at the grounding level (i.e., philosophical perfectionism), but also at the level of practice (i.e., political perfectionism). This later proposition is articulated through Joseph Raz’s discussion of normative power. Here we see precisely how civility’s constitutive norms require citizens to practice distinctly liberal modes of conduct even if some other behaviour is morally obligatory by their own judgment. Thus, while political liberalism’s account of political obligation is grounded by assumptions of what is inherently good, its requirement that citizens practice politics in this particular way also entails the same non-neutral scope implications that we saw to be characteristic of the special-power assumption in Chapter Two and Three. Political liberalism’s second-generation version of neutrality, I conclude, fails to overcome both the grounding and scope problems outlined in Section I.
This project began by considering the argument that the “politics of rights,” or the “passive” and “private” version of citizenship, obscures our sense of civic responsibility. I have attempted to show in this study that reframing questions of citizenship in the value-based terms of neutrality and perfectionism can offer a clearer moral picture of what constitutes both the rights and responsibilities of political membership. Under that broader framework, my main criticism has shown that political liberalism’s neutralist account of legitimacy cannot cohere with its own perfectionist justification of political obligation. This is why I suggest that in order to render its view fully coherent, political liberalism should replace the notion of (LN) equal respect as neutral concern with the more suitable grounding norm of (LP) equal respect as civil concern.

Overall, I think, this study offers liberal thinkers an added reason to heed Ronald Beiner’s recent ultimatum: “Unless we are willing to invest the idea of citizenship with some perfectionist credentials, we won’t be able to give our liberalism a sufficiently civic dimension” (2003, 56). If it is true that only liberal-perfectionist valuation can hang-together a viable liberalism for today’s pluralistic politics, then further studies in liberalism would do well to re-examine the ethics of political obligation, and particularly the idea that the duty of civility is a perfectionist principle.
Bibliography:


