

Abstract of thesis entitled

Beyond Public Reason Liberalism: Moderate Perfectionism

submitted by

MANG, Fan Lun Franz
St. Antony's College

for the degree of Doctor of Philosophy in Politics
at the University of Oxford (submitted in Trinity Term 2015)

Should the state undertake the task of promoting the good life? Perfectionism is the idea that the state should promote the good life. Many philosophers have answered in the negative to the above question, so they reject perfectionism. This thesis aims to develop a moderate version of perfectionism, and seeks to defend it against several influential anti-perfectionist arguments, in particular the argument from public reason liberalism.

I begin by examining public reason liberalism. John Rawls, Gerald Gaus, Martha Nussbaum, and many other political philosophers endorse public reason liberalism. They believe that state coercion should be publicly justified, and that perfectionism cannot meet the requirements of public reason. I argue that public reason is the object of reasonable rejection, so it cannot be realised in actual politics through state intervention in a publicly justified way. In addition, I argue that respect for persons is not a reliable basis for public reason. Thus we have good reason to reject public reason liberalism.

Then I develop a moderate version of perfectionism. I contend that the state should promote the good life through supporting a wide variety of perfectionist goods, and that it should do so by using moderate measures and by appealing to perfectionist judgements of a moderate kind. Some anti-perfectionists consider that perfectionism would be unnecessary when a fair distribution of resources is realised. Yet a fair distribution of resources is not foreseeable. I propose several kinds of moderate perfectionist policies that are of great importance for any neo-liberal society where the distribution of resources is far from fair, and these policies are ultimately important for the good life, not only for remedying unfairness. Contrary to the positions of many liberal philosophers including Ronald Dworkin and Jeremy Waldron, I argue that moderate perfectionism should not be rejected on grounds of paternalism and unfairness to different conceptions of the good.

Beyond Public Reason Liberalism: Moderate Perfectionism

by

MANG, Fan Lun Franz
St. Antony's College

Submitted in partial fulfillment of the requirements of the Degree of Doctor of Philosophy in
Politics at the University of Oxford

To my mother Ms HON, Mei-ying

Acknowledgments

I am grateful to Dan McDermott for supervising my thesis. He is one of the most interesting people I have ever met. Simon Caney and Steven Wall read the entire thesis. Their comments and suggestions were very useful and stimulating. I am grateful to both of them. I should also thank Alex Barker, Paul Billingham, Sophia Chan, Andrew Lister, Loretta Lou, David Miller, Jonathan Quong, Thomas Sinclair, Zak Taylor, Kevin Vallier, Jeremy Waldron, Wai-hung Wong, and participants of several workshops (Nuffield Political Theory Workshop, Oxford Graduate Political Theory Workshop, and Friday Group in Hong Kong) for reading and commenting on different parts of my thesis. Their comments saved me from many errors, and I am responsible for all the errors that remain in the thesis.

I wish also to express my gratitude to Joseph Chan, who was my master thesis supervisor. It is extremely hard to imagine what I would do and how well I could do without his support and advice for so many years. I am also grateful to Po-Chung Chow, Jiwei Ci, and Uwe Steinhoff, from whom I learned a great deal about life, philosophy, and politics. I know I will continue to learn a lot from them. Let me also express my gratitude to The Swire Educational Trust. My doctoral studies at Oxford would be impossible without its generous support.

Several good friends of mine read different parts of my thesis and gave valuable comments. They are: Clara Fok, Ting Guo, Chenxin Jiang, Karita Kan, Lok-man Law, Jackie Lee, and Charlie Ng. I should like to thank all of them. Lok-man did not only read certain parts of my thesis; she has changed my life in the most fundamental way (in what way?—she may not know, but we should read this page again ten years later).

This thesis is very far from I wanted it to be. Yet I wish my mother likes it; you already understand I spent a lot of time on it. I hope you're sleeping well or having fun somewhere. My mother, while my thesis marks nothing more than a new stage of my career, I know you never imagined that I could get a doctoral degree from Oxford. You might say this is just a minor achievement, but I would say: "you loved me so I did it."

Contents

1. Introduction: Neutrality, Public Reason, and Moderate Perfectionism	1
The neutrality-perfectionism debate	1
The idea of liberal neutrality	2
Arguments for liberal neutrality	4
Public reason liberalism and neutrality	7
Moderate perfectionism: some new perspectives	15
Preview of arguments	23
<u>Part I: On Public Reason Liberalism</u>	
2. Should Public Reason Satisfy Its Own Requirement?	26
Public reason and reflexivity	27
Seeking to Realise Public Reason in Actual Politics	31
Two Recent Arguments against Reflexivity	36
Conclusion	41
3. Public Reason Can Be Reasonably Rejected	43
Preliminaries: public reason and the idea of reasonable rejection	43
A dilemma about public reason	46
Appealing to the truth of public reason	46
The internal conception of political liberalism	57
A <i>non-sequitur</i> about public reason	68
Conclusion	73
4. Respect for Persons and Public Reason	75
Respect and legitimate state action	75
Disagreement between fully rational agents	78
Accessibility of reasons and the strategy of idealisation	83
The non-epistemological argument	89
Conclusion	94

Conclusion of Part I	96
<u>Part II: Moderate Perfectionism: A Defense</u>	
5. Liberal Neutrality and Moderate Perfectionism	100
Coercion, respect, and neutrality	102
The idea of moderate perfectionism	103
Moderate perfectionist judgements	106
The holistic view of perfectionism	116
The problem of deeper disagreement	128
Conclusion	137
6. Moderate Perfectionism for a Non-ideal Society (I)	139
Preliminaries: perfectionism and justice	140
Four types of moderate perfectionist policies	146
Perfectionism and an ideal environment	148
(a) The notion of an ideal environment	149
(b) From Dworkin's view on state support for art to two perfectionist approaches	152
(c) Art and cultural development and unfair distribution of resources	165
(d) Three criticisms of paternalism	167
(e) A special case	175
Summary and remarks	178
7. Moderate Perfectionism for a Non-ideal Society (II)	180
Cultural and environmental preservation	180
Reminders of harm and coercive paternalism	188
Scientific research about well-being	209
Conclusion and remarks	212
8. Legitimacy, Fairness, and Moderate Perfectionism	217
Legitimacy and the expert/boss fallacy	218
Natural duty of justice, fair procedures, and perfectionism	227
Natural duty of mutual aid and moderate perfectionism	236
Taking the unfairness charge seriously	239

Conclusion	260
9. Conclusion	262
Main contributions of the research	262
Some future research projects	274
Two remarks: (a) Moderate perfectionism is not comprehensive perfectionism	275
Two remarks: (b) Moderate perfectionism is <i>not merely</i> being defended in a strategic way	278
Bibliography	283

Chapter 1

Introduction: Neutrality, Public Reason, and Moderate Perfectionism

Broadly speaking, liberal perfectionism is the idea that the liberal state must undertake the task of enabling people to lead valuable and worthwhile lives. This thesis is an attempt to develop a moderate version of liberal perfectionism, and it seeks to defend this version of perfectionism against several influential anti-perfectionist arguments. In particular, I reject the anti-perfectionist argument that appeals to public reason. The moderate form of perfectionism that I advance holds that the state should promote people's welfare through supporting a wide array of perfectionist goods, and that the state ought to do so by appealing to a particular moderate form of perfectionist judgements and by using different moderate measures.

The neutrality-perfectionism debate

For the past few decades, the debate between liberal neutrality and liberal perfectionism has been at the heart of political philosophy. In brief, liberal neutrality is the view that the liberal state must not take any stance on matters concerning of the good life.¹ Neutralists believe that the state should have no role to play in creating or maintaining social conditions that enable citizens to lead flourishing lives. By contrast, liberal perfectionists contend that liberal ideals and perfectionist ideals are compatible. Many of them believe that the most convincing account of liberalism should be based on some comprehensive doctrine of the good.²

In reality, no liberal state has refrained from making perfectionist policies. These policies include drug policies, cultural policies, education policies, environmental policies, and social

¹ I shall speak of “the good life,” “well-being,” “welfare,” “valuable lives,” “flourishing lives” etc. in an interchangeable way. This will not affect my main argument in the thesis, although, surely, these terms have different shades of meaning. For some of the instructive discussions of these terms, see Arneson (1999), Bogner (2005), Raz (2004), and Wall (1998, pp. 8–12).

² Two notable examples are Raz (1986) and R. Dworkin (2011, esp. pp. 191–415).

welfare policies. Seen in this light, neutrality is actually the radical view.³ But we must not misunderstand neutralists. They do not argue that the state must ignore people's welfare. Rather, they believe that the state should refrain from interfering every citizen's basic rights, fundamental liberties, and the allocation of resources, so that citizens can pursue their own conceptions of the good. Nevertheless, neutrality and perfectionism are opposing ideals. They could not be both true. The neutrality-perfectionism debate has been running for more than four decades among academic philosophers, despite the fact that no liberal state has embraced a blanket rejection of perfectionist ideals.⁴ Nevertheless, there seems little reason not to expect that philosophers will continue to disagree sharply over the topic.⁵

Some perfectionists believed that the period of liberal neutrality was over. For example, Richard Arneson believed that all that remains to be done is an "autopsy" on liberal neutrality.⁶ On the other hand, Thomas Hurka said: "As one finishes his [George Sher's] book⁷ it is hard not to believe that the period of neutralist liberalism is now over."⁸ Yet, the neutrality-perfectionism debate has not diminished. One of the latest important defenses of neutrality is Jonathan Quong's *Liberal without Perfectionism* (2011), where Quong criticises many arguments for perfectionism, including those advanced by Arneson, Hurka, and Sher.⁹

The idea of liberal neutrality

³ Gerald Gaus has pointed out that liberal neutrality is a radical principle. See Gaus (2003, pp. 159–162).

⁴ The neutrality-perfectionism debate among contemporary Anglo-American philosophers at least dates back to Rawls (1971) and R. Dworkin (1978).

⁵ Some perfectionists believed that the period of liberal neutrality was over. For example, Arneson thought that all that remains to be done is an "autopsy" on the idea of neutrality, as the title of an essay by him (Arneson 2003) suggests (the title of the essay is "Liberal Neutrality on the Good: An Autopsy"). On the other hand, Thomas Hurka has said: "As one finishes his [George Sher's] book [i.e. Sher (1997)] it is hard not to believe that the period of neutralist liberalism is now over" (Hurka 1998, p. 190). Nevertheless, the neutrality-perfectionism debate has not come to an end. The latest important defense of neutrality is Jonathan Quong's *Liberalism without Perfection* (2011), where Quong criticises many arguments for perfectionism, including those advanced by Arneson, Hurka, and Sher.

⁶ Arneson (2003). The title of this essay is "Liberal Neutrality on the Good: An Autopsy."

⁷ Sher (1997).

⁸ Hurka (1998, p. 190).

⁹ As will become clear, many arguments in my thesis are responses to Quong's anti-perfectionist arguments.

Let us take a close look at the idea of liberal neutrality. There is not just one form of neutrality. Consider various forms of neutrality as follows:

(1) *Neutrality of effect*: The liberal state should pursue neutrality by having an equal effect on all conceptions of the good or by ensuring all conceptions of the good do equally well.¹⁰

(2) *Neutrality of aim*: The liberal state should not aim at promoting one conception of the good over others.

(3) *Neutrality of justification*: Citizens should not base on any considerations about the good life in justifying the use of political power (i.e. in political justification).

(4) *Neutrality between reasonable persons' perspectives*: The liberal state should endorse the convergence model of public reason.¹¹ According to this model, the state must be neutral between different perspectives of reasonable persons. Thus, a law or a state action is publicly justified (and thus morally justified) only if different perspectives of reasonable persons converge on it.¹²

My thesis concerns with (2) neutrality of aim, (3) neutrality of justification, and (4) neutrality between reasonable persons' perspectives, but not (1) neutrality of effect. Few neutralists endorse neutrality of effect. After all, neutrality of effect is extremely hard to realise and is

¹⁰ Here, I borrow Simon Caney's definition of what he calls consequential neutrality (Caney 1991, p. 458). Caney distinguishes between "*consequential_i neutrality*: (equal effects neutrality) the state is neutral if and only if it has an equal effect on all conceptions of the good" and "*consequential_{ii} neutrality*: (equally easy neutrality) the state is neutral if and only if it ensures that all conceptions of the good do equally well."

¹¹ The main advocate of the convergence model of public reason is Gerald Gaus. See Gaus (2011).

¹² For a concise explication of the convergence requirement, see Gaus and Vallier (2009, pp. 53–54). A detailed explication of the requirement can be found on Gaus (2011, pp. 261–333).

undesirable in many cases. For example, the practice of religious tolerance and freedom of speech unavoidably has non-neutral effect on some religious practices, as some religious practices can hardly withstand public debate in an open social environment. Yet, liberals generally consider religious tolerance and freedom of speech as extremely important. They would not sacrifice them for neutrality of effect.¹³

Most neutralists endorse neutrality of aim and neutrality of justification. These neutralists include Brian Barry, Charles Larmore, Thomas Nagel, Martha Nussbaum, Jonathan Quong, and John Rawls.¹⁴ Neutrality of aim and neutrality of justification are not the same. To see this, just consider that an official can adhere to neutrality of justification by giving only non-perfectionist reasons for her view, but she violates neutrality of aim as her view is intended to serve a hidden purpose to promote a particular conception of the good. Generally speaking, neutralists who endorse Rawlsian public reason support neutrality of aim and neutrality of justification. I will have much more to say about that later.

Besides, in recent years, we see the emergence of the convergence model of public reason. Gerald Gaus is the main proponent of this model.¹⁵ Supporters of the convergence model endorse (4) neutrality between reasonable persons' perspectives. They do not endorse neutrality of justification or neutrality of aim, as they think that people should be allowed to appeal to many different kinds of reasons, including perfectionist reasons, in political justification. However, as I will explain later, the convergence model almost always leads to anti-perfectionism.

Arguments for liberal neutrality

¹³ For a discussion of this point, see Arneson (2003, p. 193).

¹⁴ See B. Barry (1995, esp. pp. 119–188), Larmore (1996, esp. pp. 121–174), Nagel (1987; 1991, pp. 103–112), Nussbaum (2011), Quong (2011), and Rawls (2005, esp. pp. 131–211).

¹⁵ Gaus (2011).

Having clarified the idea of neutrality, let's consider briefly several arguments for neutrality.

The following arguments have a wide appeal among neutralists¹⁶:

- (a) *The argument from paternalism*: The state should remain neutral between different conceptions of the good and different ways of life. For if it favours any of them, it would be assuming that citizens are not competent enough to lead a good life without the state's assistance. In that case, whether or not the state adopts coercive measures, it takes a paternalistic and disrespectful attitude towards citizens.¹⁷

- (b) *The expert/boss fallacy about political authority*: Perfectionists usually commit what might be called the expert/boss fallacy about political authority.¹⁸ This is because most of them believe that just because the state has the expertise to promote your welfare, it has the moral right to coerce you to act in a certain way to promote your welfare. However, as some critics have pointed out, that confuses between the expertise to help a person and the moral right to coerce that person to act in a certain way.¹⁹

- (c) *The argument from fairness*: When the state favours a particular conception of the good or a particular way of life over others, people who hold other conceptions of the good

¹⁶ Some of the arguments that follow may be considered by some as anti-perfectionist arguments rather than arguments for neutrality. However, I treat anti-perfectionism and neutrality as more or less the same thing in this thesis. After all, philosophers in the neutrality-perfectionism debate usually consider anti-perfectionist arguments as arguments for neutrality, and almost all anti-perfectionists in the debate consider themselves as neutralists. Indeed, there are some differences between anti-perfectionism and neutrality—e.g. an anti-perfectionist can be an anarchist, who rejects perfectionism and neutrality altogether—but I will ignore the differences between anti-perfectionism and neutrality in this thesis.

¹⁷ See, for example, R. Dworkin (2002, pp. 237–284), Quong (2011, pp. 73–107), and Waldron (1989, pp. 1115–1149).

¹⁸ The notion “the expert/boss fallacy” is from David Estlund. See Estlund (2008, p. 3).

¹⁹ Estlund (2008, pp. 3, 22–23), Himma (2007), and Quong (2011, pp. 108–120).

or lead other ways of life would have, in comparative or absolute terms, less opportunities of flourishing. This is unfair and objectionable.²⁰

- (d) *The argument from public reason*: There have been two main models of public reason: the consensus model (e.g. Rawlsian public reason) and the convergence model (e.g. Gaussian public reason). These two models lead to anti-perfectionism.²¹

My thesis tries to show that all of the above arguments for neutrality are unsuccessful. The first part of the thesis focuses on the argument from public reason (i.e. (d)). This is because debates about public reason have been at the centre of political philosophy in recent two decades, and many philosophers support neutrality because they endorse public reason. I will focus on (d) in the next section.

In addition, there are some arguments for neutrality that are less popular among neutralists. These arguments include:

- (e) The state is fallible in judging matters of the good life.²²
- (f) The neutral state allows competition between diverse conceptions of the good life and thus tends to provide the most valuable forms of life.²³

²⁰ See, for example, R. Dworkin (2002, pp. 11–64) and Patten (2013).

²¹ I will explain soon how Rawlsian public reason and Gaussian public reason, in different ways, lead to anti-perfectionism. Rawls has not explicitly pointed out that his version of public reason leads to anti-perfectionism. Yet, many philosophers recognise that Rawlsian public reason leads to anti-perfectionism. For an in-depth discussion of this point, see Quong (2011, pp. 192–220). In addition, I will explain how Gaussian public reason leads to anti-perfectionism, although his version of public reason allows people to appeal to perfectionist ideas in justifying laws and policies. It may be worth noting that Gaus adopted a different version of public reason in his earlier writings, which is a brand of the consensus model, and he has argued that public reason justifies neutrality (Gaus 2003).

²² See, for example, Ackerman (1980, pp. 363–369).

²³ See, for example, Kymlicka (2002, p. 248).

- (g) The perfectionist state reduces challenges to people's lives and that is unfavourable to their well-being.²⁴

These arguments, (e) through (g), are less popular among neutralists possibly because they are regarded by many philosophers as less convincing than other arguments for neutrality.²⁵

My thesis does not examine these arguments, though I respond to some of them in an indirect way.²⁶ Now, let's focus on the argument from public reason and the relevant idea of public reason liberalism.

Public reason liberalism and neutrality

Public reason liberalism refers to any version of liberalism that gives the central place to public reason. It would be impossible to offer a fair evaluation of liberal neutrality without examining public reason liberalism. For in recent decades, many philosophers have embraced public reason liberalism, and many arguments for neutrality are based on public reason liberalism. Thus, Part I of the thesis is devoted to investigating public reason liberalism.

In the following, I first outline the background of public reason liberalism. I distinguish between the consensus model and the convergence model of public reason. Following that, I explain how Rawls's consensus model and Gaus's convergence model lead to neutrality. Then I discuss briefly my response to public reason liberalism.

²⁴ This is Ronald Dworkin's conception of the good life, which he calls "the model of challenge." See R. Dworkin (2002, pp. 250–276; 2011, pp. 195–214).

²⁵ For criticism of the argument from fallibility (i.e. (e)), see, e.g. Caney (1991, pp. 460–463). For criticism of the idea that the marketplace tends to provide the most valuable forms of life (i.e. (f)), see, e.g. Caney (1991, pp. 459–460) and Chan (2000, pp. 30–31). For criticisms of Dworkin's appeal to the model of challenge to justify neutrality, see, e.g. Wall (1998, p. 225; 2013d, p. 469) and Arneson (2004, pp. 79–98).

²⁶ For example, in Chapter 7, I argue that it is morally justified for the state to remind people of the risks of harmful activities, such as smoking and recreational drug use. My argument there implies that arguments for neutrality (e), (f), and (g) are not effective to show that the state should only take a neutral stance towards harmful activities.

Why public reason liberalism?

Public reason liberalism is a response to the fact of persistent and deep disagreement among people about matters of religion, morality, and the good life. One main aim in advocating public reason is to reconcile the legitimacy of coercive political authority with the freedom and equality of all people subject to it, despite persistent disagreement among people. Public reason holds that the moral or political rules that regulate our common life must be justifiable to every person who is subject to them. As some public reason liberals observe, such an idea can be traced back to Hobbes, Locke, Kant, and Rousseau.²⁷ Contemporary proponents of public reason include Gerald Gaus, Jürgen Habermas, and John Rawls.

To most public reason liberals, the underlying rationale of public reason is respect for persons as free and equal.²⁸ They believe that political power is essentially coercive, and so, to give due respect to all people who are subject to it, the use of political power must be justifiable to them in a way that they are treated as free and equal moral persons. Nagel and Larmore have explained this idea clearly. Nagel writes:

“If you force someone to serve an end that he cannot be given adequate reason to share, you are treating him as a mere means—even if the end is his own good, as you see it but he doesn’t. In view of the coercive character of the state, the requirement becomes a condition of political legitimacy.”²⁹

Similarly, Larmore argues:

²⁷ For a discussion of this point, see Gaus (2015, pp. 112–119) and Vallier (2011, p. 261).

²⁸ Yet, there are a few exceptions. For example, Andrew Lister argues that respect for persons is not a reliable basis for public reason (Lister 2013, pp. 59–79). Moreover, he argues that the idea of civic friendship provides a plausible justification for Rawlsian public reason (Lister 2013, pp. 105–133).

²⁹ Nagel (1991, p. 159). See also Nagel (1987, p. 238; 1991, pp. 33–36).

“The norm of equal respect holds that political principles—that is, principles to which compliance may be effected by force, if need be—must be justifiable to all who are to be subject to them, for otherwise persons would be being treated only as means (as objects of coercion) and not also as ends in themselves (as beings whose distinctive capacity of thinking and acting on the basis of reasons is engaged directly).”³⁰

Barry and Gaus hold similar views.³¹ Gaus even thinks that on the grounds of respect for persons, there should be a presumption in favour of liberty.³²

Two models of public reason

How does public reason give due respect to people as free and equal moral persons? Some philosophers believe that legitimate and respectful political authority requires the actual (or implied) consent of the subjects.³³ Yet, some philosophers believe that we should focus on what moral and political principles are sound rather than what principles people actually accept.³⁴ By contrast, public reason is intended to steer a middle path between truth and consent. Public reason indicates that moral or political principles are sound only if they are *reasonably acceptable* to all who are subject to them. Here, reasonable acceptance does not mean actual acceptance or the grasp of truth. To public reason liberals, an actual person might reject a principle (e.g. the moral principle that no theft should be allowed) even though this principle is reasonable acceptable to all people, whereas a true principle (say, Christianity reveals the truth about the good life) may not be reasonable acceptable to all people.³⁵ The characterisation of reasonable acceptance usually involves the characterisation of reasonable

³⁰ Larmore (1992, pp. 193–194). See also Larmore (1987, pp. 63–64; 1996, pp. 134–141; 1999, pp. 607–608).

³¹ B. Barry (1995, pp. 164–165, 176) and Gaus (2009, pp. 84–85, 91).

³² Gaus (2011, pp. 341–46).

³³ See, for example, Otsuka (2003, 89–113) and Simmons (2001, esp. pp. 122–157).

³⁴ See, for example, Raz (1998) and Arneson (2003, pp. 211–214).

³⁵ Gaus has elaborate on this point in Gaus (2010, pp. 179–183).

persons: we determine the central features of reasonable persons, in order to determine what moral or political rules are reasonably acceptable.

On Rawlsian public reason, reasonable persons are defined by two features. First, reasonable persons are “ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so. Those norms they view as reasonable for everyone to accept and therefore as justifiable to them; and they are ready to discuss the fair terms that others propose.”³⁶ Second, reasonable persons accept what Rawls calls “the burdens of judgment” and “accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime.”³⁷ The burdens of judgment are the many “hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life.”³⁸ The burdens of judgment explain why rational people in good faith can persistently and deeply disagree about religion, morality, and the good life. Rawls believes that reasonable persons who are characterised by the above two aspects of reasonableness also accept his idea of public reason.³⁹ Rawlsian public reason requires citizens to appeal to public reasons in political justification. These reasons are those that reasonable persons may accept. They mainly include reasons derived from different interpretations of liberal political values, such as freedom, equality, and fair social cooperation.⁴⁰ Rawls contends that non-public reasons do not have independent justificatory force in political justification, although citizens may appeal to non-public reasons in due course when their views are supported by adequate public reasons.⁴¹

³⁶ Rawls (2005, p. 49).

³⁷ Rawls (2005, p. 54).

³⁸ Rawls (2005, pp. 55–56).

³⁹ Rawls (2005, pp. 54, 58, 216–218).

⁴⁰ Rawls (2005, pp. 450–453).

⁴¹ Rawls (2005, p. 453).

In recent years, Gaus offers an alternative approach of public reason. His approach differs from Rawls's in two ways: he adopts a less idealised view of the constituency of public reason than Rawls does; and he adopts a convergence model of public reason rather than Rawlsian public reason. Let's take a look at Gaus's view of the constituency of public reason. In Gaus's view, reasonable persons should not be confined to those who already accept a certain set of public reasons. To be truly respectful to the fact of reasonable pluralism and to individual liberty, he thinks that any person who has engaged a "respectable amount" of reasoning⁴² and does not suffer from obvious failures of impartiality and rationality⁴³ should be treated as a reasonable person.⁴⁴ In Gaus's view, a coercive law is justified only if every reasonable person has sufficient reason from her perspective to accept it. This model of public reason differs from Rawls's consensus model.⁴⁵ To Rawls, citizens should appeal to public reasons—reasons over which Rawlsian reasonable persons can have consensus—in political justification. Yet, to Gaus, a coercive law is justified only if every reasonable person converges on it. Hence, Gaus calls his model of public reason the convergence model. This model has also been advocated by Kevin Vallier. He argues that it shows proper respect for reasonable pluralism and places fewer restraints on individual liberty than Rawls's model.⁴⁶

So, there are two models of public reason, namely, the consensus model and the convergence model. The two models advocate different public reason principles (PRPs):

Consensus PRP: A law or a state action is justified only if it is justified by public reasons. Public reasons are those over which reasonable persons can have consensus, and these reasons do not have to be acceptable to unreasonable persons.

⁴² Gaus (2011, pp. 249–250).

⁴³ Gaus (2011, p. 26).

⁴⁴ In Gaus's terminology, such a citizen is a "Member of the Public" (Gaus 2011, p. 26).

⁴⁵ For ease of expression, I shall treat "Rawls's consensus model of public reason" and "Rawlsian public reason" as interchangeable concepts, and "Gaus's convergence model of public reason" and "Gaussian public reason" as interchangeable concepts.

⁴⁶ Vallier (2011, esp. pp. 264–265).

Rawls, David Estlund, Jürgen Habermas, Andrew Lister, Jonathan Quong, et al. endorse this PRP.⁴⁷

Convergence PRP: A law or a state action is justified only if each member of an idealised public has sufficient reason from his perspective to endorse it. In other words, a law or a state action is justified only if different perspectives of the members the idealised public can converge on that law or that state action.

Gaus, Vallier, et al. endorse this PRP.

Two forms of public reason neutrality

Let's see how the two models of public reason lead to neutrality.⁴⁸ To Rawls, considerations about the good life—be it religious or secular—fall outside public reason. As Rawls argues:

“We must distinguish public reason from what is sometimes referred to as secular reason and secular values. These are not the same as public reason. For I define secular

⁴⁷ See, among other works, Boettcher (2012), Estlund (1998; 2008), Habermas (1990), Lister (2013), Quong (2011), and Rawls (2005).

⁴⁸ A remark about the scope of state neutrality should be made. Philosophers in the neutrality-perfectionism debate hold different views of the scope of neutrality, but this will not generate any serious problem for my argument in this thesis. Some neutralists, such as Rawls, Brian Barry, and Charles Larmore, think that neutrality applies only to constitutional matters and principles of justice but not to political issues where constitutional matters or principles of justice are not at stake. We can call this idea the *narrow application of neutrality*. See Rawls (2005, pp. 13–14, 214–215), B. Barry (1995, pp. 109–110, 143–145, 161, 172), and Larmore (1996, p. 126). For a note of Rawls's concessions to perfectionism, see Caney (1995, p. 250). In contrast, neutralists such as Gerald Gaus and Jonathan Quong think that neutrality applies to all levels of political decision-making, not just to constitutional matters or principles of justice. We can call this idea the *comprehensive application of neutrality*. See Gaus (1993, p. 159) and Quong (2011, pp. 273–287). I think that a problem with the narrow application of neutrality is that in many cases it is unclear whether or not a political issue concerns constitutional matters or principles of justice. For this view, see Arneson (2003, pp. 209–211), Chan (2000, p. 7 note 7), and Wall (1998, p. 42 note 23). I also think that Gaus and Quong are right to point out that if public reason neutrality is justified, then *in principle* it has to be applied to all levels of political decision-making; although in reality, I think, there may be some weighty concerns that compel the state to prefer a narrow application of neutrality to a comprehensive one.

reason as reasoning in terms of comprehensive nonreligious doctrines. Such doctrines and values are much too broad to serve the purposes of public reason.”⁴⁹

Since considerations about the good life fall outside public reason, citizens should not appeal to these considerations in political justification as though they have independent justificatory force. In this way, Rawlsian public reason entails neutrality of aim as well as neutrality of justification, which are discussed earlier.⁵⁰ This is because in political justification, citizens should not form their views or make political decisions on the basis of any perfectionist aim or any considerations about the good life.

What about Gaus’s convergence model? On the one hand, it does not *entail* anti-perfectionism. For Gaus thinks that reasonable persons may appeal to many different kinds of reasons in justifying the use of political power, which include religious reasons and perfectionist reasons.⁵¹ Thus, in principle, it is possible that every reasonable person has her own perfectionist reasons to affirm some perfectionist policies. However, we should expect that, in any liberal society, which is characterised by reasonable disagreement about the good life, a lot of perfectionist policies (e.g. many cultural policies and many coercive measures that discourage harmful activities such as recreational drug use) would encounter rejection from reasonable persons. Indeed, some policies that are supported by most perfectionists can be publicly justified without recourse to perfectionist reasons. For example, some environmental policies may be publicly justified as they may be important for the economic growth. However, many perfectionist policies cannot be publicly justified in that way, for

⁴⁹ Rawls (2005, p. 452).

⁵⁰ Note that to Rawls, we should not only discuss in terms of political values that everyone can reasonably accept in political justification, while at the same time holding a hidden agenda that serves our own conceptions of the good, i.e. pretending to be committed to neutrality of aim and neutrality of justification. For as Rawls has pointed out: “We should sincerely think that our view of the matter is based on political values everyone can reasonably be expected to endorse” (Rawls 2005, p. 241). See also Rawls (2005, p. 253). For a recent discussion of sincerity in public reason, see Schwartzman (2011).

⁵¹ See Gaus (2011, pp. 279–283).

there are many perfectionist policies that cannot be justified without recourse to perfectionist reasons. For instance, many anti-drug policies are in serious tensions with individual freedom, so they can hardly be justified (if they are justified) without recourse to perfectionist reasons. On the other hand, many cultural policies are not particularly important for the economic growth, good health, etc. So the justification of these policies should be based on perfectionist reasons of the relevant kinds. Thus, the justification of a lot of perfectionist policies has to be based on perfectionist reasons, and thus these policies encounter rejection from reasonable persons (in particular, from anti-perfectionists). Therefore, a lot of perfectionist policies cannot be publicly justified in the way Gaus proposes.

To sum up, Rawlsian public reason and Gaussian public reason lead to two forms of neutrality. They might be called:

Public reason neutrality i: (the consensus model entails neutrality) in political justification, citizens should not appeal to considerations about the good life as though these considerations have independent justificatory force. This is because, on Rawls's consensus model, considerations about the good life are the object of reasonable rejection and cannot provide public reasons.

Public reason neutrality ii: (the convergence model leads to neutrality) reasonable persons hold many different views of the good life and of morality. So, on Gaus's convergence model, a lot of perfectionist policies are unjustified.

Liberal perfectionists have responded to public reason liberalism in two ways. Some of them reject public reason liberalism: they usually reject both the consensus model and the

convergence model. These perfectionists include Richard Arneson and Steven Wall.⁵² Yet, some perfectionists do not reject public reason liberalism (though they do not affirm it either). They argue that Rawlsian public reason is, with some modification, compatible with perfectionism, as they think that there are many perfectionist judgements that are reasonably acceptable. These perfectionists include Simon Caney and Joseph Chan.⁵³ My thesis takes a more ambitious approach: I reject public reason liberalism (Part I of the thesis) and seek to develop a moderate version of liberal perfectionism (Part II of the thesis).

Moderate perfectionism: some new perspectives

This brings us to the idea of moderate perfectionism. Some perfectionists, notably Caney and Chan, have espoused moderate forms of perfectionism that do not favour coercive perfectionist measures and do not appeal to any comprehensive doctrine of value.⁵⁴ The idea “moderate perfectionism” was suggested by Chan as a distinctive political principle.⁵⁵ Generally speaking, these perfectionists believe that if we have a more nuanced understanding of judgements about the good life, of political legitimacy, and of perfectionist measures, then we should see that the state should promote a variety of perfectionist goods and values. However, the case for moderate perfectionism has not been further developed in the recent decade. This is probably why, many neutralists, including Gaus and Waldron, ignore moderate perfectionism.⁵⁶

In what follows, I explain more clearly the idea of moderate perfectionism and sketch the main features of my theory of moderate perfectionism in three steps. First, I point out that

⁵² These perfectionists notably include Richard Arneson and Steven Wall. See Arneson (2003, pp. 211–214; 2013, pp. 453–454; 2014b) and Wall (1998, 2002, 2013a, 2014).

⁵³ See Chan (2000, pp. 11–14), Caney (1996, pp. 277–279), and a previous work of mine (Mang, 2013).

⁵⁴ Caney (1991; 1996, pp. 277–279) and Chan (2000). Besides, in a conversation with Gerald Dworkin in 2005, he said that he endorsed moderate perfectionism.

⁵⁵ Chan (2000, p. 10).

⁵⁶ Jonathan Quong is a major exception. See Quong (2011).

moderate perfectionism is a branch of liberal perfectionism. Second, I distinguish between comprehensive perfectionism and moderate perfectionism. Third, I point out that my version of moderate perfectionism inhabits a middle ground between the resourcist view of justice and the perfectionist view of justice, and that it is moderate in several other respects.

Liberal perfectionism and several related questions

State perfectionism, broadly speaking, holds that the state should enable citizens to lead valuable and worthwhile lives.⁵⁷ It can take a non-liberal form or a liberal form. Some philosophers endorse a non-liberal form of perfectionism. They think that the state may pursue perfectionist ideals without committing itself to the protection of any comprehensive set of citizens' basic liberties and rights. Friedrich Nietzsche can be treated as such a perfectionist.⁵⁸ My thesis does not consider any non-liberal form of perfectionism. In fact, most contemporary perfectionists advocate liberal perfectionism, and moderate perfectionism is one branch of liberal perfectionism. Liberal perfectionists, in general, believe that the perfectionist state should be committed to certain liberal ideals, including the protection of basic liberties and rights as well as respect for personal autonomy.

In order for liberal perfectionism to be convincing and practically important, there are several questions that its advocates should consider:

- (1) What sorts of considerations about the good life should the state appeal to? Should the state appeal to any comprehensive doctrine of value?

⁵⁷ For an in-depth discussion of the idea of perfectionism, see Wall (1998, pp. 7–21).

⁵⁸ For two instructive discussions of Nietzsche's conception of the good and his criticisms of liberalism, see Hurka (1993, pp. 75–79) and Leiter (2010). See Nietzsche (1965, pp. 59–60) for his ethical perfectionism and denial of moral equality. Rawls has also associated Nietzsche with perfectionism. See Rawls (1999a, pp. 285–286 and p. 286 note 50).

- (2) What are the relations between perfectionism and justice? Should the metric or currency of distributive justice be welfare or certain perfectionist ideals?
- (3) Should the perfectionist state coerce people to act or live in certain ways to promote good life? Can perfectionism be practiced without coercion?

Comprehensive perfectionism and moderate perfectionism

Take (1) first: What sorts of considerations about the good life should the state appeal to? Should the state appeal to any comprehensive doctrine of value? As will become clear, moderate perfectionists believe that the perfectionist state does not have to appeal to any comprehensive doctrine of value. By comprehensive doctrine of value, I refer to any doctrine or theory of value, which explicates what human goods or values are intrinsically or inherently valuable. Moreover, such a doctrine usually explains what human goods or values constitute or contribute to the good life, and what epistemological or metaphysical principles account for the objectivity of those goods and values.⁵⁹

Many philosophers believe that liberalism should be based on a particular comprehensive doctrine of value. Call them *comprehensive liberals*.⁶⁰ But not all comprehensive liberals are perfectionists. Some comprehensive liberals endorse liberal neutrality. They include Ronald Dworkin and Will Kymlicka.⁶¹ That said, quite a few liberal perfectionists are comprehensive liberals. These perfectionists include William Galston, Thomas Hurka, Joseph Raz, and Steven Wall.⁶² Call them *comprehensive perfectionists*.

⁵⁹ Many political philosophers have advanced their comprehensive doctrines of value. Notable examples include: Aristotle (1999), R. Dworkin (2011), Hurka (1993), and T. H. Green (1986).

⁶⁰ I borrow the term “comprehensive liberals” from Quong. See Quong (2011, p. 16).

⁶¹ R. Dworkin (2002; 2011) and Kymlicka (1989).

⁶² See, mainly: Galston (1991), Hurka (1993), Raz (1986), and Wall (1998).

Moderate perfectionists, such as Caney and Chan, are *not* comprehensive perfectionists. They believe that the state and citizens do not have to invoke any comprehensive doctrine of value to promote good life. George Sher holds a similar view. He holds a view that “does not seek to ground the state in any particular conception of the good, but nevertheless holds that the government may legitimately promote the good.”⁶³ But it is not clear whether Sher would accept the moderate perfectionist label. This is because, different from Caney and Chan, Sher has not argued that the perfectionist state should appeal to non-comprehensive judgements about the good life. I will come back to this point soon.

Let’s distinguish comprehensive perfectionism and moderate perfectionism as follows:

Comprehensive perfectionism: Any version of comprehensive perfectionism endorses a particular comprehensive doctrine of value. Comprehensive perfectionism holds that people may or should appeal to a particular comprehensive doctrine of value in political justification. Such a doctrine provides instructions as to what laws and policies should be made to promote the good life.

Moderate perfectionism: Any version of moderate perfectionism holds that in political justification people should appeal to perfectionist judgements that are non-comprehensive, convincing, and rather uncontroversial. In addition, moderate perfectionists think that there are good reasons for people not to appeal to any comprehensive doctrine of value in political justification.

I think that most theories of liberal perfectionism can be categorised into the above two camps. Let me explain what is meant by a non-comprehensive perfectionist judgement.

⁶³ Sher (1997, p. 1).

A perfectionist judgement is non-comprehensive when (a) it does not assume the truth of any particular comprehensive doctrine of value, and (b) it does not assume any specific ranking of human goods or values. Non-comprehensive perfectionist judgements may include the following two: “aesthetic experiences contribute to a person’s well-being” and “a drug addict’s way of life is impoverished for most people.” Such perfectionist judgements leave considerable space for people to interpret them. In this vein, non-comprehensive perfectionist judgements are compatible with a wide range of comprehensive doctrines and conceptions of the good.

Some perfectionists might think moderate perfectionism is not only characterised by the particular kind of perfectionist judgements it appeals to; they might also point out that there are other moderate aspects of moderate perfectionism, especially its preference to non-coercive measures (e.g. subsidies and advertisements) over coercive measures (e.g. legal prohibition).⁶⁴ This point is true, and I will have more to say about non-coercive measures later. However, it is worth noticing that even comprehensive perfectionists, such as Raz and Wall, agree with moderate perfectionists on the point that non-coercive perfectionist measures are, in many cases, more desirable than the coercive measures.⁶⁵ Therefore, what distinguishes between the two groups of perfectionists is not their views about coercive measures. What distinguishes between them should be their contrasting views about comprehensive doctrines of value, as stated above.

In this thesis, I propose a particular kind of non-comprehensive perfectionist judgements, which might be called *qualified judgements about the good life*. These perfectionist judgements only speak about what is good or what is bad for *most, if not all, people*. These judgements may include: “physical health is of great value for most, if not all, people,” and “compulsive gambling is seriously harmful for most, if not all, people.” I think that qualified

⁶⁴ See Chan’s discussion of this point in Chan (2000, pp. 14–17).

⁶⁵ See Raz (1986, p. 161, 417), and Wall (1998, pp. 220–221; 2013d, p. 470).

judgements like the above two are modest, convincing, and rather uncontroversial. Actually, they are more modest than those perfectionist judgements endorsed by Caney and Chan. Chan, for example, holds that a hard-drug addict's way of life is impoverished *for every person*.⁶⁶ Yet, qualified judgements about the good life do not make any such universal claim.

Other aspects of my version of moderate perfectionism

Two questions remain to be answered. They are:

- (2) What are the relations between perfectionism and justice? Should the metric or currency of distributive justice be welfare or certain perfectionist ideals?
- (3) Should the perfectionist state coerce people to act or live in certain ways in order to promote good life? Can perfectionism be implemented without coercion?

My answers to these questions will show that my version of moderate perfectionism is different from Caney's and Chan's.

Consider (2): what are the relations between perfectionism and justice? There may be three different views of justice insofar as the neutrality-perfectionism debate is concerned:

- (i) *Resourcist neutrality*: The state should pursue justice through realising a fair distribution of resources. Resources may refer to wealth, land, rights, opportunities, talents, and so on. Yet, resources must not be confused with welfare or quality of life.⁶⁷

In addition, the state should not endorse perfectionism to promote good life.

⁶⁶ In several conversations, Chan pointed out that hard-drug addiction is seriously bad for every person. Chan has discussed briefly the serious harm of drug addiction in Chan (2000, pp. 13–14).

⁶⁷ Here, I am following how most contemporary political philosophers distinguish between resources and

Dworkin, Quong, and quite a few philosophers endorse this view.⁶⁸ Note that resourcist neutrality should not be confused with the resourcist view *per se*. This is because even if we think that justice requires a fair distribution of resources (i.e. even if we endorse the resourcist view *per se*), we can nevertheless argue that the state should make some perfectionist policies to promote good life (see (iii) below). In that case, we endorse the resourcist view *per se* but reject resourcist neutrality.

(ii) *Perfectionist justice*: The metric of distributive justice is welfare or certain perfectionist ideals. We decide what goods must be fairly distributed or what constitutes a fair distribution of goods in the light of a particular comprehensive doctrine of value or a certain set of perfectionist judgements.⁶⁹

Arneson, Raz, and some perfectionists endorse perfectionist justice.⁷⁰

(iii) *The middle-ground view*: On this view, we do not reject the resourcist view *per se*, nor do we reject perfectionist justice. We only reject resourcist neutrality, because we think that the state should make a wide range of perfectionist policies to promote good life.

My moderate perfectionism takes the middle-ground view. I argue that this form of perfectionism is compatible with the resourcist view *per se* and perfectionist justice.⁷¹ It is

welfare. For an in-depth discussion of differences between resources and welfare, see R. Dworkin (2002, pp. 11–119).

⁶⁸ See, for example: Brighouse (1995), R. Dworkin (2002; 2011, pp. 351–378), and Quong (2011, pp. 12–107).

⁶⁹ Here, I take reference of Quong's characterisation of perfectionist justice. See Quong (2011, pp. 29–30).

⁷⁰ See, for example, Arneson (2000a; 2000b; 2005; 2010a; 2010b; 2013a), and Raz (1986; 1994).

⁷¹ A moderate perfectionist may endorse the resourcist view *per se* or perfectionist justice, but not both, as the two views are mutually exclusive.

worth noting that moderate perfectionists like Caney and Chan are not very clear about their views on justice; it is not very clear whether they prefer perfectionist justice or the middle-ground view.⁷² Yet, what seems to be clear in their works is the idea that regardless of how principles of justice are derived, there are perfectionist reasons for the state to make policies to promote good life.⁷³ My version of moderate perfectionism endorses the middle-ground view stated above.

This brings us to (3): Should the perfectionist state coerce people to act or live in certain ways to promote good life? Can perfectionism be implemented without coercion? As I mentioned above, moderate perfectionists, indeed, quite a few comprehensive perfectionists (e.g. Raz and Wall) have argued that the state should favour non-coercive perfectionist measures in most cases. For they consider that coercive measures are often unproductive and intrusive of personal autonomy. However, I think that there are two problems with Caney and Chan's versions of moderate perfectionism.

First, although coercive perfectionist measures may be counter-productive in many cases, they appear to be very effective in some cases. Consider the legal ban on the recreational use of hard drugs in many countries. Few would deny that such a policy is far more effective than taxing hard drugs. If that is the case, why shouldn't the state prohibit the sale of cigarettes, unhealthy food, gambling, and so on? Some philosophers, such as Sarah Conly, advocate a legal ban on the sale of cigarettes for the reason that smoking is detrimental to health.⁷⁴ It is not clear what Caney and Chan would respond to Conly and other people who believe that

⁷² In a conversation in 2015, Chan pointed out that he endorsed perfectionist justice. Besides, Caney has argued that "a perfectionist theory of distributive justice may incorporate perfectionist judgements" (Caney 1996, p. 279). Moreover, Caney has put an effort to demonstrate that ideas of well-being provide the theoretical foundation of civil justice, political justice, and distributive justice (Caney 2005, esp. pp. 25–188; cf. Pogge (2002, pp. 27–51) and Miller (2007, pp. 163–200)). So, it is plausible to say that Caney endorses perfectionist justice. But I believe that Caney and Chan would accept the middle-ground view above.

⁷³ Quong has austere noted that this idea is widely shared among perfectionists. See Quong (2011, p. 30). I think he is right about that.

⁷⁴ See Conly (2012, pp. 171, 63–72).

most if not all harmful activities should be banned. These moderate perfectionists have not claimed that coercive measures for banning harmful activities are always unjustified.⁷⁵ In Chapter 7, I criticise Conly's arguments and seek to explain clearly why coercive perfectionist measures are difficult to be justified in most cases. Yet, I argue that it is justifiable for the state to remind people of the risks of such harmful activities.

Second, many perfectionists, including Caney and Chan, ignore or downplay the fact that perfectionism is backed by taxation and taxation is coercive. They have not explained clearly why citizens may be coerced to pay tax to support perfectionism.⁷⁶ My version of moderate perfectionism provides a response to the problem. In essence, I do not appeal to Raz's service conception of authority.⁷⁷ I argue that each citizen should see a strong reason to support moderate perfectionism because of its great importance for all citizens, not because of its benefits to herself. Moreover, if citizens should fulfill the natural duty of justice, they ought to create and maintain fair political procedures. Without restrictions of public reason, fair procedures can pursue moderate perfectionism.⁷⁸

Preview of arguments

My thesis consists of two parts. In Part I, I argue that public reason liberalism is implausible. If public reason liberalism cannot stand, public reason neutrality must fall, which means that many recent arguments for neutrality fail. In Part II, I develop a moderate version of perfectionism, and defend it against several influential anti-perfectionist arguments.

⁷⁵ See Caney (1991, pp. 463–464, 468–469, 471, 476–477) and Chan (2000, pp. 14, 15–17, 28–29, esp. p. 15 note 21).

⁷⁶ Yet, it may be worth noting that Chan endorses a Razian service conception of authority in a particular way in his latest work on perfectionism. See Chan (2014, pp. 27–45, 193–196). Perhaps that might enable Chan to explain on what grounds the state may tax citizens to make perfectionist policies.

⁷⁷ For Raz's explication of the service conception of authority, see Raz (1986, pp. 70–105).

⁷⁸ For simplicity, I do not explain all the aspects of my theory of moderate perfectionism. Please see Conclusion of Part I for a brief review of several important aspects of the theory.

In Chapter 2, I argue that when we have a better grasp of how to realise public reason in actual politics, we should see that public reason—whether it is Rawls’s model or Gaus’s model—should satisfy its own requirements. This line of argument has not been pursued by critics of public reason, such as David Enoch and Wall. Unlike Enoch and Wall, my argument is not that public reason should pass its own test in order to be coherent; rather, my argument is that if public reason can be reasonably rejected, then it cannot be realised through state intervention in a publicly justified way, though state intervention is necessary for realising it in actual politics. Then, in Chapter 3, I argue that public reason can be reasonably rejected. This view is contrary to quite a few public reason liberals, including Estlund, Lister, and Quong, as they believe that public reason is beyond reasonable rejection. Thus, Chapter 2 and Chapter 3 together show that public reason as a political ideal cannot be realised in a publicly justified way. This gives us a compelling reason to reject public reason liberalism.

Chapter 4 provides further reasons for rejecting public reason liberalism. Critics of public reason, such as Arneson and Raz, have elaborated on why respect for persons cannot justify public reason’s restraint on political justification. However, almost none of them has offered a systematic discussion of the problem.⁷⁹ I examine a series of arguments by Gaus, Nussbaum, and others, arguing that respect for persons cannot deliver a reliable basis for public reason.

Since public reason neutrality is unsound, perfectionist policy-making should not be restricted by public reason. The rejection of public reason neutrality in Part I gives foundation to my case for moderate perfectionism in Part II, as public reason neutrality has a wide appeal among anti-perfectionists. In Chapter 5, I introduce my version of moderate perfectionism and provide some preliminary responses to a number of influential criticisms of perfectionism, including the criticism of unfairness and the criticism of disrespect. The key ideas in Chapter

⁷⁹ Wall is an important exception. See Wall (2014).

5 form the basis of a more rigorous defense of moderate perfectionism in the following three chapters.

In Chapters 6 and 7, I advance four types of moderate perfectionist policies. Unlike most perfectionists, my discussion draws on real-life examples.⁸⁰ Based on these examples, I explain why each type of perfectionist policies is important and how each type of policies can respond to the charge of paternalism. Note that I do not lump all perfectionist policies together and claim that they must not be rejected on the grounds of paternalism. In addition, I argue that even if we must accept the resourcist view *per se* that justice requires a fair distribution of resources, the four types of policies are of great importance for people living in any non-ideal and actual liberal society.

In Chapter 8, I provide further arguments for my view that moderate perfectionism should not be rejected on the grounds of paternalism and fairness. In contrast to Raz's service conception of authority, which Raz believes gives natural support for perfectionism,⁸¹ I argue that if people have the natural duty to support fair political procedures, then these procedures, without any restriction of public reason, can make those perfectionist policies I advocate. In addition, different from most, if not all, perfectionists, I admit that perfectionism is likely to be unfair to some people. Yet, I argue that it is, on the whole, more justifiable to pursue moderate perfectionism than endorsing neutrality. Chapter 9 is the conclusion, where I explain the main contributions of my thesis, sketch a number of future research projects, and make a remark about moderate perfectionism.

⁸⁰ Waldron has argued that "perfectionism is better defended without examples" (Waldron 1989, p. 1130). In my view, this is implausible.

⁸¹ See Raz (1989, pp. 1230–1232).

Chapter 2

Should Public Reason Satisfy Its Own Requirement?

In this chapter, I argue that if public reason cannot satisfy its own requirement, then public reason as a political ideal cannot be realised in actual politics in a publicly justified way. Chapter 3 will turn to argue that public reason cannot pass its own test. These two chapters together show that public reason as a political ideal cannot be realised in a publicly justified way. This gives us a strong reason to reject public reason liberalism.

Public reason liberals are divided. Let me explain. Public reason as a liberal political ideal has wide appeal among contemporary philosophers in recent decades.¹ Notable advocates of public reason include Gerald Gaus, Jürgen Habermas, and John Rawls. Public reason liberals believe that in the face of persistent and reasonable disagreement over morality, religion and other fundamental issues, state coercion, or more broadly, state action, is morally justified only if it is justifiable to every person subject to it.² However, public reason liberals themselves are deeply divided over two fundamental issues about public reason, namely, which form public reason is sound and whether public reason should satisfy its own requirement. Perhaps, some public reason liberals do not find these disagreements embarrassing at all, since they recognise that reasonable people can disagree persistently over morality, religion, and many important issues, which is exactly why public reason was needed in the first place.³ Nevertheless, one can sensibly ask: how could public reason

¹ See mainly Gaus (2011), Habermas (1990), and Rawls (2005). For stylistic reasons, I will speak of “public reason as a liberal political ideal,” “public reason as a political ideal,” “the ideal of public reason,” and “public reason” interchangeably. This will not affect my argument in this paper.

² It is worth noting that to Rawls and some public reason liberals, public reason applies to state coercion only when basic matters of justice or constitutional essentials are at issue. See Rawls (2005, pp. 137–140, 214–216, 442–424, 446, 478). However, some public reason liberals, such as Colin Bird and Jonathan Quong, have argued that all state action—be it coercive or not—should be publicly justified. See Bird (2014) and Quong (2013, pp. 272–273).

³ For most public reason liberals, persistent disagreement among people over religion, morality, and other important matters should be treated as reasonable disagreement. See, among others, Gaus (2011, pp. xv–xvi,

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

reconcile reasonable disagreement if people can reasonably disagree over the most basic issues about public reason? Moreover, how could public reason be realised in actual politics if people can disagree persistently about which form it should take and even about whether public reason is a convincing ideal? These questions raise doubts about the coherence and the prospects of public reason as a liberal political ideal.

I will advance an argument that, to my knowledge, has not been seriously pursued in debates about public reason. I argue that two basic issues about public reason, namely, whether public reason should satisfy its own requirement and how to realise public reason in actual politics, are, in fact, interconnected. More clearly, I argue that state intervention is important for realizing public reason in actual politics. And if public reason—no matter what concrete form it takes—cannot satisfy its own requirement, then it cannot be realised through state intervention in a publicly justified way. But without state intervention, public reason as a political ideal can hardly be realised in actual politics.

Let me note in advance that unlike many philosophers who endorse the view that public reason should satisfy its own requirement, I will not contend that public reason applies to political principles in general including public reason itself, although I am not going to dispute this view either.⁴ My position, rather, is that public reason liberals should not ignore the great importance of state intervention for realizing their ideal in actual politics, so they have to consider whether state intervention to that end is itself publicly justified. This leads to the challenging question whether public reason can satisfy its own requirement. I will conclude my discussion with a pessimistic remark about public reason as a political ideal.

Public reason and reflexivity

276–279), Larmore (1996, pp. 152–155), and Rawls (2005, pp. 55–58).

⁴ For this view, see, for example, Estlund (1998, p. 255) and Quong (2011, pp. 234–235).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

As said, public reasons liberals disagree among themselves which version of public reason is sound and whether public reason should satisfy its own requirement. So, let's begin with distinguishing two different versions of public reason, namely, Rawlsian public reason (RPR) and Gaussian public reason (GPR). We will focus on them since most public reason liberals endorse either one of them. Next I will compare several contrasting views of whether public reason should satisfy its own requirement.

RPR has been the more influential form of public reason.⁵ It consists of two key ideas:⁶

The appeal to political values: In the face of reasonable and persistent disagreement among citizens⁷, citizens should appeal to political values of public reason (e.g. freedom of speech and democratic citizenship) to justify the use of coercive political power, as these values are shared by all reasonable citizens.⁸ Thus, citizens are under the duty of civility to explain to one another how the principles and policies they advocate and vote for can be supported by the political values of public reason.⁹

Restraint on non-public reasons: The reasons that fall outside public reason, such as religious reasons, are non-public reasons. Since non-public reasons are *not* shared by all reasonable citizens,¹⁰ citizens should *not* only appeal to these reasons to justify the use of coercive political power, though they may appeal to these reasons when their views are properly supported by the political values of public reason.¹¹

⁵ Most public reason philosophers endorse RPR. See, among others, Boettcher (2012), J. Cohen (2009), Estlund (1998), Quong (2011), and Lister (2013).

⁶ For simplicity, I will not give the details of RPR and GPR. I do not think that this will create any problem for my main argument in this paper.

⁷ Rawls (2005, pp. 54–65).

⁸ Rawls (2005, pp. 216–220, 446–447).

⁹ Rawls (2005, p. 217).

¹⁰ Rawls (2005, pp. 171–172).

¹¹ Rawls (2005, p. 453).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

In recent years, Gaus has proposed an alternative version of public reason, which has been advocated by Vallier and some other philosophers.¹² Call it Gaussian public reason (GPR). Unlike Rawls, Gaus does not endorse restraint on non-public reasons. GPR consists of two key ideas:

The convergence requirement: Any person who has engaged a ‘respectable amount’ of reasoning¹³ and does not suffer from obvious failures of impartiality and rationality¹⁴ should be treated as a reasonable person.¹⁵ On grounds of respect for persons as free and equal¹⁶, a coercive law is justified only if each and every reasonable person has sufficient reason to accept it.¹⁷

Absence of restraint: People should be allowed to appeal to many different kinds of reasons, including religious reasons, for determining whether a law is justified from their own perspectives.¹⁸ So, Rawls’s restraint on non-public reasons is not endorsed.¹⁹

Vallier has argued that by allowing people to appeal to different kinds of reasons, GPR shows proper respect for reasonable pluralism and places fewer restraints on individual liberty than RPR.²⁰

¹² See Vallier (2014a).

¹³ Gaus (2011, pp. 249–250).

¹⁴ Gaus (2011, p. 26).

¹⁵ See also Gaus (2012, pp. 9–10). In Gaus’s own terminology, such a reasonable person is a “Member of the Public.” See Gaus (2011, p. 26).

¹⁶ Gaus has argued that unjustified coercion is wrong. See Gaus (2011, pp. 341–346).

¹⁷ See also Gaus and Vallier (2009: 53–4) for a concise explication of the convergence requirement. For a detailed explication of the requirement, see Gaus (2011, pp. 261–333).

¹⁸ Gaus (2011, pp. 279–283).

¹⁹ Gaus (2011, pp. 283–292).

²⁰ Vallier (2011, esp. pp. 264–265).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

Should RPR and GPR satisfy their own requirements? Define public reason's *reflexivity requirement* (RR) as:

(RR) Public reason itself should be publicly justified or beyond reasonable rejection.²¹

There have been three contrasting views of RR: (i) some public reason philosophers, including Gaus and Vallier, reject RR, but agree that public reason can be reasonably rejected;²² (ii) David Estlund, Jonathan Quong, and some public reason philosophers endorse RR, and claim that RR can be met since public reason is beyond reasonable rejection;²³ and (iii) some critics of public reason, including Enoch and Wall, argue that public reason must meet RR in order to be coherent, but public reason cannot meet RR, so it is self-defeating.²⁴

While these philosophers have their own views about whether public reason should meet RR, and while they have offered some sophisticated arguments for how public reason meets or fails RR, most of them are brief in explaining whether public reason should meet RR, which is a basic issue about public reason that I will explore.²⁵

Some might think that RPR need not satisfy RR. They might argue that if RPR was a legal requirement that coerces people to act in a certain way, then it would have to be publicly justified in order to be justified, but RPR only consists of moral requirements, which need not

²¹ My formulation of public reason's reflexivity requirement is slightly different from Vallier's. His formulation of the reflexivity requirement is the following: "public justification requirements must be publicly justified if they are to determine which laws are publicly justified" (Vallier forthcoming: 1). Nevertheless, Vallier and I hold conflicting views over the broader question whether public reason should satisfy its own requirement. As will be seen, while he believes that even if public reason cannot satisfy its own requirement, this is not threatening to public reason as a liberal ideal, I consider that public reason can hardly be realised in actual politics in a publicly justified manner if it cannot satisfy its own requirement.

²² See D'Agostino and Gaus (1998, pp. xviii–xxi), Gaus (2011, pp. 227–228), and Vallier (forthcoming).

²³ See Estlund (1998) and Quong (2011, pp. 137–160, 234–242).

²⁴ See Enoch (2013, pp. 164–176) and Wall (2002; 2013).

²⁵ See, for example, Enoch (2013, pp. 171–173), Estlund (1998, p. 255), Gaus (2011, pp. 227–228), Lister (2013, pp. 124–125), Quong (2011, pp. 234–235), and Solum (1993, p. 735). Yet, Wall (2002, pp. 388–389; 2013) and Vallier (forthcoming) have explained more clearly than many others whether public reason has to satisfy its own requirement.

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

be publicly justified to be valid.²⁶ Gaus even argues that public reason is only a meta-claim about the justification of moral demands and coercive laws. So he claims that public reason itself need not be publicly justified in order to be coherent.²⁷ Vallier rejects RR, too. He argues that although some people may reasonably reject public reason, public reason remains effective in reconciling moral disagreements as long as critically important laws are publicly justified. In addition, he claims that these laws are often publicly justified even if public reason can be reasonably rejected.²⁸

However, I am going to argue that state intervention is important for realizing public reason as a political ideal, and that public reason should satisfy its own test if it is to be realised through state intervention in a publicly justified way.

Seeking to Realise Public Reason in Actual Politics

Public reason liberals have said surprisingly little about how to realise their ideal in actual politics. Here, the problem is not about when the ideal of public reason can be considered as realised.²⁹ Rather, we ask what should be done to achieve the political ideal in actual politics, if this ideal should not be merely an aspirational ideal in philosophical discussions. Now, despite many differences between RPR and GPR, they are similar in that they have not been widely accepted in liberal societies. This poses a serious challenge to advocates of both models of public reason. As said, people have persistent and reasonable disagreement about religion, morality, and many other important issues. So it is very likely that when people (not just philosophers) know more about public reason, they will have persistent and reasonable

²⁶ Rawls has pointed out that the duty of civility to appeal to public reason is a moral duty rather than a legal duty. See Rawls (2005, pp. 217, 445).

²⁷ Gaus (2011, pp. 227–228).

²⁸ Vallier (forthcoming, pp. 9–14).

²⁹ Rawls has explained quite clearly when the ideal of public reason can be considered as realised. He writes (Rawls 2005, p. 444): ‘This ideal is realised, or satisfied, whenever judges, legislators, chief executives, and other government officials, as well as candidates for public office, act from and follow the idea of public reason and explain to other citizens their reasons for supporting fundamental political positions in terms of the political conception of justice they regard as the most reasonable.’

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

disagreement about which version of public reason is most convincing and even about the plausibility of public reason as a political ideal.

Nevertheless, to realise GPR, an enormous collective effort is necessary. People need to work together to improve their political decision-making procedures to fulfill Gaus's convergence requirement. To fulfill this requirement, people need to agree or at least have some consensus that (i) a law is justified only if each and every reasonable person has sufficient reason to accept it; (ii) any person who has engaged a respectable amount of reasoning and does not suffer from obvious failures of impartiality and rationality should be treated as a reasonable person; and (iii) people may appeal to many different kinds of reasons, including religious reasons, to justify the use of political power, even when their reasons are not supported by Rawlsian political values of public reason.

All of the above ideas are controversial. Briefly: As regards (i), many people, such as some perfectionist philosophers, believe that a law is justified as long as it is supported by sufficient good reasons, whether or not it can be accepted by reasonable persons characterised in Gaus's way or in Rawls's way.³⁰ As regards (ii) and (iii), Rawlsians would not accept them. Rawlsians would maintain that reasonable persons must accept political values of public reason, and on grounds of civility, reasonable persons should endorse restraint on non-public reasons. Needless to say, people can disagree over Gaus's characterisation of reasonable persons, i.e. they can disagree over how much reasoning should be treated as "respectable amount" of reasoning and what sorts of failures of impartiality and rationality should be treated as "obvious". In view of these disagreements, there are serious difficulties for the fulfillment of Gaus's convergence requirement. It is reasonable to say that the state—i.e. the most powerful and resourceful agent—should mobilize people's support for GPR, so that people will have some consensus over (i), (ii), and (iii). This calls for state intervention,

³⁰ For such a view, see Arneson (2003, pp. 211–214) and Raz (1998, pp. 32–43).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

which raises the question whether using state intervention to realise public reason can itself be publicly justified.

Vallier claims that “*we* can identify social mechanisms for achieving public justification that other public reason liberals frequently ignore.”³¹ He points out that “[f]or instance, we can appeal to social evolution to coordinate individuals on norms that they have sufficient reason to accept without requiring that the process of social evolution be publicly justified.”³² He refers to Fred D’Agostino (2013) and Gaus (2011: 400–409) for those ideas. However, none of the three public reason philosophers has explained clearly in these works how *we*—*some of the people* who support public reason (or GPR, as the three philosophers defend GPR)—could have so much social and political influence that we can draw citizens’ and officials’ attention to the social mechanisms needed for realizing public reason. That might be achieved through state intervention, but these philosophers have not mentioned this possibility. Or perhaps those social mechanisms will function in favour of GPR without people understanding them. However, even if many citizens will come to endorse GPR, there will most likely be many other citizens who refuse to endorse GPR. How do we make these opponents accept GPR as a basic principle of social cooperation and political legitimacy? It seems that the most reasonable answer is “state intervention”. Without state intervention, GPR, which requires an enormous collective effort to realise, can hardly be realised in actual politics, given persistent disagreement among people over morality, politics, and many other issues.

What about RPR? It might seem easier to realise it than GPR. One might argue that if some citizens endorse the duty of civility and comply with RPR, they can do that without other citizens’ cooperation. So, collective effort seems unnecessary. But on closer look, this is not quite right. If RPR is to be important in actual politics, an enormous collective effort

³¹ Vallier (forthcoming, p. 18; italics added).

³² Vallier (forthcoming, pp. 18–19).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

would be necessary too. The main reason is that many people, including heads of governments, officials, and ordinary citizens, do not endorse RPR. Even if you want to comply with RPR, the reality is that many people ignore it: they are eager to justify their political stances by appealing to their own moral and religious views. This discourages you and many others from taking RPR seriously. In a recent study, two political theorists even argue that public reason “has nothing meaningful to say to contemporary political actors”, and “liberal commitment to ‘public reason’ under nonideal circumstances is misplaced.”³³ If so, and if you (still) believe that RPR should be realised in actual politics, then you should see that state intervention is vital for promoting or even enforcing RPR.³⁴

More generally, public reason—any version of it—is a controversial ideal. So, advocates of public reason should not count on individual citizens’ voluntary effort to realise the ideal and it would be extremely difficult to realise the ideal without state intervention. This raises the question whether state intervention to realise public reason is publicly justified, which, in turn, brings us back to the question whether public reason can satisfy RR.

Consider various ways to realise public reason:

- (a) constitutional reforms;
- (b) political reforms;
- (c) the state’s promotion of public reason;
- (d) advocacy of public reason by government officials or judges; and
- (e) advocacy of public reason by ordinary citizens who are not government officials or judges.

In the light of the problems we have just seen, some might suggest that we should pursue (a) and (b) to realise public reason in actual politics: e.g. making RPR or GPR constitutional

³³ Stears and Humphrey (2012, p. 285).

³⁴ Some philosophers believe that RPR should be legally enforced in a certain way. For a recent example, see Bonotti (2015).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

requirements, or reforming legislative procedures so that legislators are required or expected to comply with RPR or GPR. (a) and (b) usually require legislation. So, following public reason philosophers' view that laws should be publicly justified, we should see that (a) and (b) need to be publicly justified. Yet, if public reason can be reasonably rejected, then (a) and (b), in many cases, fail to be publicly justified. This is because reasonable dissenters of public reason (say, Enoch and Wall) can reasonably reject the laws intended to realise public reason. And insofar as these people know that a certain law is intended to realise public reason, many of them *will* reasonably reject it.³⁵ This is the case, although sometimes there may be some reasonable dissenters of public reason choosing to support a certain law intended to realise public reason on grounds other than supporting public reason (e.g. they might think that the law can contribute to economic growth, so they support it though they reject public reason). However, it remains the case that many reasonable dissenters of public reason will reject the laws intended to realise public reason. Thus, if public reason can be reasonably rejected, then (a) and (b), in many cases, fail to be publicly justified.

Consider (c) (i.e. the state's promotion of public reason). If the state promotes public reason by legislation (say, passing a law to set up a fund for the promotion of public reason), then there is still the problem we have just seen. Some might then argue that there are many ways to promote public reason without legislation. For example, the state may promote public reason through advertisements and public campaigns. These activities use tax money. As Gaus has pointed out, taxation is coercive, so the way tax money is used should be morally justified. This raises the question whether tax money is used in a publicly justified way.³⁶ Again, public reason liberals have to consider whether public reason can satisfy RR. If it cannot, then using tax money to promote public reason can hardly be publicly justified.

³⁵ I will have more to say about publicity of laws and policies when I discuss Vallier's attempt to reject RR.

³⁶ Gaus (2003, p. 147).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

What about (d) (i.e. advocacy of public reason by government officials or judges)? Some might think that no state coercion is involved when government officials or judges advocate public reason, so, (d) need not be publicly justified. But this view is implausible for two reasons. First, government officials and judges work on behalf of people. Insofar as advocating public reason is an important part of their work, they should do that in a publicly justified way. As Rawls has also pointed out: “judges, legislators, chief executives, and other government officials, as well as candidates for public office’ should ‘act from and follow the idea of public reason and explain to other citizens their reasons for supporting fundamental political positions in terms of the political conception of justice they regard as the most reasonable.”³⁷ Second, the work of government officials and judges is supported by tax money. As said, taxation is coercive, so, insofar as advocating public reason is an important part of their work, it should be accountable to people and publicly justified (assuming that we endorse the ideal of public reason).

We are left with (e) (i.e. advocacy of public reason by ordinary citizens who are not government officials or judges). This is the only case where state intervention is not necessarily involved. But as I have already argued, it is very difficult to realise public reason in actual politics without state intervention.

Two Recent Arguments against Reflexivity

(A) Gaus’s rejection of the reflexivity requirement

So far I have argued that state intervention is very important, if not necessary, for realizing public reason. This raises the question whether state intervention to that end is itself publicly justified, and if public reason cannot satisfy RR, then state intervention to that end can hardly be publicly justified. I now proceed to criticise two recent arguments by Gaus and Vallier to

³⁷ Rawls (2005, p. 444).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

fortify my position. Gaus has argued that public reason need not satisfy RR. In his view, public reason is a meta-claim about the justification of coercive laws and moral demands, so, unlike coercive laws and moral demands, public reason itself need not be publicly justified.³⁸ To illustrate, he makes an analogy between public reason and the falsification principle in science (FP). FP indicates that “an argument must contain a falsifiable empirical premise in order to be admitted into the [scientific] discourse.”³⁹ Gaus points out that FP is a meta-claim about scientific discourse and is not a part of scientific discourse. So, FP need not pass its own test to be justified. He believes that public reason should be understood in a similar way: Public reason is a meta-claim about the justification of laws and moral demands, so, when you endorse a certain public reason requirement, your concern is not that each and every person accepts that requirement (i.e. your concern is not whether public reason satisfies RR), but that that requirement is endorsed in a society.⁴⁰

At first sight, the analogy between FP and public reason seems convincing, for what it attempts to show is that both of them are meta-claims in their own ways. It is reasonable to think that the justification of FP is *not* a part of scientific discourse, and that the justification of FP is a topic in the philosophy of science. So, it is plausible that FP need not pass its own test. However, this does not show that public reason need not pass its own test. First, even if public reason is a meta-claim about the justification of laws and moral demands, public reason may nevertheless issue moral demands at the same time. This depends on which version of public reason is in question. Perhaps GPR, as Vallier notes, may not issue any moral demand.⁴¹ But obviously, RPR issues certain moral demands: people are required by the duty of civility to appeal to political values and endorse a particular kind of restraint in

³⁸ Unlike Rawls, Gaus believes that moral demands, not just state coercion, should be publicly justified. See Gaus (2011, pp. 1–52).

³⁹ Gaus (2011, p. 227).

⁴⁰ Gaus (2011, p. 228).

⁴¹ Vallier (forthcoming, p. 18).

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

justifying the use of political power.⁴² So, if Gaus is right that moral demands should be publicly justified, then RPR should be publicly justified, too. But Gaus mistakenly believes that any version of public reason is just a meta-claim and need not be publicly justified.

Some might then argue that unlike RPR, GPR and other convergence versions of public reason can be treated as *purely meta-claims*: they need not issue any legal requirement, any political reform, or any moral demand, so they need not be publicly justified. But this would pose serious limits on the realization of public reason. First, as argued, without state intervention, it is very difficult to realise the ideal of public reason in actual politics. If state intervention is used, then this leads back to the question whether RR can be met. Second, if public reason is just a purely meta-claim, then no person can make the moral demand that citizens, government officials, or judges should comply with public reason. In that case, we cannot hope that public reason will be promoted effectively. But it is unwise for any public reason liberal to accept this as long as public reason is taken to be a political ideal rather than merely an abstract moral theory.

(B) Vallier's defense of public reason

As mentioned, Wall has argued that public reason should satisfy RR to be coherent, and since public reason cannot satisfy RR, it is a self-defeating ideal. In response, Vallier has recently argued that public reason may nevertheless be effective in reconciling moral disagreements even if it can be reasonably rejected.⁴³ In Vallier's view, to engage in public reason, people consider whether a certain law (e.g. a law that forbids theft) is supported by sufficient reason, and in this process, people often need not consider whether they endorse public reason (e.g.

⁴² To my knowledge, no philosopher has claimed that RPR does not issue any moral requirement. In a recent study, James Boettcher investigates what kind of moral requirements Rawlsian public reason requirements exactly are (Boettcher 2012).

⁴³ Vallier (forthcoming, pp. 9–14). In correspondence, Vallier agreed that public reason is the object of reasonable rejection.

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

GPR). That is, whether they endorse public reason or not often has no influence on their decision as to whether a certain law is justified. To Vallier, public reason would be jeopardised by RR only if the following happened: some people reasonably reject *critically important laws* (e.g. a law that protects basic rights) because they reasonably reject public reason. In that case, critically important laws would fail to be publicly justified.⁴⁴ However, he argues that that hardly ever happens, because:

(Thesis I) A critically important law can be publicly justified even if public reason is the object of reasonable rejection.⁴⁵

Vallier has two reasons for Thesis I: First, the fact that a law is critically important “suggests that many different qualified points of view will recognize the law as important.”⁴⁶ Second, if a certain law is critically important, then it should not depend on the truth of public reason; it should rather “depend on reasons derived from the same factors that lead people to endorse basic rights, such as rights of bodily integrity”.⁴⁷

However, Vallier has not tackled the kind of reflexivity challenge I posed: public reason is a controversial ideal, so if it is to be important in actual politics, people should realise it through state intervention—*state intervention is critically important*, so to speak. But Vallier has ignored that; he appears to think that citizens who have very different moral and political views already want to justify laws in the way proposed by GPR without explaining why. As I have pointed out, state intervention is critically important for realizing public reason. This raises the question whether using state intervention to that end is itself publicly justified, which, in turn, leads to the question whether public reason can satisfy RR. I have argued:

⁴⁴ Vallier (forthcoming, pp. 9–10).

⁴⁵ Vallier (forthcoming, p. 11).

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

(Thesis II) If public reason can be reasonably rejected, then using state intervention to realise public reason will, in many cases, fail to be publicly justified.

Vallier gives no consideration to Thesis II or similar theses, though his Thesis I may be correct. He may have two responses. First, he may argue that we need not rely on state intervention to realise public reason, so Thesis II is not worrying. However, I have pointed out that without state intervention, it is very difficult to realise public reason in actual politics.

Second, Vallier has pointed out that “Gaus rejects full publicity, so the rationale for policies need not be made public knowledge”.⁴⁸ Thus one might argue that as long as some people seek to realise public reason by state measures without revealing their intention to the public, these measures can be publicly justified. For in that case, reasonable dissenters of public reason would not reject these measures, since they simply do not know these measures are intended to realise public reason.

But the above argument is implausible for two reasons. First, the argument fails to apply to advocacy of public reason by government officials or judges (i.e. (d) aforementioned). For it is impossible for anyone to advocate public reason without making her intention to promote public reason transparent to people. Second, in this age of free information, it is extremely unlikely that some government officials or some group of people can manage to work in a secret manner to realise public reason through state policies, political reforms, or constitutional reforms (i.e. (a), (b), or (c) aforementioned) without making their intention public; state policies and reforms are not minor things. So, public reason cannot be realised in a secret manner. Thesis II remains compelling.

⁴⁸ Vallier (forthcoming, p. 16).

Conclusion

What follows from my main argument in this chapter? I want to conclude with a pessimistic remark about public reason as a political ideal. It has been argued by some philosophers—some of them are public reason liberals—that public reason can be reasonably rejected.⁴⁹ This view seems convincing, as some philosophers have provided sophisticated arguments to reject public reason, and these philosophers do not reject liberal political values (e.g. freedom and equality), which public reason liberals think reasonable citizens must accept.⁵⁰ These critics of public reason just interpret liberal values in ways different from public reason philosophers do. Of course, these critics may be mistaken, but it seems highly implausible to treat them and all people who share their views as unreasonable citizens. So, based on my main argument, public reason liberals who agree (or accept) that public reason can be reasonably rejected (e.g. D’Agostino, Gaus, and Vallier) face the following dilemma: either (i) we seek to realise public reason through state intervention, but we cannot do that in a publicly justified way, or (ii) we do not rely on state intervention, so public reason as a political ideal can hardly be realised in actual politics.⁵¹

I believe that more debates about public reason should center on the related issues concerning how to realise public reason in actual politics. Perhaps, some public reason liberals might argue that we need not seek to realise public reason in actual politics, even though public reason is a political ideal, which was initially proposed to deal with persistent

⁴⁹ See, for example, D’Agostino and Gaus (1998, pp. xviii–xix), Enoch (2013, pp. 165–173; 2015), and Wall (2002: pp. 389–392).

⁵⁰ In addition to Enoch and Wall, these philosophers include Richard Arneson and Ronald Dworkin. See Arneson (2003, pp. 211–214; 2014) and Dworkin (2006, pp. 252–254; 2011, pp. 63–66, 267–269). Quong has argued that if we accept what he calls the internal conception of political liberalism, we should see that public reason is beyond reasonable rejection. See Quong (2011, pp. 143–144, 239–242). It is impossible to do justice to Quong’s argument without giving a full assessment of it, which I do not have the space to do here.

⁵¹ D’Agostino and Gaus have argued that although public reason can be reasonably rejected, this cannot render public reason self-defeating (D’Agostino and Gaus 1998: xviii–xxi). I believe that their argument is unsound, but I will not examine it here. Unlike Enoch and Wall, I do not argue in this paper that public reason is self-defeating. My main argument is that if public reason can be reasonably rejected, then we cannot seek to realise it through state intervention in a publicly justified way, but if we do not rely on state intervention, then public reason can hardly be realised in actual politics. Gaus and D’Agostino face such a dilemma.

Chapter 2: Should Public Reason Satisfy Its Own Requirement?

and reasonable disagreement in politics. If so, public reason liberals focus narrowly on constructing their political theory and pay little attention to political reality.⁵² Besides, some might argue that regardless of being publicly *unjustified*, we must seek to realise public reason through state intervention. If so, public reason liberals would have to accept Wall's comment on Gaussian public reason that "the quest for a thoroughly nonauthoritarian politics, at least for the modern world, is misconceived."⁵³ This chapter has not rejected the above two arguments to defend public reason. Yet, I suspect that most public reason liberals would not want to pursue them.

⁵² I believe that political theorizing should be based on a good concrete understanding of political reality. Here, I am in agreement with David Miller's view that "the basic concepts and principles of political theory are fact-dependent: their validity depends on the truth of some general empirical propositions about human beings and human societies, such that if these propositions were shown to be false, the concepts and principles in question would have to be modified or abandoned. . . . In other words, I am advocating political philosophy for Earthlings." See Miller (2013, p. 18). See also Williams (2005, pp. 18–28) for his criticism of political theorizing that ignores political reality. Williams argues, in my view plausibly, that "no political theory, liberal or other, can determine by itself its own application." (Williams 2005, p. 28).

⁵³ Wall (2013, p. 169). In that case, if a public reason liberal becomes pessimistic, she might think that "what is really good is not to be had, and there is nothing else that is good enough for me to devote myself to." This is Gerald Allen Cohen's characterization of one particular kind of disillusioned socialists. See G. A. Cohen (1995, p. 204).

Chapter 3

Public Reason Can Be Reasonably Rejected

In Chapter 2, I argued that if public reason cannot satisfy its own requirement, then public reason as a political ideal cannot be realised in actual politics in a publicly justified way. This chapter turns to demonstrate that public reason can be reasonably rejected, so it cannot satisfy its own requirement. I first clarify the idea of reasonable rejection. Then, I examine a series of arguments by David Estlund, Jonathan Quong, and Andrew Lister. I argue that public reason can be reasonably rejected, and that they fail to show that public reason is beyond reasonable rejection.

Chapters 2 and 3 together show that public reason as a political ideal cannot be realised in actual politics in a publicly justified manner. In this specific sense, public reason as a political ideal is incoherent. This gives us a strong reason to reject public reason liberalism.

Preliminaries: public reason and the idea of reasonable rejection

Two public reason requirements

For the sake of discussion, let us distinguish between two public reason requirements. At the core of every theory of public reason is a public reason requirement (PRR). Most public reason theorists hold either one of the following two PRRs¹:

Consensus PRR: A law or a state action is justified only if it is justified by public reasons. Public reasons are those over which reasonable persons can have consensus, and these reasons do not have to be acceptable to unreasonable persons.

¹ For an extensive survey and critical analysis of different PRPs, see Quong (2013) and Vallier and D'Agostino (2014).

Chapter 3: Public Reason Can Be Reasonably Rejected

Call this the Consensus PRR. David Estlund, Jonathan Quong, John Rawls, et al. endorse it.²

Convergence PRR: A law or a state action is justified only if each member of an idealised public has sufficient reason from his perspective to accept it. In other words, a law or a state action is justified only if different perspectives of the members of the idealised public can converge on it.

Call this the Convergence PRR. Gerald Gaus, Kevin Vallier, et al. endorse this PRR.³ I shall argue that both Consensus PRR and Convergence PRR can be reasonably rejected.

Clarifying the idea of reasonable rejection

Let us clarify the idea of reasonable rejection. When we say that a certain belief can be reasonably rejected, we could mean one of the following:

- (a) The belief is plainly irrational.
- (b) The belief is morally objectionable.
- (c) The belief is an object of reasonable disagreement, which means that while it can be reasonably accepted by some people, it can be reasonably rejected by others.

When political philosophers talk about reasonable rejection, they usually have (c) in mind. So, what does reasonable disagreement mean? There may be two senses of reasonable disagreement. Note that Rawls has suggested both of them:

² Boettcher (2012), Estlund (1998; 2008), Lister (2013), Quong (2011), and Rawls (2005).

³ Gaus (2011) and Vallier (2014a).

Chapter 3: Public Reason Can Be Reasonably Rejected

- (i) Reasonable people⁴ characterized by Rawls's two aspects of reasonableness can disagree⁵: To Rawls, reasonable people possess two aspects of reasonableness, namely, that they are willing to propose and honour fair terms of cooperation, and that they recognize the burdens of judgment and accept their consequences.⁶ These consequences, mainly, are the fact of reasonable pluralism and the importance of liberal toleration.⁷
- (ii) Rational people can sincerely disagree: People disagree about morality, religion, and a wide range of philosophical issues neither merely because they are, in Rawls's words, "irrational or not very bright," nor merely due to their "narrow interests."⁸ If a disagreement is sincere and rational, it should be treated as a reasonable disagreement. Rawls has explained reasonable disagreement in this sense by appeal to the burdens of judgment. These burdens are "the many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life."⁹

While public reason liberals think that there can be reasonable disagreement about morality, religion, and a wide range of issues, quite a few of them, such as Estlund, Quong, and Lister,

⁴ Following Rawls (2005), I will interchangeably use the terms "reasonable people," "reasonable persons," and "reasonable citizens."

⁵ Rawls writes: "Let's say that reasonable disagreement is disagreement between reasonable persons" (2005, p. 55).

⁶ Rawls (2005, pp. 48–49).

⁷ Rawls (2005, pp. 54–62). It should be noted that many philosophers do not characterize reasonable people in the same way as Rawls does. For example, Charles Larmore (1996, p. 168) thinks that "'reasonable' people are those who think and converse in good faith and apply, as best they can, the general capacities of reason that belong to every domain of inquiry." Construing reasonable people in this way, Larmore's idea of reasonable disagreement belongs to the second sense of reasonable disagreement that I will discuss.

⁸ Rawls (2005, p. 55)

⁹ Rawls (2005, pp. 55–56). Rawls thinks that we may explain persistent disagreement in politics by the fact that people are irrational or that they want to advance their narrow interests. But he considers that such explanations "are too easy and not the kind we want" (Rawls 2005, p. 55). He wants to explain how reasonable disagreement may come about, and he explains that by appealing to the burdens of judgment. The burdens of judgment give a plausible explanation as to why rational people can sincerely disagree in politics.

Chapter 3: Public Reason Can Be Reasonably Rejected

maintain that public reason is beyond reasonable rejection. In the following, I argue that the three philosophers run into a dilemma about public reason. More generally, I want to show that public reason liberals who think public reason should meet its own test encounter the dilemma, so they cannot demonstrate that public reason is beyond reasonable rejection. In my view, public reason can be reasonably rejected since it is the object of reasonable disagreement in both of the above two senses.¹⁰

A dilemma about public reason

The dilemma about public reason can be summarized as the following: On the one hand, to show that public reason can meet its own test, public reason liberals may argue that because people cannot reasonably reject liberal political values, such as fair social cooperation, freedom, equality, civility, mutual respect, and tolerance, understood in their broad sense, people cannot reasonably reject public reason. Yet, any such argument is unsound. On the other hand, to guarantee that public reason can meet its own test, they may stipulate that the ideal is beyond reasonable rejection. But this strategy is question-begging and arbitrary. Either way, it cannot be shown that public reason is beyond reasonable rejection.

Appealing to the truth of public reason

In this section, I examine the defence of public reason by Estlund. I argue that even if public reason liberals want to appeal to the truth of public reason, public reason is nevertheless subject to sincere and rational disagreement (i.e. the first type of reasonable disagreement (i)). In addition, there are good reasons to think that even reasonable people characterised by Rawls's two aspects of reasonableness can disagree about public reason (i.e. the second type

¹⁰ In fact, many philosophers, including Charles Larmore, Thomas Nagel, and some epistemologists such as Thomas Kelly, characterize the notion of reasonable disagreement as (ii) rather than (i). See Larmore (1996), Nagel (1987), and Kelly (2005).

Chapter 3: Public Reason Can Be Reasonably Rejected

of reasonable disagreement (ii)). Furthermore, I explain why it is arbitrary and implausible for Estlund to make public reason coherent by stipulation. Following this section, I discuss a number of arguments by Quong and Lister. It will become clearer that public reason can be reasonably rejected.

Estlund defends the coherence of public reason mainly in his two works: “The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth” (1998), and *Democratic Authority: A Philosophical Framework* (2009). Let us begin with his arguments in the earlier work.

The insularity of the reasonable

Rawls has famously argued that political liberalism, if it is to be successful, must not appeal to the truth of any particular comprehensive doctrine, because people persistently disagree about what is true about morality, religion, and a wide range of philosophical issues.¹¹ However, Estlund thinks that political liberals cannot avoid appealing to truth. More specifically, he claims that political liberals should admit the truth of Rawls’s PRR.¹² This needs some explanation. Estlund thinks that at the core of political liberalism is the following public reason principle: “RAN (Reasonable Acceptance Necessity): No doctrine is admissible as a premise in any stage of political justification unless it is acceptable to all reasonable citizens, and it need not be acceptable to anyone else.” This is just another way to present Rawls’s Consensus PRR, so we will treat RAN and Rawls’s PRR as interchangeable terms. Estlund thinks that Rawls’s PRR should meet its own test in order to be coherent. He argues that “the moral reasons for applying it anywhere are also moral reasons for applying it here,” and that the PRR cannot let itself “play a part in the public defence of principles of justice

¹¹ For his statements about avoiding to make truth claims, see, e.g. Rawls (2005, pp. 42–43, 60 note 13, 94, 116).

¹² Joshua Cohen also thinks that political liberalism should endorse a certain political conception of truth. See J. Cohen (2008). But I will focus on Estlund’s argument.

Chapter 3: Public Reason Can Be Reasonably Rejected

regardless of whether it is itself subject to reasonable objection.”¹³ Since the PRR has to apply to itself, he thinks that political liberals have to accept what he calls “the insularity of the reasonable.”¹⁴ Basically, the idea is this: Rawls’s PRR is acceptable to every reasonable person, and no other person’s acceptance of the PRR is needed. Hence, any other person’s rejection of the PRR cannot make it unjustified. But then, political liberals run into the following problem:

The problem of plural insular groups: There can be many insular groups of people affirming different and conflicting principles of political legitimacy. Rawls’s reasonable people just belong to one insular group among many others. These groups are insular in the sense that they satisfy the requirement of self-application by claiming that their own principle of political legitimacy can be accepted by their members, and that any other person’s rejection of their principle cannot make it unjustified. But if so, why should we single out Rawls’s reasonable people and favour Rawls’s PRR?¹⁵

Estlund gives a useful example to illustrate the problem: Branch Davidians, who are members of a religious cult, may reject the PRR, and claim that their particular principle of legitimacy is acceptable to all Branch Davidians, regardless of any other person’s rejection of it. There can be many insular groups like the group of Branch Davidians. Estlund thinks that political liberals should find a way to show that those insular groups are mistaken.

The only solution to the problem, Estlund thinks, is to admit that the PRR is true: Because the PRR is true, it should be accepted as the principle of legitimacy. Any principle that is incompatible with the PRR, such as Branch Davidians’ principle of legitimacy, should be

¹³ Estlund (1998, p. 255).

¹⁴ Estlund (1998, pp. 257–259).

¹⁵ Estlund (1998, pp. 259–263).

Chapter 3: Public Reason Can Be Reasonably Rejected

regarded as untrue and not selected. In saying that the PRR is true, Estlund means that it is true in the minimal sense: it is true only if it is true, no matter what comprehensive doctrine is necessary for explaining the truth of the PRR, and no matter what is the best metaphysical conception of truth.¹⁶

Can Estlund's appeal to the truth of the public reason principle show that the principle meets its own test? First of all, we should ask why the PRR is true. While Estlund claims that political liberals should believe the PRR to be true in the minimal sense, he has not explained why the PRR is true in that sense. Certainly, the purported fact that political liberals should admit the truth of the PRR does not explain why the PRR is true. Let us suppose that, to Estlund, people can affirm the truth of the PRR in a non-dogmatic manner. There may be two ways by which people hold that the PRR is true in the minimal sense:

(a) *Justificatory division of labour*¹⁷: The PRR (or any liberal political value) should be regarded as true in the minimal sense, but its justification has to be left to people themselves. People justify the PRR (or any liberal political value) by their own comprehensive doctrine.

(b) *The values and facts that justify the PRR are true*: To Rawls, the PRR is based on a cluster of ideas, including the ideal of fair cooperation among free and equal persons, the value of civility, and the fact of reasonable pluralism. It can be argued that people should believe these ideas to be true regardless of what comprehensive philosophical doctrine they

¹⁶ In addition, Estlund points out that even if Rawls's PRR is not exactly true, it should be, at least, approximately true (1998, pp. 263–264). Yet, he has not explained what “approximately true” precisely means. In a similar vein, Joshua Cohen thinks political liberals “need not incorporate a philosophical theory of truth” (2008, p. 28).

¹⁷ This terminology is borrowed from Quong (2011, p. 232). I will discuss later how Rawls's PRR may be justified through justificatory division of labour.

Chapter 3: Public Reason Can Be Reasonably Rejected

affirm. And since these ideas, which are true in the minimal sense, provide the best justification for the PRR, people should also hold that the PRR is true in the minimal sense.¹⁸

Estlund may endorse (a), but he should not endorse (b), as it is incompatible with his claim that political liberals need only to affirm the truth of the PRR but not the truth of any other principle or political value.¹⁹ Quong, another defender of Rawls's PRR, explicitly endorses (a), and it is possible that he endorses (b) as well. I will argue later that Quong fails to show that the PRR is beyond reasonable rejection. For now, I just want to argue that Estlund's appeal to truth, no matter he wants to adopt (a) or (b), cannot show that the PRR is beyond reasonable rejection.²⁰

At the heart of his political liberalism is the following idea: Because reasonable comprehensive doctrines are objects of reasonable disagreement, they cannot be treated as public reasons, and thus should not have independent justificatory force in political justification even if one (or some) of them is true. So, here comes the question: is the PRR itself an object of reasonable disagreement? Note that the problem is not about whether the principle is true in the minimal sense or in some other sense, because if the PRR is subject to reasonable disagreement and thus can be reasonably rejected by some people, it will fail its own test even if it is true. Estlund might reply that the PRR is not only true, but also cannot be rejected by Rawls's reasonable persons. It is because, he might argue, reasonable persons must accept the ideal of fair cooperation, the fact of reasonable pluralism, the moral value of civility, etc., which implies that reasonable persons must accept the PRR. In other words, to

¹⁸ This is an inference to the best explanation.

¹⁹ Estlund (1998, pp. 270–273).

²⁰ My argument that follows, if convincing, will also call into doubt Joshua Cohen's argument that public reason can and should make truth claims by appeal to a certain political conception of truth (J. Cohen 2008). For I think that one serious problem with public reason is that it is subject to reasonable rejection, even if it does not have to rely on any controversial philosophical conception of truth that Cohen wants to avoid.

Chapter 3: Public Reason Can Be Reasonably Rejected

reject the PRR is to deny some of those ideas that all reasonable persons must share, and that is unreasonable.

While the above argument may seem convincing and attractive to public reason liberals, it is implausible. This is because, as I will argue towards the end of this chapter, Rawls's PRR, as well as the very idea of public reason, is subject to sincere and rational disagreement (i.e. the second type of reasonable disagreement (ii) that I discussed earlier). And this is so because there can be sincere and rational disagreement about how liberal political values, the role of political philosophy, the nature of politics, and other issues related to the debate of public reason should be understood.²¹

For now, note that there are many political philosophers, including Richard Arneson, Ronald Dworkin, David Enoch, Steven Wall, who do not reject the ideal of fair cooperation, the fact of reasonable pluralism, the value of civility, and other ideas that political liberals consider as reasons for endorsing the PRR. There would be little reason to treat them as the same as Branch Davidians, who denigrate liberal tolerance. The problem is that those critics of public reason interpret liberal political values, reasonable pluralism, and the nature of politics in many ways different from public reason liberals, and so, they do not accept Rawls's PRR or even the very idea of public reason.

That being said, Rawls's PRR may be a correct principle of legitimacy. It remains possible that those critics of public reason all hold mistaken conceptions of legitimacy. Nevertheless, Estlund has not shown that Rawls's idea of public reason offers the only reasonable understanding of liberal political values. In fact, there are good reasons to think that Rawls's PRR and probably any form of PRR are subject to Rawls's type of reasonable disagreement. Firstly, the disagreement about public reason among philosophers can hardly be explained by their "narrow interests" or the fact that they are "irrational and not very bright." It is

²¹ In the penultimate part of this chapter, I will show more clearly how the debate about public reason is related to philosophers' disagreement about the nature of politics and of political theory.

Chapter 3: Public Reason Can Be Reasonably Rejected

reasonable to say that they are sincere and highly rational in holding conflicting views about public reason, so their disagreement has the second feature (ii) of Rawls's type of reasonable disagreement that I discussed earlier.

Secondly, it is obvious that many critics of public reason, insofar as we can read from their works, are advocates of liberal political values rather than unreasonable citizens who deny any of them. But as said, they understand these liberal values in many ways different from public reason liberals, and thus they reject public reason. For example, Raz advocates a perfectionist conception of autonomy, and thinks it should be the basis of contemporary liberalism. He contends that people should appeal to perfectionist reasons (i.e. reasons about what makes a good life) rather than to any PRR in political justification. In addition, Raz and Arneson interpret the idea of reasonable pluralism and its implications for politics in many ways different from Rawls.²² They think that as long as a certain idea is sound, then it will not be necessarily disrespectful for any citizen to appeal to that idea in political justification, even if that idea encounters highly reasonable rejection from others. This view is very different from Rawls's, since Rawls thinks that the soundness or truth of any idea cannot make its imposition on people morally acceptable. Besides, Raz and Wall endorse the perfectionist model of liberal toleration.²³ While Rawls justifies toleration by public reason, Raz and Wall think that toleration is justified mostly because of its great importance for people's well-being. In short, many critics of public reason interpret and advocate liberal political values in many ways different from public reason liberals do. There is little reason to treat these critics as people lacking Rawls's two aspects of reasonableness. If we follow Rawls to think that "reasonable disagreement is disagreement between reasonable persons," then we have good reason to consider those critics and their opponents as having reasonable disagreement about public reason.

²² Arneson (2003; 2014) and Raz (1994; 1998).

²³ Raz (1986; 1988) and Wall (2003; 2005).

Chapter 3: Public Reason Can Be Reasonably Rejected

Thirdly, the disagreement about public reason among philosophers can be plausibly explained by Rawls's burdens of judgment, so it can properly be treated as a good example of Rawls's type of reasonable disagreement. To recall, the six burdens of judgment suggested by Rawls are about (1) the complexity of evidence, (2) the difficulty to assign weight to different considerations, (3) the vagueness of moral and political concepts, (4) the influence of our total experience on our judgments, (5) the difficulty of making overall assessment of normative considerations, and (6) the unavoidable challenge of selecting among different values. It would seem highly implausible to maintain that these burdens of judgment have no bearing on philosophers' disagreement about public reason. Public reason is a highly complicated topic. It involves many difficult issues, such as the role of political philosophy, the nature of politics, the features of political authority, and, as said, how a cluster of liberal political values should be understood. It would seem dogmatic to claim that Rawls's theory of public reason, or any particular theory of public reason, gives the only rational response to all of the above difficult questions. Moreover, it would seem very counterintuitive to claim that while the burdens of judgment plausibly show that people can reasonably disagree about a wide range of moral, political, and philosophical problems, those burdens do not show that the philosophical disagreement about public reason is a reasonable one. After all, how could we ever separate the disagreement about public reason from all other kinds of disagreement that Rawls considers as typical cases of reasonable disagreement? Interestingly, even if we want to adopt other explanations of reasonable disagreement, such as Larmore's idea of conflicting backgrounds of beliefs²⁴ and Nagel's idea of fundamental disagreement in judgment²⁵, it would still seem very implausible to argue that people can reasonably disagree about morality, religion, and a wide range of philosophical problems, but cannot reasonably disagree about whether public reason should be endorsed.

²⁴ Larmore (1996, pp. 172–173).

²⁵ Nagel (1987).

Chapter 3: Public Reason Can Be Reasonably Rejected

For all of the above reasons, even if Rawls's PRR is true in the minimal sense as Estlund suggests (i.e. it should be treated as true no matter what comprehensive doctrine we hold), it is nevertheless convincing to say that Rawls's PRR, and actually the very idea of public reason, can be reasonably rejected by some people. In other words, even if affirming the truth of the PRR, as Estlund thinks, need not involve ourselves in reasonable disagreement about comprehensive doctrines, we are *not* free from reasonable disagreement about public reason nevertheless. This calls into question whether public reason can meet its own test.

The idea of qualified consent

In his later work *Democratic Authority*, Estlund appeals to the idea of qualified consent rather than the idea of reasonable consent.²⁶ To him, qualified points of view determine what reasons are permissible in political justification: only those reasons that are acceptable to all qualified points of view are permissible in political justification. I argued that there can be reasonable disagreement about Rawls's PRR, and if the PRR should meet its own test, then it appears to be self-defeating. How may the idea of qualified points of view respond to this challenge? Estlund argues:

“The problem [of reasonable disagreement about Rawls's PRR] is avoided if we say, as I shall, that one feature that a person must have in order to count as qualified is to accept the acceptance criterion [i.e. Rawls's PRR] including its correct account of qualified people. This would guarantee that there would be no qualified disagreement about who is reasonable, and the acceptance criterion would not be self-defeating.”²⁷

²⁶ Estlund (2008, pp. 40–64).

²⁷ Estlund (2008, p. 61).

Chapter 3: Public Reason Can Be Reasonably Rejected

Hence, if someone rejects the PRR, then no matter how rational and reasonable that person might appear to be, his rejection should not count as qualified, and so it poses no challenge to the PRR. Thus, the PRR meets its own test and is not self-defeating.

However, why should we accept that a qualified point of view is one that already accepts the PRR? It would not be convincing to say that such a stipulation is justified simply because it is necessary to make the PRR coherent. Perhaps Estlund thinks that the stipulation is useful in the following way: It seems that many critics of public reason, such as Arneson and Dworkin, are very rational and reasonable in rejecting public reason. Now, Estlund may tell you that while those critics are certainly reasonable in many ways, they do not possess qualified points of view that are necessary for rejecting public reason. So, any person's reasonable rejection of public reason cannot show that the ideal is incoherent.

The above argument finesses the charge that there can be reasonable disagreement about public reason and immediately runs into a more serious problem: once we abandon the notion of reasonable in the above way, the importance of public reason becomes unintelligible. This needs some explanation. Why have political liberals, notably Rawls, talked so much about reasonable, reasonableness, reasonable acceptance, reasonable disagreement, and alike? The main reason is that these ideas are necessary for articulating the theoretical foundation of liberal legitimacy and its boundaries. To Rawls, reasonable people can have reasonable disagreement about morality, religion, and a wide range of philosophical problems. So it would be disrespectful for any citizen to impose his own comprehensive doctrine on other citizens in political justification. In this light, to Rawls, reasonable views deserve respect, and reasonable citizens owe respect to each other. This idea is of vital importance to determine what state actions are legitimate and what views in society ought to be tolerated. If someone's view is simply unreasonable or irrational (say, she insists that the state should tolerate arson), the state has no moral duty to cater to her view (by withdrawing the legal ban on arson). By

Chapter 3: Public Reason Can Be Reasonably Rejected

contrast, since people can reasonably and rationally disagree about morality and religious matters, the state has the duty of respect to ensure that a liberal society allows people to make up their minds about those matters and express their views freely. Seen in this light, Estlund should retain the notion of reasonable, as long as he considers himself a political liberal, even though the notion of reasonable might lead to some sorts of confusion that Estlund wants to avoid.²⁸ However, once he reverts to use the notion of reasonable, the following problems resurfaces: Should we not consider the rejection of public reason by Arneson, Dworkin, Raz, and many others highly reasonable? Should we not think that philosophers' disagreement about public reason is a typical case of reasonable disagreement, which can be plausibly explained by Rawls's burdens of judgment? As I have argued, the answer to these questions should be affirmative.

My discussion of Estlund's defence of public reason points to the following dilemma about public reason. On the one hand, public reason liberals may argue that in spite of reasonable disagreement about comprehensive doctrines, since people cannot reasonably reject (or should affirm the truth of) liberal political values, such as fair cooperation, freedom, equality, and mutual respect, understood in their general and non-comprehensive sense, people cannot reasonably reject (or should affirm the truth of) public reason. But this argument is unconvincing. It is unconvincing mainly because one can accept liberal political values in their general and non-comprehensive sense without accepting public reason. Since these values are open to different reasonable interpretations, some of which do not lead to the endorsement of public reason.²⁹ On the other hand, public reason liberals may stipulate that public reason is beyond reasonable (or qualified) disagreement, as they may think that this is necessary to guarantee the internal coherence of public reason. However, this method gives

²⁸ Estlund (2008, pp. 61, 63–64).

²⁹ Even public reason liberals, notably Gaus, Quong, and Lister, hold incompatible views about how liberal political values (especially the idea of respect) should be understood and they do not endorse the same PRR.

Chapter 3: Public Reason Can Be Reasonably Rejected

no explanation as to why public reason cannot be reasonably rejected, which is to say that it is question-begging and arbitrary. Either way, public reason liberals fail to show that public reason is beyond reasonable rejection.

Some might think that my discussion of Estlund, even if convincing, has not shown that public reason must run into the above dilemma. Indeed, Quong and Lister among others have advanced some sophisticated arguments to defend the coherence of public reason. I will turn to their arguments in the following section.

The internal conception of political liberalism

In this section, I will argue that it is also arbitrary for Quong to defend the coherence of public reason by stipulation. And I will explain further why public reason is subject to reasonable rejection.

As seen above, Estlund stipulates that qualified points of view, which determine what reasons are permissible as premises in political justification, must accept Rawls's PRR in order to be counted as qualified. In such a way, he thinks that the PRR is beyond qualified disagreement and can meet its own test. I have argued that the stipulation is arbitrary and implausible. Nevertheless, some public reason liberals, such as Quong, think that some sort of stipulation is necessary for defending the coherence of public reason. Quong defends what he calls "the internal conception of political liberalism," which, in his view, shows that public reason can coherently apply to itself. To examine his argument, we should begin with his response to Estlund's problem of plural insular groups.

Like Estlund, Quong endorses Rawls's PRR³⁰ and thinks that it should successfully apply to itself if it is coherent.³¹ However, Quong suggests that the problem of plural insular groups

³⁰ But different from Rawls, Quong thinks that the PRR should apply to almost all state actions, not only to basic matters of justice and constitutional essentials. See Quong (2011, pp. 256–289).

³¹ Quong (2011, p. 239).

Chapter 3: Public Reason Can Be Reasonably Rejected

should not bother political liberals. The problem, to recall, is that there can be many insular groups of people affirming different and incompatible principles of political legitimacy. Every group is insular in the sense that its principle of legitimacy can be accepted by all its members, and any other person's rejection of the principle cannot make it unjustified. Rawls's reasonable persons belong to one such insular group among many others. So, the problem is this: why should we favour Rawls's reasonable persons and endorse Rawls's PRR rather than any other principles of legitimacy? As we have seen, Estlund claims that political liberals should admit the truth—Rawls's PRR is true, and therefore, it should be selected to be the principle of legitimacy; other principles incompatible with it are untrue and should not be chosen.

However, Quong's response to the problem differs from Estlund in three important ways:

(1) *The internal view of reasonable people*: In Quong's view, the problem of plural insular groups should not trouble us. If we endorse what he calls "the internal conception of political liberalism" and the corresponding internal view of reasonable people, then we should see that Rawls's PRR can coherently apply to itself.³² This is because, in the internal view, reasonable citizens must accept the PRR in order to be counted as reasonable. Thus, we should not worry about being unable to justify the PRR to Branch Davidians, who are simply unreasonable.

(2) *The mundane sense of truth*: Quong accepts Estlund's point that political liberals should appeal to the minimal sense of truth, i.e. p is true if only if p , and to say that p is true we do not need to invoke any comprehensive doctrine or metaphysical conception of truth.³³ Yet, while Estlund thinks that political liberals only have to accept the truth of the PRR, and that

³² Quong (2011, pp. 143–144).

³³ Quong (2011, pp. 236–237).

Chapter 3: Public Reason Can Be Reasonably Rejected

the PRR can authorize many ideas to be permissible reasons in political justification,³⁴ Quong thinks that “every political theory is littered with truth claims, and Rawlsian political liberalism is no different.”³⁵ To say that something is true, he thinks, is no different from “saying something is correct, right, valid, or sound.”³⁶ In this light, political liberalism is based on many truth claims, including that equality and freedom are truly valuable, and that public reason is sound. Quong calls that the mundane sense of truth.

(3) *Justificatory division of labour*: Quong argues that although political liberals affirm the mundane truth of many political values, they should not provide the ultimate (or full) justification of them.³⁷ Reasonable citizens may seek the ultimate justification of them in the light of their comprehensive doctrines. This is what he calls justificatory division of labour.³⁸

We will see how these three ideas work together in Quong’s defence of public reason. Let us begin with the internal view of reasonable people. In a footnote, Quong discusses the relation between the internal conception of political liberalism and the internal view of reasonable people:

“There are in fact two ways by which RAN [i.e. Rawls’s PRR] could be successfully applied to itself corresponding to the external and internal conceptions of political liberalism. On the external view, reasonable people are defined without reference to their views regarding RAN, and then we must check to see if all reasonable people do in fact accept, or should on reflection accept, RAN. *On the internal view, reasonable*

³⁴ Estlund (1998, pp. 270–273).

³⁵ Quong (2011, p. 224).

³⁶ Ibid.

³⁷ Notice that Quong (2011) talks about “ultimate justification” (pp. 230, 231, 238–239) and “full justification” (pp. 237, 240–241) interchangeably.

³⁸ Quong (2011, pp. 230–231).

Chapter 3: Public Reason Can Be Reasonably Rejected

people are simply defined as those who, among other things, endorse RAN. Either way, reasonable people must accept RAN for the theory to be coherent. For reasons already made clear in earlier chapters, I believe the internal view offers the right account of the relationship between RAN and reasonable people, though not much will turn on this point in this section.”³⁹

In short, Quong thinks that if we endorse the internal conception of political liberalism and the corresponding internal view of reasonable people, we should see that reasonable people must accept Rawls’s PRR in order to be counted as reasonable. That is how Quong defines reasonable people.⁴⁰ At first sight, his definition of reasonable people appears to be question-begging and arbitrary in the same way as Estlund’s definition of qualified points of view. But we should be careful here. Let us examine the internal conception of political liberalism to see whether it can support Quong’s particular construal of reasonable people.

Quong points out that the internal conception of political liberalism has modest objectives. Political liberalism, to Rawls, undertakes the task of justifying liberal principles in the face of people’s persistent disagreement about ethics, religion, and a wide range of philosophical doctrines. However, Quong argues, if we endorse the internal conception, we do not consider persistent disagreement to be “a fact about the world which liberal theory must accommodate.”⁴¹ Rather, we consider it to be a consequence of liberalism itself: it is the consequence of human rationality exercised in good faith under liberal social conditions. Hence, we should not treat people’s persistent disagreement in politics as unreasonable. As I discussed earlier, Rawls thinks that people can have reasonable disagreement about morality, religion, and other matters. More clearly, in Rawls’s view, people can have reasonable

³⁹ Quong (2011, p. 235 note 34; italics added).

⁴⁰ See also Quong (2011, p. 240), in which he points out: “In Rawls’s theory it is, by definition, only reasonable people who endorse RAN as true or correct. If you reject RAN, you are by definition unreasonable.”

⁴¹ Quong (2011, p. 139).

Chapter 3: Public Reason Can Be Reasonably Rejected

disagreement about those matters in a well-ordered society. Such a society is one where (i) people are characterized by the two aspects of reasonableness (i.e. they accept reasonable pluralism and are willing to cooperate with each other on fair terms), (ii) everyone accepts and knows that others accept the same conception of justice, and (iii) the basic structure of society is publicly known to satisfy that conception of justice.⁴² Quong thus considers an important question that is “internal to liberal theory itself”: what form does political justification have to take in the well-ordered society in which reasonable people can reasonably disagree about ethics, religion, and other matters? By contrast, if we endorse the external conception of political liberalism, liberal theory must accommodate people’s persistent disagreement in actual politics. On this view, liberalism’s foundational norms and principles “[lack] an adequate grounding if they cannot be justified to the diverse constituency of persons that currently inhabit modern liberal societies.”⁴³ This is called the external conception since “the justificatory constituency functions as an external constraint on the content of any liberal theory.”⁴⁴

Then consider this question: can the internal conception support the internal view that reasonable people are defined as, among other things, those who accept Rawls’s PRR? First of all, it may be helpful to distinguish two internal views of reasonable people:

The strong internal view: a person is reasonable only if he (or she) possesses Rawls’s two aspects of reasonableness *and endorses Rawls’s PRR.*

The basic internal view: a person is reasonable only if he (or she) possesses Rawls’s two aspects of reasonableness.

⁴² Quong (2011, p. 143).

⁴³ Quong (2011, p. 138).

⁴⁴ Quong (2011, p. 139).

Chapter 3: Public Reason Can Be Reasonably Rejected

Throughout his discussion of the internal conception⁴⁵, Quong only talks in terms of the basic internal view.⁴⁶ But as we have seen, he adopts the strong internal view.

To be more cautious, let us consider two ways to arrive at the strong internal view. These two ways are compatible, and Quong might have endorsed both of them. First, he might think that if we endorse the internal conception, then we should treat reasonable people as an idealized conception of people rather than real people, and thus we can stipulate that all idealized reasonable people accept Rawls's PRR.⁴⁷ Second, Quong thinks that justificatory division of labour supports the strong internal view.⁴⁸ Briefly, Rawls's political liberalism adopts a certain strategy, which Quong calls "justificatory division of labour" (JDL). According to this idea, while political liberals affirm the mundane truth of many political values, they should not provide the ultimate justification of them; reasonable people themselves should seek the ultimate justification of them in the light of their comprehensive doctrines. Quong thinks that JDL applies to the selection of the PRR, although Rawls himself has not made such an argument.

Let us first consider the point about idealization of people. Quong points out that if we accept the internal conception of political liberalism, "the constituency of reasonable persons is an idealization."⁴⁹ These idealized persons all possess Rawls's two aspects of reasonableness. To Quong, that "marks an important difference with the external conception, which insists that the constituency of reasonable people must be actual citizens in current liberal democratic societies, albeit only a normatively specified subset of those citizens."⁵⁰ Moreover, he argues: "Because the constituency of reasonable people is an explicitly

⁴⁵ That is, Quong (2011, pp. 137–160).

⁴⁶ See Quong (2011, pp. 137–160, esp. pp. 144–146, 159).

⁴⁷ Quong argues briefly along those lines in (2011, p. 241).

⁴⁸ Quong (2011, pp. 239–242).

⁴⁹ Quong (2011, pp. 143–144).

⁵⁰ Quong (2011, p. 144).

Chapter 3: Public Reason Can Be Reasonably Rejected

moralized one, it will be true by definition that the hypothetical constituency of reasonable people all accept certain moral norms or truths that unreasonable people do not. . . . Just as we would not be troubled to discover that the hypothetical constituency of all perfectly rational people accepted certain norms as rational that all irrational people do not accept, we should similarly be untroubled by the fact that the constituency of reasonable people is an insular constituency that can appreciate moral truths which unreasonable people cannot.”⁵¹

In response, I think it is reasonable for Quong to claim that political liberalism does not have to aspire to justify itself to all real people, some of whom are simply unreasonable or irrational. However, there is a serious problem here: Even if Rawls’s PRR (or any PRR) is a true moral norm that unreasonable people cannot appreciate, it can be the object of reasonable rejection. For the fact that unreasonable people do not understand the truth of the PRR *does not* imply that any rejection of the PRR must be unreasonable. To see this, consider that Rawls would also argue with his opponents that even if their doctrine is true and its truth cannot be appreciated by unreasonable people, they should understand that it can be reasonably rejected, and that is why they should not impose their doctrine on others. But if so, it can also be argued that the PRR can be reasonably rejected even if true, and in that case, they should not impose the PRR on others. Just like what I contended in my discussion of Estlund, it would not be helpful to maintain that the PRR is true and that unreasonable people just fail to see its truth. Since the issue concerned is whether the PRR can be reasonably rejected, but not how unreasonable people fail to see the truth of the principle.

Seen in this light, it is not clear why we should idealize people as those who already accept Rawls’s PRR. Critics of public reason can agree with Quong that idealized people are those who possess the two aspects of reasonableness, since it is quite plausible to say that any reasonable person should accept the general idea of fair cooperation and the idea of

⁵¹ Quong (2011, p. 241).

Chapter 3: Public Reason Can Be Reasonably Rejected

reasonable pluralism. Yet, as I have argued at some length, to say that reasonable people must accept the PRR is to make an additional and highly controversial claim. In addition, it would be implausible to maintain that reasonable people must accept the PRR because the PRR is just as basic as the two aspects of reasonableness. This view is implausible because the two aspects of reasonableness are more basic than the PRR: the plausibility of Rawls's PRR relies on the two aspects of reasonableness, whereas the plausibility of the two aspects of reasonableness does not rely on Rawls's PRR.

It should also be noted that Quong should not idealize people in any way he wishes to make political liberalism coherent. To see this, we just need to ask: why don't we simply idealize people as those who already accept Rawls's political liberalism and then contend that reasonable people must accept political liberalism? The answer that political liberals should give is, roughly, that it is unacceptable to idealize people in such a self-serving manner, for in that case, political liberalism would become completely circular and sectarian—it would do nothing better than preaching to those who already accept it, and this defeats political liberalism's primary purpose, namely, to justify liberalism in the face of reasonable pluralism.⁵² However, if that is the case, it should be asked why we must follow Quong's strong internal view, which defines or idealizes reasonable people as those who already accept Rawls's PRR. Doesn't that make public reason completely sectarian? It seems that it does. Some public reason liberals, including Gaus and Vallier, do not accept Rawls's PRR, and they have to be regarded as unreasonable according to Quong's strong internal view. Needless to say, critics of public reason all have to be regarded as unreasonable according to that view. The basic internal view, by contrast, is much more modest and plausible, as it requires only that people should accept the general ideal of fair cooperation and reasonable pluralism in order to be counted as reasonable. However, I have argued that reasonable

⁵² Gerald Gaus and Kevin Vallier have recently pressed this line of criticism against Quong. See Gaus (2012) and Vallier (2014b). See also Enoch (2015, pp. 120–126).

Chapter 3: Public Reason Can Be Reasonably Rejected

people in that moderate sense can have reasonable disagreement about Rawls's PRR, and I will argue in the next section that there can be reasonable disagreement about the very idea of public reason.

Before turning to the next section, let us consider whether the idea of justificatory division of labour (JDL) can support the strong internal view. JDL, to recall, is the idea that while many political values should be affirmed as true in the mundane sense, reasonable citizens themselves should seek the full justification of them. Quong thinks that JDL also applies to Rawls's PRR. He argues:

“If Rawls (or any liberal political theorist) offered a particular religious, ethical, or other metaphysical argument justifying the selection of RAN [i.e. Rawls's PRR], this would be inconsistent with the fact of reasonable pluralism, and RAN would no longer be justifiable to the constituency of all reasonable persons. *It is not the political liberal philosopher who justifies the selection of RAN*; it is rather reasonable citizens in their capacity as adherents of comprehensive doctrines who perform this task.”⁵³

So, perhaps, Quong's JDL may support the strong internal view in the following way: While reasonable people should endorse Rawls's PRR and consider it as true (in the mundane sense), it does not mean that reasonable people have no epistemic reason to do so. Rather, they can seek the full justification of the PRR from their own comprehensive doctrine. Here, political liberals do not seek to justify the PRR by invoking any comprehensive doctrine, lest political liberalism becomes inconsistent with reasonable pluralism.

The above argument seems to be much more interesting than stipulating that reasonable people must accept Rawls's PRR. Yet, is it plausible? First of all, it is not clear why political

⁵³ Quong (2011, p. 238; italics added).

Chapter 3: Public Reason Can Be Reasonably Rejected

liberals have to delegate the task of justifying the PRR to citizens. In fact, Rawls has sought to justify the PRR, and he does not invoke any comprehensive doctrine to justify the PRR. Rawls's justification of the PRR, roughly, is this: If it is possible to realise justice as well as stability in the face of reasonable pluralism, the kind of liberalism people need must not be based on any particular comprehensive doctrine or conception of the good. It should instead be constructed on the basis of ideas implicit in the political culture of contemporary liberal society. Here, the most basic idea is the ideal of fair cooperation among free and equal persons. Given the fact of reasonable pluralism, that ideal is possible only if people endorse commonly accepted inquiry methods and share political values in political justification. If every citizen insists that his comprehensive doctrine should be the basis of political justification, the ideal of fair cooperation will be impossible. Shouldn't Quong think that the above argument already explains the (mundane) truth of the PRR? If so, why is the justificatory division of labour necessary? He has not explained that clearly. But if he by and large endorses Rawls's idea of public reason, he should accept the above Rawlsian argument or alike. And if so, he should not have claimed that it is not the political liberal philosopher who justifies the selection of Rawls's PRR.

Some might argue that Quong may adopt a weaker version of JDL. According to this version, political liberals have provided sufficient reasons for the PRR. These reasons include the ideal of fair cooperation, the fact of reasonable pluralism, and the value of civility. Moreover, while these ideas have to be treated as true in the mundane sense, the ultimate justification of them has to be found out by citizens themselves in the light of their own comprehensive doctrine. In my view, even this weaker version of JDL is not convincing.⁵⁴ Yet, it should suffice here to point out that there can hardly be any smooth application of JDL

⁵⁴ I believe Ronald Dworkin is correct to maintain that comprehensive moral theory cannot be avoided in proposing any theory of political morality (R. Dworkin 2011). If he is correct, then justificatory division of labour would be implausible as a strategy to justify liberalism and any political principle. I will return to Dworkin's point soon, but I will not try to show that he is right.

Chapter 3: Public Reason Can Be Reasonably Rejected

to Rawls's PRR, even if JDL can apply to many political values without problem. For when citizens examine their reasonable doctrine, many of them will find that although they do accept a wide range of liberal political ideas in their general sense, they do not accept Rawls's PRR, because they understand these ideas in many ways different from Rawls. I have argued for this view earlier and will not repeat the argument. Since many reasonable people do not accept the PRR, there is little point to say that all reasonable people can seek the full justification of the PRR from their own doctrine (unless Quong stipulates that reasonable people must accept the PRR, but that would be question-begging and dogmatic).

It should be noted that Quong himself affirms that there can be different reasonable interpretations of political values. He points out that "the values of freedom, equality, and fairness are notoriously open to differing interpretations. Libertarians, luck egalitarians, socialists . . . can all be plausibly seen as developing conceptions of justice where freedom, equality, and fairness play central roles."⁵⁵ Moreover, "the idea that all conceptions of justice other than justice as fairness are unreasonable is not plausible There are many reasonable positions one can take on matters of distributive justice, as Rawls himself admits."⁵⁶ If so, why can't there be different reasonable interpretations of liberal political values, some of which just do not accept public reason? It would seem highly implausible to claim that on the one hand, conceptions of justice, varying from libertarian ones to socialist ones, can all be treated as conclusions from different reasonable interpretations of political values; on the other hand, all philosophers who interpret liberal political values differently from political liberals and do not accept public reason should be regarded as holding unreasonable views about legitimacy.

Some might argue that if we correctly interpret liberal political values, we should see that a certain theory of public reason (say, Rawls's theory of public reason) should be endorsed by

⁵⁵ Quong (2011, p. 148).

⁵⁶ Quong (2011, p. 156).

Chapter 3: Public Reason Can Be Reasonably Rejected

all people. Of course, this could be true, but to use Rawls' words, it is a claim that "all equally could make," including those who reject public reason.⁵⁷ Critics of public reason can also maintain that in rejecting public reason, their interpretation of political values should be endorsed by all people. Yet, once again, to say that a certain view is *true* and should be endorsed by all people is one thing, and to say that it is *beyond reasonable disagreement* is another.

A *non-sequitur* about public reason

In the following, I will show more clearly that even the very idea of public reason, not merely any particular version of public reason, can be reasonably rejected. Thus far, some public reason liberals may remain unconvinced. They might agree that public reason as a political ideal, of course, is controversial, since people can reasonably disagree about which PRR is most convincing. Yet, they might argue that we should not give up the very idea of public reason, any more than we should give up the very idea of social justice because of disagreement about social justice. In other words, while there is "family dispute" within public reason, it would be unreasonable to reject the very idea of public reason.

Quong seems to hold that view, as he argues: "When people seek to impose their comprehensive doctrines on others without offering any sound public justification, they certainly behave unreasonably. . . . If such unreasonable persons claim that they have the right to exercise political power in this way, we must say they are mistaken in making this claim about political legitimacy."⁵⁸ Here, Quong is not arguing that Rawls's PRR is the only principle for political justification. His concern is a general one: it would be unreasonable for people to impose their doctrines on others without giving any sound public justification.

⁵⁷ Rawls (2005, p. 61).

⁵⁸ Quong (2011, p. 237).

Chapter 3: Public Reason Can Be Reasonably Rejected

Lister has adduced some sophisticated arguments along those lines. He agrees that political liberalism and public reason are objects of reasonable disagreement in the sense that any particular version of them can be reasonably rejected.⁵⁹ However, that does not imply that we should reject these theories altogether. He argues:

“If one wants to claim that reasonable disagreement about the theory makes it self-defeating, one must claim that there is reasonable disagreement about some element of theory that is essential to accepting political liberalism in general, *as opposed to the alternative of entirely rejecting political liberalism*. It is not sufficient to show that one version of political liberalism is reasonably rejectable in favour of another.”⁶⁰

Lister endorses Rawls’s PRR. He thinks that the point of that principle is “to make possible a relationship of civic friendship across deep disagreement. This kind of community is not possible with those who reject the very idea of public justification.”⁶¹ He warns that if citizens reject public justification entirely, “each seeking to advance politically what they take to be true justice, based on the full moral truth, as specified by their respective comprehensive doctrines,” then “there is a lack of civic friendship in such an arrangement, no matter how respectfully citizens deliberate with one another.”⁶²

The above arguments by Lister and Quong seem convincing. This is mostly because we should agree that if all people are allowed to freely impose their own comprehensive doctrines on others, then the result will probably be a moral disaster—civic friendship and social stability will be seriously undermined, and in the worst-case scenario, people will fight against each other. If reasonable people should accept the value of tolerance, mutual respect,

⁵⁹ Lister (2013, pp. 126–127).

⁶⁰ Lister (2013, p. 126, italics in original).

⁶¹ Lister (2013, p. 127).

⁶² Lister (2013, p. 120). See also p. 129.

Chapter 3: Public Reason Can Be Reasonably Rejected

and civic friendship, should they not accept some form of public reason anyway? In response, I think that one would commit a *non-sequitur* by arguing the following:

To refuse to endorse public reason implies that (a) we deny the value of civic friendship, mutual respect, tolerance, etc., or (b) the state should allow people to freely impose their own comprehensive doctrines on each other. Since (a) and (b) are unreasonable, it is unreasonable not to endorse public reason.

Call this a *non-sequitur about public reason*. Let me explain. Critics of public reason generally do not think that people should be allowed to freely impose their comprehensive doctrines on each other. Raz and Wall, as mentioned earlier, have argued for the need of liberal toleration, but they do not endorse public reason. Dworkin thinks it is not possible to avoid appealing to comprehensive moral theory in political justification, but liberal tolerance and democratic procedures are of great importance for politics.⁶³ Once again, the problem is about how liberal political values, including civic friendship and mutual respect, should be understood. There seem to be many reasonable interpretations of these values, some of which do not support public reason.

To see more clearly why the above argument is mistaken, I will consider briefly some alternatives to public reason. Notice that the following alternatives do not suggest that people should be allowed to freely impose their doctrines on each other.

(1) *Comprehensive moral theory cannot be avoided*: Ronald Dworkin endorses liberal neutrality and toleration, but rejects public reason. He argues that Rawls's political liberalism and public reason assume a particular interpretation of liberal political tradition, which should

⁶³ R. Dworkin (2011, part two and part five).

Chapter 3: Public Reason Can Be Reasonably Rejected

be based on some sort of background moral theory that Rawls considers true. Yet, such a moral theory must be comprehensive and controversial, and this goes against the very essence of Rawls's public reason.⁶⁴ Dworkin also thinks that public reason is unwise as it bars Rawls's own most important arguments from political justification.⁶⁵ Thus, he contends that "we must attempt as wide a comprehensive theory as we are able to construct, not out of a taste for complexity but out of a philosophical necessity."⁶⁶ His own theory, namely, "justice for hedgehogs," is such an attempt. According to his theory, liberal toleration and neutrality are based on a cluster of ethical ideas, moral ideas, and epistemological ideas, each of which is interpreted in a particular way. Dworkin thinks that these ideas are true and coherently support each other in his comprehensive theory of value.

(2) *Against full publicity*: Bernard Williams rejects Rawls's requirement of full publicity for political principles⁶⁷, although it is at the core of political liberalism and probably of any theory of public reason.⁶⁸ Williams thinks that social relations are in the following way similar to personal relations: "to hope that they do not rest on deceit and error is merely decent, but to think that their basis can be made totally explicit [i.e. public or transparent] is idiocy."⁶⁹ However, he does not contend that any liberal society should be complacent with *modus vivendi* (i.e. temporary peaceful settlement among people of conflicting interests) or that people should be allowed to freely impose their doctrines on each other.⁷⁰ He thinks that any political authority should meet the "Basic Legitimation Demand" in order to be basically legitimate. Briefly, he thinks that the state "has to offer a justification of its power to each

⁶⁴ R. Dworkin (2011, pp. 63–66). In a similar vein, Ben Colburn has recently defended a comprehensive form of liberalism against Quong's appeal to Rawlsian public reason. See Colburn (2012).

⁶⁵ R. Dworkin (2006, pp. 252–254; 2011, pp. 267–269).

⁶⁶ R. Dworkin (2011, p. 264).

⁶⁷ Williams (1985, pp. 101–102, 214 note 6).

⁶⁸ Rawls (2005, pp. 66–71).

⁶⁹ Williams (1985, p. 102).

⁷⁰ For Rawls's discussion of the idea of *modus vivendi*, see Rawls (2005, p. 147).

Chapter 3: Public Reason Can Be Reasonably Rejected

subject,” and that is just “a claim inherent in there being such a thing as politics.”⁷¹ Moreover, the acceptance of a justification on the part of each subject “does not count if the acceptance itself is produced by the coercive power which is supposedly being justified.”⁷²

The above two views do not endorse public reason. Yet, obviously, they do not suggest that people should be allowed to freely impose their comprehensive doctrines on one another. These views give us good reason to think that the very idea of public reason, as it is usually understood, can be reasonably rejected.

At this point, some public reason liberals might dispute that public reason concerns which principle of political justification citizens should choose as though they can make a fresh start for a newborn political community. And yet, those three views take into account too many facts about the non-ideal world. If we should choose the principle of political justification that works for the best of all citizens, then we should not choose any of those views instead of some rigorous principle of public reason. Indeed, much more can be said in favour of the above argument. But while it is attractive in the sense that it treats public reason as a very ambitious ideal for reconstructing our social and political practices, it is nevertheless the object of reasonable rejection from philosophers.

To wit, Dworkin would argue that the above argument fails to grasp the key point in his criticism of public reason: public reason has to be based on some sort of comprehensive moral theory as long as one undertakes the task of advancing a philosophical theory for this ideal. And he thinks that the appeal to any comprehensive moral theory goes against the Rawlsian public reason. Some other philosophers would also reject the above argument. They would argue that it is unclear why we should consider what principle of political justification is the best for our society as though we can make a decision about that *all over again*.

⁷¹ Williams (2005, p. 5).

⁷² Williams calls this the critical theory principle. See Williams (2005, p. 6).

Chapter 3: Public Reason Can Be Reasonably Rejected

Williams and some philosophers would probably think that this shows a failure to philosophize within reality.⁷³ As Williams has remarked: “no political theory, liberal or other, can determine by itself its own application.”⁷⁴ Marc Stears and Mathew Humphrey even dispute that “public reason has nothing meaningful to say to contemporary political actors,” and that “the liberal commitment to ‘public reason’ under nonideal circumstances is misplaced.”⁷⁵ The point I am pressing, once again, is not that these criticisms are entirely correct. Rather, I am arguing that it would seem arrogant, not only unreasonable, to regard these critics of public reason as unreasonable people.

Conclusion

In summary, Estlund, Quong, and Lister have sought to show that public reason is beyond reasonable rejection. However, their arguments fail as they run into a dilemma about public reason in one way or another. The dilemma, to recall, is this: On the one hand, public reason liberals may claim that since people cannot reasonably reject liberal political values understood in their general sense, people cannot reasonably reject public reason. Yet this argument is unsound. On the other hand, they may stipulate that public reason is beyond reasonable rejection. Yet that is question-begging and arbitrary. Public reason, as I argued, is can be rejected by intelligent and sincere people who share the basic liberal political values (e.g. fair cooperation and mutual respect) that political liberals endorse. Thus, I would suggest that it is time to close the debate about whether public reason can be reasonably rejected, which has been running for more than a decade since Estlund’s defense of public reason (1998); public reason, of course, can be reasonably rejected.

⁷³ Michael Walzer considers that this is one main problem with contemporary Anglo-American political philosophy. See Walzer (2007). Some philosophers, notably Zofia Stemplowska, suggest that philosophers should avoid treating ideal and non-ideal theories as rival approaches to political theory. For an in-depth discussion of this view, see Stemplowska (2008).

⁷⁴ Williams (2005, p. 28).

⁷⁵ Stears and Humphrey (2012, p. 285).

Chapter 3: Public Reason Can Be Reasonably Rejected

Chapters 2 and 3 together show that public reason as a political ideal cannot be realised in actual politics in a publicly justified way. My argument can be summarised as the following:

P1: If public reason can be reasonably rejected, then it cannot satisfy its own requirement.

P2: If public reason fails its own requirement, then public reason as a political ideal cannot be realised through state intervention in a publicly justified way.

P3: Without state intervention, public reason as a political ideal cannot be realised in actual politics.

P4: Public reason can be reasonably rejected.

P5: Public reason cannot be realised in actual politics in a publicly justified manner. (By P1 through P4)

P6: Public reason as a political ideal is a response to persistent disagreement in actual politics, so public reason is expected to be realised in actual politics, not merely as an abstract theory that discusses what should be done in actual politics.

C: Public reason cannot deliver the expected promise. (By P5 and P6)

I therefore conclude that: in the above specific sense (C), public reason as a political ideal is incoherent.

Chapter 4

Respect for Persons and Public Reason

In Chapters 2 and 3, I argued that public reason as a political ideal cannot be realised in a publicly justified way. This gives us a strong reason to reject public reason liberalism. This chapter provides further grounds to reject public reason liberalism; contrary to the positions of most public reason liberals, I argue that respect for persons cannot provide a reliable basis for public reason.

In response to my arguments in the previous chapters, some might dispute that even if public reason cannot be made important in actual politics in a publicly justified way, it should at least be a personal moral duty. That is, each person, on grounds of respect for persons, should comply with public reason in political justification. Yet, I am going to argue that even such a modest view is implausible. It is implausible not only because of the fact that most, if not all, public reason liberals believe that public reason should become an important principle in actual politics and do not treat public reason merely as a personal moral duty. The above modest view is implausible also because, as I shall demonstrate, respect for persons cannot provide a reliable basis for public reason.

Respect and legitimate state action

Public reason liberals believe that state coercion must be publicly justified in order to be morally justified. Public reason can be justified on consequentialist grounds, such as social stability and social harmony. However, most public reason liberals endorse public reason on grounds of *respect for persons*. Respect for persons is commonly understood as the moral duty to respect people as rational moral agents. Brian Barry, Gerald Gaus, Charles Larmore, Thomas Nagel, and many other political philosophers understand the idea of respect for

persons in such a way.¹ To treat people as rational moral agents means that people are supposed to be free from coercion unless coercion is morally justified. And no person should be treated as morally inferior to others such that less or no justification would be required when he is subject to coercion.

So long as respect for persons is understood in such a general way, philosophers do not have any serious disagreement as to its meaning. However, serious disagreements arise when they seek to understand what ideas may justify coercion and the related question about what ideas a rational moral agent is expected to accept. Most public reason liberals think that even if a certain belief (e.g. a certain conception of the good) is true and this belief provides considerable epistemic support for a certain law (e.g. certain perfectionist law), this law fails to give due respect to every person if it is not the case that every person has sufficient reason—as they see things from their own perspectives—to endorse that true belief. Yet, some perfectionist philosophers disagree. For example, Joseph Raz and Richard Arneson contend that as long as a certain belief (e.g. a certain conception of the good) is true and it supports a certain law, then even if that belief can be reasonably (yet mistakenly) rejected by some people, this cannot make the law disrespectful to people.² Call this view the *truth-matters view* (TMV). In Arneson's view, the appropriate way to demonstrate respect for a person's rational agency is by recognizing it for what it is, and this capacity *qua* itself pursues truths and rejects falsities.³ So the state would appropriately respect people as rational moral agents by appealing to reasons that are true, even in cases where some people reasonably (yet

¹ See B. Barry (1995, pp. 173–176), Gaus (2011, pp. 14–22), Larmore (1996, pp. 134–141), and Nagel (1991, p. 159). Some philosophers, including George Sher and Joseph Raz, think that Rawls's political liberalism, among other political theories, is based on the Kantian idea of respect for rational moral persons. See Raz (1998, pp. 37–43) and Sher (1997, pp. 72–92). This is not quite right. Of course, Rawls's political liberalism is concerned about how citizens respect each other as *free and equal citizens* in a constitutional liberal and democratic society. Yet, this idea is based on the political ideal of fair social cooperation rather than the Kantian moral notion of respect. As Rawls has said: “The criterion of reciprocity requires that when those terms are proposed as *the most reasonable terms of fair cooperation*, those proposing them must also think it at least reasonable for others to accept them, *as free and equal citizens*, and not as dominated or manipulated, or under the pressure of an inferior political or social position” (2005, pp. 136–137; italics added).

² See, e.g. Raz (1998, pp. 32–43) and Arneson (2003, pp. 211–214).

³ See Arneson (2004, p. 52).

mistakenly) reject those reasons. By contrast, the state would not respect people by merely deferring to their views in cases where they are wrong or incompetent to judge; some philosophers, such as Daniel Groll and Joseph Raz hold such a view.⁴ I will argue that respect for persons, insofar as it is construed as respect for rational moral agents, can hardly provide a reliable basis for public reason. Yet, I will leave open whether TMV is sound or not; the role of TMV in this chapter is limited to show that respect for persons cannot provide a reliable basis for public reason.⁵

The idea that respect for persons justifies public reason seems intuitive. We generally think that deliberated views deserve some respect.⁶ We may also think that the state should not coerce people to follow a command which they could not rationally accept. Thus, we observe some sort of linkage between respect for persons and respect for people's views. After all, we cannot sensibly argue that respect for persons has nothing to do with respect for people's views; e.g. it would be difficult to argue that the state is not showing any disrespect by mocking citizens' views.⁷

But how exactly respect for persons may justify public reason? Public reason liberals have advanced three respect-based arguments for public reason. They are: (a) fully rational agents may disagree, and this provides a justification for public reason (e.g. Gaus and Larmore have advanced such an argument)⁸; (b) even if fully rational agents should accept a certain belief, insofar as this belief can be reasonably rejected by normally rational agents, public reason should be endorsed (e.g. Gaus has advanced such an argument)⁹; and (c) rather than focusing on epistemological issues about people's rationality, we need only to be aware that people can disagree in good faith, and so, on grounds of respect for persons, public reason should be

⁴ Groll (2012) and Raz (1998, pp. 40–43).

⁵ Yet, there will be a brief discussion about respect and truth in Chapter 5. See the discussion in the subsection titled "Three merits of moderate perfectionist judgements."

⁶ Gaus has argued for this idea in Gaus (2003, pp. 150–152).

⁷ Raz seems to have ignored that in his discussion of respect for persons. See Raz (1998, pp. 40–43).

⁸ Gaus (2011, pp. 232–257, esp. pp. 236–238) and Larmore (1996, pp. 161–174).

⁹ Gaus (2011, pp. 251–257).

endorsed (e.g. Martha Nussbaum has advanced such an argument).¹⁰ I shall demonstrate that the above three arguments are implausible.

Disagreement between fully rational agents

Let us begin with the first argument for public reason. Gaus and Larmore have argued for public reason by appealing to the idea that fully rational agents can disagree. In Gaus's view, any coercive law is justified only if each member of the public has sufficient reason(s) to endorse it. What does it mean by saying that a person has reason(s) to accept a law? According to Gaus, a person has a reason to hold a certain belief or to act in a certain way only if this person has "a sound deliberative route" to affirm that reason.¹¹ However, Gaus reminds us that this idea should not be confused with "the externalist view of having a reason." The externalist view holds that if a reason is true (or real), then any person would have this reason to believe or act in a certain way. Gaus rejects the externalist view, for he thinks that even if a person is fully rational, he may not accept a reason that is true. In that case, we should not say that this person has that reason to believe or act in a certain way.

How could any fully rational agent reject a reason that is true? Gaus's explanation is that fully rational agents do not converge on the same belief set. Suppose there are two fully rational agents, *A* and *B*, and each of them "has the full powers of reasoning," "follows impeccable epistemic norms," "changes his beliefs by making all the inferences from his current set of fully affirmed beliefs," and "employs the fullest possible information set."¹² He argues that, even in such a scenario, it is unlikely that *A* and *B* converge on the same belief set. One main reason is that *A* and *B*—being different individuals—by default hold different sets of beliefs and intentions before each of them intends to make an effort to improve on

¹⁰ Lecce (2008, pp. 201–225), Metz (2001), and Nussbaum (2011).

¹¹ Gaus (2010, p. 258).

¹² Gaus 2010, (p. 238).

their own views. “As long as our fully rational ideal agents are ‘coherentizing’ over different initial data sets,” Gaus argues, “we have every reason to suppose that full convergence would occur only in unusual and rare cases.” Since *A* and *B* do not converge on the same belief set, we should expect that even if an ethical or moral reason *R* is true, they would disagree over *R*; e.g. *A* affirms *R* and *B* rejects *R*. Gaus therefore thinks one cannot argue that since a certain law is well supported by a reason (e.g. a perfectionist reason) that is true, each person should endorse the law on the basis of that reason. For even if that reason is true, some people may not accept that reason even if they were fully rational. Thus, Gaus rejects what we called the truth-matters view (TMV).

In a similar vein, Larmore has also argued for public reason on grounds that fully reasonable agents can disagree. Larmore believes that the use of political power should be justified by reasons that are neutral between different conceptions of the good.¹³ This is because, he argues, people have reasonable disagreement about the good. More clearly, reasonable disagreement refers to the phenomenon that reasonable people fail to reach “ultimate agreement about deep questions concerning how we should live.”¹⁴ And reasonable people “are those who think and converse in good faith and apply, as best they can, the general capacities of reason that belong to every domain of inquiry.”¹⁵ To Larmore, we make all kinds of judgements by reference to our existing set of beliefs, which can be called as “background of belief.”¹⁶ Since people by default hold different and often conflicting beliefs, there are “conflicting backgrounds of belief.” Thus, people have reasonable disagreement about the good because of their conflicting backgrounds of belief.

Here, one might think that even if the above points by Larmore are correct, they do not imply that people cannot have knowledge of what the most convincing conception of the

¹³ Larmore (1996, pp. 152–204).

¹⁴ Larmore (1996, p. 168).

¹⁵ Larmore (1996, p. 168).

¹⁶ Larmore (1996, pp. 172–173).

good is. For if some people can adjudicate between conflicting backgrounds of belief, then the conception of the good that is based on the most convincing background of belief should be considered by those people as the most convincing conception of the good. However, Larmore unequivocally claims that it is beyond the ability of people to adjudicate between conflicting backgrounds. He argues: “After all, good faith and common reason, the elements of reasonableness, are capacities we exercise against the background of existing belief. We should therefore not suppose . . . that simply by being reasonable we can adjudicate between conflicting backgrounds of belief.”¹⁷ Larmore thus believes that fully reasonable persons do not converge on the same belief set. To give due respect to each other in political justification, he thinks that we should appeal to shared reasons—that is, reasons that can be shared by all reasonable agents—rather than any particular conception of the good.

In fact, there may be other explanations as to why fully rational or fully reasonable agents can disagree. For example, one may seek an explanation by appealing to Rawls’s idea of “burdens of judgement” or Nagel’s idea of “disagreement in judgement.”¹⁸ For the sake of discussion, let us assume that all of the above explanations of reasonable disagreement are convincing.

Yet, what do fully rational (or reasonable) agents exactly disagree over? There seem to be only two claims that public reason liberals could have in mind:

- (i) *The global claim*: Fully rational agents disagree over *any moral or ethical reason*.
- (ii) *The restricted claim*: Fully rational agents disagree *only over a particular set of moral and ethical reasons*, including perfectionist reasons. So these reasons cannot provide every member of the public with reasons for endorsing any law or policy. (For simplicity,

¹⁷ Larmore (1996, p. 173).

¹⁸ Rawls (2005, pp. 56–57) and Nagel (1987, p. 233).

call these reasons *non-public reasons*.)¹⁹ Yet, fully rational agents do not disagree over liberal political values, such as the idea of equal citizenship.

Both the global claim and the restricted claim encounter serious problems. Liberals should not accept the global claim, for it implies that fully rational people can disagree over ideas that are fundamental to any liberal theory, such as moral equality and personal autonomy. If fully rational agents' disagreement over p implies that p is a non-public reason, then fully rational agents' disagreement over liberal political values (e.g. equal citizenship), as entailed by the global claim, implies that these values only provide non-public reasons. Obviously, no public reason liberal would want to accept that.

What about the restricted claim? Insofar as public reason liberals appeal to the idea of reasonable disagreement between fully rational agents, they should endorse the restricted claim rather than the global claim. If the restricted claim was sound, then there would not be the problem of treating liberal political values as non-public reasons. However, it is not clear how the restricted claim can be justified. And to my knowledge, no liberal philosopher has tried to defend the restricted claim. In fact, it is unlikely that the restricted claim can be demonstrated to be true, because anyone who tries to justify the restricted claim has to confront an insurmountable epistemological problem, which is: how could any ordinary person who is *not* fully rational (such as Gaus and Larmore) know what a fully rational agent would think? While it may be convincing for Gaus and Larmore to claim that fully rational agents do not converge on the same *all-encompassing belief set*, these public reason liberals have not explained why fully rational agents would disagree over any perfectionist idea but

¹⁹ My construal of non-public reasons in this chapter can be accepted by both Rawls and Gaus. For both of them would agree that there are some reasons (e.g. perfectionist reasons) that cannot provide *every* member of the public valid reasons to endorse any law or policy. I recognise that in Gaus's view, people may appeal to many different kinds of reasons (including perfectionist reasons) in justifying the use of political power, so he rejects Rawls's restraint on non-public reasons (see my discussion in Chapter 1). Yet my construal of non-public reasons here (which is not the same as Rawls's notion of non-public reasons; see Rawls: 2005, pp. 171–172) does not imply restraint on non-public reasons, and can be accepted by both Rawls and Gaus.

not any liberal political value. Such a restricted form of disagreement seems to be nothing more than a mere stipulation. And *normally* rational agents like Gaus and Larmore are not in the position to tell us (if they want to) why fully rational agents have this restricted form of disagreement.

Nevertheless, Gaus has advanced an argument to show that the perfectionist theories by Joseph Raz and George Sher can be rejected by fully rational agents.²⁰ Gaus argues:

“[C]onsider a philosophically well-grounded perfectionist theory, such as those proffered by George Sher or Joseph Raz. For any such theory there is a well-grounded philosophical rejection, for example, a well-developed subjectivist account of value. Now suppose that a perfectionist state inspired by Sher or Raz offers a justification of its action by appeal to one of these perfectionist theories, call this *R*. A subjectivist citizen can point out that her account of value denies *R*.”²¹

Surely, the perfectionist theories by Raz and Sher are controversial. Yet it is not clear how the mere fact that there is a well-grounded philosophical rejection of their theories shows that their theories can be rejected by *fully rational agents*. Gaus has not explained why the fact that (a) *ordinary people* (or normally rational agents) have a well-ground philosophical rejection of a certain belief shows that (b) *fully rational agents* can disagree over that belief. Actually, if (a) could demonstrate (b), then we would have to say that fully rational agents can disagree over liberal political values. For there is, of course, a well-grounded philosophical rejection of liberal political values (consider, for example, amoralists such as

²⁰ Gaus (2003, pp. 142–154, esp. p. 154).

²¹ Gaus (2003, p. 154).

Nietzsche),²² though public reason liberals invariably believe that these values are beyond reasonable rejection.

Accessibility of reasons and the strategy of idealisation

A public reason liberal may then consider what normal rational agents think. This brings us to the second argument for public reason, which has been advanced by Gaus.²³ The argument consists of several key points: (1) A reason *R* is more or less accessible to a certain person, depending on his present sets of beliefs, the information available to him, the amount of deliberation he has gone through, and so on. Thus, accessibility is a matter of degree: if the accessibility of *R* to a certain person passes some threshold, we say that *R* is accessible to this person; yet, if the accessibility of *R* to that person falls short of that threshold, then *R* is inaccessible to that person. So, although some reasons are accessible to some normal rational agents, they are inaccessible to others. (2) While non-public reasons,²⁴ such as perfectionist reasons, may be accessible to some people, they are not accessible to all people. (3) On grounds of respect for persons, state coercion should not be justified in terms of inaccessible reasons only, even if these reasons are true (e.g. even if certain perfectionist reasons are true, these reasons alone cannot justify state coercion, as they are not accessible to all people).

Yet, the above argument confronts some serious problems. Let us first get clearer about a key epistemological question concerning the argument: how could a reason be true (or real) but inaccessible to some people? One explanation may come from Rawls's idea of burdens of judgement. These burdens are "the many hazards involved in the correct (and conscientious)

²² See, for example, Nietzsche (1965, pp. 59–60), where Nietzsche writes: "Humanity shall perpetually work at producing individual great men—this and no other is its task." See also Lukes (2001) for a recent challenge to the universality of liberal political values.

²³ Gaus (2011, pp. 251–257).

²⁴ As I said in a note above, my construal of non-public reasons can be accepted by both Rawls and Gaus; I recognise that in Gaus's view, people may appeal to many different reasons, including perfectionist reasons, in justifying state coercion. Yet he would accept my construal of non-public reasons, since he would agree that some reasons, such as perfectionist reasons, cannot provide every member of the public with valid reasons for endorsing any law or policy.

exercise of our powers of reason and judgement in the ordinary course of political life.”²⁵ So, for example, one might argue that *even if* meat eating is morally wrong, this idea is nevertheless an inaccessible reason (for belief or action) to many people. This is because of a long human history of meat eating, the reasonable belief that animals have no moral status, and so on, all of which lead to burdens of judgement and make many people reasonably believe that meat eating is *not* morally wrong. Thus, since “meat eating is morally wrong” is an inaccessible reason to many people, as some public reason liberals would argue, it cannot be a reason for all people to endorse any law, such as a law that discourages people from meat eating.

How plausible is the above argument? It may be beneficial to imagine how Peter Singer, the author of *Animal Liberation*,²⁶ might respond to it. He might argue: Indeed, it is not obviously wrong to think that meat eating is morally permissible, but why don't people consider further on this issue and avail themselves of more information to assist themselves in arriving at the judgement that meat eating is wrong? In that case, “meat eating is wrong” should actually been seen as a reason accessible to them. At this point, note that perfectionists can advance a similar argument to defend perfectionism against public-reason neutrality. A perfectionist might argue that if you think enough carefully, you will understand that some perfectionist reasons are objective, so these reasons are in fact accessible to all people.

How public reason liberals like Gaus would respond? It is worth considering a remark by Gaus about *a real rational agent*:

“The worry about the constant enjoinder to think about things a little more and one will see the light is that there may be no light that you can see. The reasons you have must be accessible to you, and as *a real rational agent* in a world in which cognitive activity

²⁵ Rawls (2005, pp. 56–57).

²⁶ Singer (1975).

has significant costs, rationality does not demand one keep on with the quest to discover less and less accessible reasons.”²⁷

These claims seem convincing; they seem to explain plausibly that true reasons are nevertheless inaccessible to real rational agents, as rationality does not demand real rational agents to keep on with the quest to discover and comprehend less and less accessible reasons even if these reasons are true. So, in the case of vegetarianism, Gaus might respond to Singer that even if “meat eating is wrong” is a correct moral judgment and thus a true reason for belief and action, real rational agents are not required by rationality to put an enormous effort to keep reflecting on the issues that bear on the problem of meat eating. Thus, so the argument goes, “meat eating is wrong” may well be an inaccessible reason to real rational agents.

Nevertheless, the above ideas about real rational agents cannot help Gaus justify public reason. Let me explain. If those ideas are correct, then whether or not a reason is accessible to a person depends on the epistemic circumstances of that person (e.g. the information he has, the reasons he already believes in, and the level of his intelligence).²⁸ Thus, accessibility of reasons is a relative matter—i.e. relative to the epistemic circumstances of different individual persons.²⁹ Call this idea *accessibility is a relative matter*. Yet, in one important place where he elaborates on the idea of accessibility of reasons,³⁰ he simply ignores that accessibility is a relative matter. In that place, he points out that we can determine what reasons are accessible to *all* people—so he ignores different epistemic circumstances of different individual persons—in the following across-the-board manner: reasons should be

²⁷ Gaus (2010, p. 253; emphasis added).

²⁸ Gaus has not considered the level of intelligence of a person to be a factor in determining the accessibility of reasons. I think that he should take that factor into account.

²⁹ For the sake of argument, I have put aside another sensible doubt about Gaus’s argument, which is that accessibility is a vague idea. In many cases, it is hard to decide whether or not a certain reason is accessible to a person.

³⁰ Gaus (2011, p. 257).

considered as accessible if they can be “accessed by the amount of deliberation we can expect from *the average – or even the somewhat below average – participants* [of social morality].”³¹ This criterion of accessibility of reasons looks arbitrary, and it simply ignores the epistemic circumstances of those who are *far below the average* in terms of intelligence and available information. As long as we think that accessibility is relative (which is entailed by Gaus’s remarks about real rational agents), we should think that many ideas, including liberal political ideas, cannot provide accessible reasons to all people, since some people are so poorly informed and not intelligent enough to understand these ideas even when they have gone through a lot of deliberation.³² But if liberal political ideas cannot provide accessible reasons to all people, then, on the present argument for public reason that appeals to the idea of accessibility of reasons, liberal political ideas should be treated as non-public reasons in political justification. Such a conclusion, as said, is unacceptable to any public reason liberal.

In response, one might argue that we are considering how we should respect people as rational moral agents, rather than respecting people’s actual views which could be seriously wrong (such as the rejection of liberal political values by people who are poorly informed and not intelligent to understand these values). Thus, the mistaken rejection of (or the failure to understand) liberal political values cannot make these values non-public reasons in political justification. But if so, why do we not simply affirm the truth-matters view (TMV)? That is, rational moral agents should accept and act on reasons that are true (i.e. reasons that apply to them), so the state would not disrespect any person by requiring her to comply with a law that is justified by a reason that is true (e.g. a certain perfectionist reason that is true), even if she rejects this reason. Yet, as said, public reason liberals reject TMV. They argue that when considering whether a certain law is justified, we should think about whether every

³¹ Gaus (2011, p. 257; emphasis added).

³² So, these people would also reject Gaus’s anti-anarchist view, though Gaus believes that that view is beyond reasonable doubt (Gaus 2009, p. 94). Note that in making my present argument, I do not necessarily hold the view that any person who is well-informed and intelligent enough must accept liberal political ideas.

reasonable person has sufficient reason to accept the law, rather than thinking about whether the law is based on true reasons. Gaus adopts a certain kind of idealisation strategy to determine what reasonable persons should accept and what they may reject. In his view, reasonable persons may reject any particular conception of the good. So he thinks that perfectionists should not argue (by appealing to TMV) that some conceptions of the good are true, so these conceptions can justify coercive laws and policies.

Let us take a closer look at Gaus's idealisation strategy.³³ There are two obvious errors that have to be idealised away in characterising what reasonable persons believe. The two errors are the denial of moral equality and the endorsement of state anarchism.³⁴ If moral equality can be reasonably rejected, then Gaussian public reason (in fact, any version of public reason) is just a non-starter. If it can be reasonable to insist on state anarchism in justifying state coercion, then almost any state coercion may be reasonably rejected. So, as long as we follow Gaussian public reason, if someone rejects a certain law because she rejects moral equality, we should not count her rejection of that law as a defeater of that law, because it is not reasonable for her (or any person) to reject morality equality. The same goes for the endorsement of state anarchism: any person who rejects a certain law because she endorses state anarchism should be regarded as unreasonable, so her rejection of that law cannot make that law unjustified.

For the sake of argument, let us assume that those two beliefs are erroneous and reasonable persons should not hold them. Even so, the idealisation strategy has some serious problems. Let us begin with this question: why do we abstract people from obvious errors but not the less obvious ones? As we have seen, some people (say, Peter Singer) would argue that although meat eating may not be obviously wrong, it is wrong anyway. Why do we not

³³ For criticism of the idealisation strategy (e.g. appealing to the hypothetical consent of idealised reasonable persons) in moral and political philosophy, see Enoch (2005).

³⁴ For a relevant discussion, see Gaus (2010, pp. 179–181).

idealise people away from any error that is less obvious, such that “meat eating is wrong” is treated as a reason for belief and action that reasonable persons cannot reject?³⁵ Steven Wall has a similar doubt. He argues that there is little reason to maintain that in political justification we should limit the epistemic demands of reasonableness of citizens to a minimal level. We should ask “why should we not respect his [a person’s] fully, as opposed to his minimally, reasonable comprehensive commitments?”³⁶ Wall points out: “to the extent that respecting people requires respecting their comprehensive commitments, it is their fully reasonable comprehensive commitments that merit respect.” However, Gaus has not offered a rigorous defense of his restricted form of idealisation against such challenges.

The most relevant point to his restricted idealisation may be Gaus’s own remarks about real rational agents, which we have discussed. To recall, Gaus argues that “[t]he reasons you have must be accessible to you, and as *a real rational agent* in a world in which cognitive activity has significant costs, rationality does not demand one keep on with the quest to discover less and less accessible reasons.”³⁷ Thus, some might argue that real rational agents are *not* required by rationality to find out less obvious errors (say, the rejection of “meat eating is wrong”) to be errors in reasoning; yet, real rational agents are required by rationality to find out obvious errors (say, the rejection of moral equality) to be errors. However, this line of argument is implausible for at least two reasons. First, it is not at all clear how to draw a non-arbitrary line between obvious errors and less obvious errors. In our example, it is not clear why the rejection of moral equality (or the endorsement of anarchism) should be a more obvious error than the rejection of the idea that meat eating is wrong (or the rejection of any perfectionist idea that is presumably correct). After all, from whose perspective (Gaus’s perspective or Nietzsche’s perspective or Raz’s perspective?) should we determine an error to

³⁵ Thus, we are on the slippery slope.

³⁶ Wall (2014, p. 479). See also p. 480.

³⁷ Gaus (2010, p. 253; emphasis added).

be an obvious one or a less obvious one? Gaus has not given any explanation. Indeed, for many philosophers, the rejection of moral equality is not an error at all, not to say that it is an obvious error.³⁸

Second, there is a deeper problem with Gaus's (or perhaps any public reason liberal's) idealisation strategy. Why should we allow any view that is reasonable but mistaken to serve as a defeater of the law or policy in question? Perhaps the idea is simply that deliberated views—whether they are wrong or not—merit some respect. But what does that “some respect” require? We may agree that the state should give a fair hearing to citizens' deliberated views even if they are wrong; that it should explain to citizens the reasons behind the laws that it intends to make; that it should enact laws through a fair procedure; and so on. Nonetheless, it is not clear why that “some respect” implies that people's rejection of a law or policy, even if wrong, merits so much respect that it renders the law unjustified. To my knowledge, no public reason liberal, including Gaus, has explained clearly why that should be the case.

The non-epistemological argument

Let me summarise what has been argued so far: Public reason liberals may want to justify public reason by appealing to the idea of respect, which works with one of the following epistemological ideas: (a) fully rational agents can disagree; (b) some reasons should be treated as non-public reasons because they are *not accessible to every actual person*; and (c) some reasons should be treated as non-public reasons because they are *not accessible to every member of an idealised public*. I have argued that none of these three ideas can serve as a reliable basis for public reason. At this point, some might argue that to justify public reason by appealing to respect for persons, we need not rely on any epistemological idea about

³⁸ Some philosophers reject moral equality. See, e.g., Nietzsche (1965, pp. 59–60) and Uwe (2014).

people's beliefs or people's rationality. Martha Nussbaum recently has advanced such an argument. She even argues that political liberalism should not be based on any claim that tells us what kinds of beliefs or what sorts of people are epistemically reasonable. In the following, I shall argue that her argument is vulnerable to several criticisms, which bring us to the conclusion that respect for persons is not a reliable basis for public reason.

In Nussbaum's view, to make the case for political liberalism, there is no need to appeal to any epistemological criteria of reasonableness (such as those suggested by Rawls or Larmore) to distinguish reasonable citizens from unreasonable citizens, or reasonable comprehensive doctrines from unreasonable comprehensive doctrines. She argues:

“[L]et's stick with the ethical definition of “reasonable.” A “reasonable” citizen is one who respects other citizens as equals. A “reasonable” comprehensive doctrine is one endorsed by such a reasonable citizen, that is, including a serious commitment to the value of equal respect for persons as a political value. Beyond that, it is just nosy and impertinent for the state or its agents to inquire into the basis of people's religious adherence. . . *The object of respect is the person and the person's faculties (conscience, for example). We need say nothing much about the differences among the comprehensive doctrines* (apart from ruling out some as incompatible with equal respect), and we certainly should avoid a ranking of the type that Larmore, and at times Rawls, seem to suggest.”³⁹

Nussbaum's idea is that the object of respect is the person and the person's faculties rather than her views, so in political justification we need not consider whether people's

³⁹ Nussbaum (2011, p. 33; emphasis added).

comprehensive doctrines are epistemically reasonable or not. Thus, she argues that the perfectionist versions of liberalism proposed by Raz and Berlin fail to respect people:

“Raz and Berlin . . . insist on building the state on [perfectionist] principles that a large proportion of its citizens cannot accept. That is a strategic problem clearly. It is difficult to see how a liberalism of that sort could remain stable The problem, however, is graver yet: *it is a problem of respect. When the institutions that pervasively govern your life are built on a view that in all conscience you cannot endorse, that means that you are, in effect, in a position of second-class citizenship.* Even if you are tolerated (and it is not too clear from Raz’s paper to what extent the major religions would be tolerated), government will state, every day, that a different view, incompatible with yours, is the correct view, and that yours is wrong.”⁴⁰

At first sight, the above argument seems convincing. For if a contemporary liberal government declares that it should base its constitution and policies on Christianity, this would treat citizens who do not believe the religion as though they are second-class citizens. However, I think that Nussbaum’s argument, as it sets aside all epistemic issues about people’s beliefs and people’s rationality, confronts several serious problems. Note that I shall not defend perfectionism in the following; I only want to point out several weaknesses in Nussbaum’s argument.

First, it is worth noting that some people are against modern medical advancement (e.g. against vaccination).⁴¹ I suppose no political liberal would accept that the state should not

⁴⁰ Nussbaum (2011, pp. 34–35; emphasis added).

⁴¹ There are three groups of people who are, at various degrees, opposed to modern medical advancement: (a) most people who endorse homeopathy, which is based on the doctrine that a substance that causes symptoms in a healthy person can be used in minute doses to cure similar symptoms in patients; (b) many anti-vaccinationists who endorse alternative forms of medicine, such as homeopathy and chiropractic (chiropractic is based on the view that health problems are attributable to disorders of the musculoskeletal system); and (c) people who are

support modern medical advancement on the grounds that it treats those who are against it as second-class citizens. Here, one might argue on behalf of Nussbaum that those people must be very few in number, so their rejection of medical advancement cannot make it unjustified. This response, however, is unhelpful, for the number of people should not matter: the state should not treat *any* citizen as a second-class citizen. One might then argue that although some people are against medical advancement, such a belief is *not* their basic conviction about life, so their rejection of medical advancement cannot make it publicly unjustified. In contrast, so the argument goes, if the state endorses a religious view or a perfectionist view, then this must go against many people's basic convictions about life, and so, that cannot be publicly justified.

However, whether a certain view—be it the rejection of medical advancement or the rejection of moral equality—is a basic conviction about life for some people is, in many cases, a contingent matter. We should not be surprised if a reliable survey shows that more than a hundred of people of a liberal country reject medical advancement.⁴² The most convincing response to people who are against medical advancement is, I would argue, is the following: it is epistemically unreasonable to reject the importance of medical advancement for the whole political community. More clearly, even if any person is justified to believe that medical advancement is unimportant or harmful to her well-being, she would be epistemically unreasonable to claim that other people must share her view. In this way, we are going back to the issue about the reasonableness of people's views: if some people's

opposed to modern medicine on religious grounds: e.g. the famous Chinese actress Chen Xiaoxu (Buddhist name Venerable Miao Zhen) refused surgery and chemotherapy on religious grounds after being diagnosed of breast cancer. She preferred to die naturally, and finally died at 41. There are many supporters of homeopathy and many anti-vaccinationists around the world—probably most readers of my thesis know some such people. I think that people who support homeopathy and anti-vaccination hold mistaken views of modern medicine, yet I shall not discuss the relevant issues here. As regards people who are opposed to modern medicine on religious grounds, it can be argued that these people should be allowed to live according to their own views, but the fact is that some of these people consider their views to be true and thus oppose to modern medical advancement.

⁴² See the above note.

rejection of a certain law or policy is epistemically unreasonable, there is little reason to think that their view should render that law or policy publicly unjustified.

Nussbaum's argument faces another serious problem. If we should not build the state on any religious or perfectionist doctrine as those who do not believe in that doctrine would be put in a position of second-citizenship, then how could we build the state on political liberalism? Political liberalism is not merely an aspirational philosophical ideal; it requires the state's effort to realise it. Yet, many people, including many perfectionist philosophers, do not endorse political liberalism. Some of them, such as Arneson, Raz, and Wall, are very critical of political liberalism and its anti-perfectionist implications. Would these people not be treated as second-class citizens by political liberalism?

To see the problem more clearly, we can change a few words in the above quote by Nussbaum as the following: "It is a problem of respect. When the institutions that pervasively govern your life are built on *political liberalism, which in all conscience many citizens including many perfectionists cannot endorse*, that means that they are, in effect, in a position of second-class citizenship. Even if they are tolerated, government will state, every day, that a different view, incompatible with theirs, is the correct view, and that theirs are wrong." Thus, Nussbaum's argument for political liberalism seems to be entirely self-defeating.

It would not be helpful for Nussbaum to insist that all people should believe that political liberalism is *true* so that the state's enforcement of this political doctrine will not disrespect any citizen even if some citizens will *feel* that they are treated as second-class citizens by the enforcement of political liberalism. For in that case, she would be committed to TMV rather than public reason liberalism, and her perfectionist critics can also maintain that the enforcement of perfectionism would not disrespect any citizen as long as perfectionism is true. Therefore, I conclude that Nussbaum's argument for liberalism, which does not appeal

to any epistemic idea of people's beliefs or people's rationality, is unconvincing. In fact, it is probably self-defeating.

My discussion above reveals that any non-epistemological argument for public reason that appeals to respect for persons is most likely implausible.⁴³ There are two main reasons for that. First, as we have just seen, we should not allow all epistemically unreasonable views (e.g. the view that medicine advancement is unimportant for the whole political community) to defeat laws and policies in political justification. Yet, once we try to "idealise away" (to use Gaus's term) what we consider to be obviously unreasonable views to make a case for public reason, it is no longer clear why we should not "idealise away" those less unreasonable views as well. In addition, it is not clear why all mistaken views (whether they are *obviously unreasonable* or *reasonable yet mistaken*) should deserve so much respect that they can defeat laws and policies in political justification. I have elaborated on this point earlier, so I shall not repeat myself.

Conclusion

I have argued that insofar as respect for persons is understood as respect for rational moral agents, it can hardly provide a reliable basis for public reason. To recapitulate, most arguments for public reason are based on the idea of reasonable (or rational) disagreement: because people can reasonably disagree about a particular set of reasons, none of these reasons can serve as a reason for all members of the public to endorse any law or policy. The idea of reasonable disagreement, in turn, can be explained in four ways, and probably only in these four ways:

- (a) fully rational agents can disagree about p (Gaus and Larmore appeal to this idea);

⁴³ Other philosophers who pursue this line of argument include Steven Lecce and Thaddeus Metz. See Lecce (2008, pp. 201–205) and Metz (2001).

- (b) even if p cannot be rejected by any fully rational agent, p is, for some epistemological reasons, inaccessible to some people (Gaus appeals to this idea);
- (c) people who are reasonable in the ethical sense (e.g. they are willing to honour the idea of fair cooperation) can disagree about p , whether these people's views are epistemically reasonable or not (Nussbaum appeals to this idea); and
- (d) scepticism applies to p , so people can reasonably disagree about p (e.g. Brian Barry appeals to this idea).⁴⁴

I have not discussed (d). Yet, almost all public reason liberals refuse to appeal to scepticism, for they consider that liberalism would be a non-starter by relying on scepticism.⁴⁵ Thus, as long as public reason liberals avoid scepticism and want to appeal to the idea of reasonable disagreement to explain how respect for persons justifies public reason, they should appeal to (a), (b), or (c). However, I have argued that (a), (b), and (c) fail to deliver a reliable justification for public reason. I therefore conclude that respect for persons cannot provide a reliable basis for public reason, though many public reason liberals believe that it can.

⁴⁴ B. Barry (1997, pp. 160–188).

⁴⁵ See Sher (1997, pp. 140–155) for an in-depth discussion of why scepticism is not a reliable ground for liberalism. Except for Bruce Ackerman and Brian Barry, almost all liberal philosophers avoid scepticism. See Ackerman (1980, pp. 368–369) and B. Barry (1995, pp. 160–188). Larmore, Nagel, and Rawls have pointed out that liberalism does not rely on scepticism. See Larmore (1996, p. 174), Nagel (1991, p. 157), and Rawls (2005, p. 63).

Conclusion of Part I

In Chapters 2 and 3, I argued that public reason as a political ideal cannot be realised in actual politics in a publicly justified way. Chapter 4 provides further criticisms of public reason liberalism. Contrary to the positions of most public reason liberals, I argued that respect for persons is *not* a reliable basis for public reason. In conclusion, there is a compelling reason to reject public reason liberalism.

Beyond public reason liberalism: towards moderate perfectionism

Many arguments for neutrality in the recent decades appeal to the idea of public reason, hence public reason neutrality. Yet, since public reason liberalism cannot stand, public reason neutrality falls. Some perfectionists have sought to argue that Rawlsian public reason, which is the mainstream version of public reason, is compatible with perfectionism.¹ In an earlier work, I offered such an argument.² But my position has changed. I now believe that public reason liberalism is, as I have tried to show in Part I, implausible, so there is no need to show that perfectionism and public reason are compatible. I therefore maintain that perfectionist-policy making should be freed from restrictions imposed by public reason.

Then, there is an important problem for perfectionists: what perfectionist reasons should the state appeal to? Some perfectionists might think that it is necessary to propose a comprehensive doctrine of value, which informs our perfectionist policy-making. Yet, I believe that perfectionist policy-making need not rely on any comprehensive doctrine of value. In Part II, I propose a moderate version of perfectionism. One moderate aspect of this form of perfectionism is that citizens and officials may appeal to what I call *qualified judgements about the good life* in political justification. These judgements differ from any

¹ See Chan (2000, pp. 11–14).

² Mang (2013).

Conclusion of Part I

comprehensive doctrine of value.³ Briefly, qualified judgements about the good life only speak about what is good or bad for *most, if not all, people*. These qualified judgements may include: “aesthetic experience is of great value for most, if not all, people,” and “hard-drug addiction is seriously harmful to most, if not all, people.” I believe that qualified judgements like these are modest, convincing, and rather uncontroversial.

Yet, I should note that my moderate version of perfectionism is intended to be by and large compatible with the mainstream liberal perfectionist theories proposed by political philosophers in recent decades.⁴ Although I believe that for certain reasons, it would be good for people to appeal to qualified judgements about the good life rather than any comprehensive doctrine of value in political justification,⁵ I shall not argue that people should refrain from appealing to any comprehensive doctrine of value in political justification. Nor shall I argue that any comprehensive doctrine of value, such as Joseph Raz’s conception of well-being or Ronald Dworkin’s doctrine of value,⁶ is unsound or suspect. In fact, as I shall point out later, qualified judgements about the good life are compatible with many comprehensive doctrines of value, and qualified judgements about the good life can be interpreted in many different ways in the light of different comprehensive doctrines of value, although, of course, these doctrines cannot be all true.

Earlier, I define moderate perfectionism as follows:

Moderate perfectionism: Any version of moderate perfectionism holds that in political justification people should appeal to perfectionist judgements that are non-comprehensive, convincing, and rather uncontroversial. In addition, moderate perfectionists think that there

³ See also my final remark in the conclusion of the thesis.

⁴ See, mainly, Arneson (2000a, 2013), Hurka (1993), Raz (1986), Sher (1997), and Wall (1998).

⁵ See Chapter 5, especially the section titled “Moderate perfectionist judgements,” and the conclusion of the thesis.

⁶ R. Dworkin (2002, pp. 237–285; 2011) and Raz (1986, pp. 288–399; 1994, pp. 3–59).

Conclusion of Part I

are good reasons for people not to appeal to any comprehensive doctrine of value in political justification.

As will become clear in Part II, apart from the above essential features of moderate perfectionism, *my version of moderate perfectionism* is moderate in terms of the following aspects:

- (a) *Moderate measures*: The moderate perfectionist state, whenever possible, should prefer using non-coercive measures (such as subsidies and funding)⁷ to directly coercive measures (such as sales tax and imprisonment) to promote good life;
- (b) *Pluralistic values and goods*: The moderate perfectionist state should promote a wide plurality of perfectionist values and goods rather than one or a few of them;
- (c) *The importance of civil society*: When a certain perfectionist good or a certain valuable thing can flourish in civil society without the state's support, the state need not take measures to promote it. And, in many cases, the perfectionist state can support civil society through sponsoring the work of non-governmental organisations (NGOs), so the perfectionist state need not intervene directly in all cases;
- (d) *Perfectionism for a non-ideal society*: We need not deny that most perfectionist policies, as some neutralists have argued, would be unnecessary for a society that has attained a fair distribution of resources, but the fact is that a fair distribution of resources is simply

⁷ More precisely, these measures might be called non-directly coercive measures, for while they do not directly force people to live in a certain way, they are nevertheless supported by tax revenues and taxation is essentially coercive. I shall discuss this point in Chapters 5 and 8.

Conclusion of Part I

not foreseeable. Many perfectionist policies are of great importance for any non-ideal and actual liberal society; and

- (e) *Non-paternalistic account of legitimacy*: Moderate perfectionism is *not* intended to force each citizen in a paternalistic way to pay tax to support perfectionist policies on grounds of his or her welfare. Rather, moderate perfectionism aims to provide a wide array of valuable opportunities of flourishing for all citizens as a whole.⁸

I think that none of the above moderate aspects of my version of perfectionism poses any serious challenge to the mainstream perfectionist theories advanced by political philosophers in recent decades. Of course, some perfectionists might argue that we should pursue a more ambitious form of perfectionism. Yet my main purpose in Part II is to show that my moderate version of perfectionism is sound. To that end, I shall develop my version of perfectionism through defending it against several influential criticisms of perfectionism.

⁸ However, I shall not discuss how perfectionists may account for religious tolerance. For an explication of a perfectionist idea of religious tolerance, see Wall (2003).

Chapter 5

Liberal Neutrality and Moderate Perfectionism¹

Should the state promote art on the grounds that art can contribute to the good life? Should the state remind people of the potential harm of hard-drug addiction? For most liberal neutralists, the answer to both questions is “no,” but most liberal perfectionists—and many ordinary people too—would answer “yes.” Broadly speaking, perfectionism is the idea that the state should take an active role in promoting good life. Most neutralists reject this idea, maintaining that the state should have no business in promoting good life. In this chapter, I defend a moderate form of perfectionism by using Gerald Gaus’s argument for neutrality as a starting point of discussion. In Chapters 6 through 8, I develop my moderate version of perfectionism and tackle a number of anti-perfectionist arguments that have been made by neutralists.

Many philosophers have argued for neutrality, but there are some reasons for giving more attention to Gaus’s argument.² First, many liberal philosophers, such as John Rawls, believe that neutrality applies only to constitutional matters and basic principles of justice.³ And there are some neutralists, such as Charles Larmore, who consider that some perfectionist policies may be justified in a neutral way.⁴ By contrast, Gaus maintains that neutrality applies to all

¹ An earlier version of this chapter, under the same title, was published in *Res Publica: A Journal of Moral, Legal, and Social Philosophy* 19 (2013): 297–315 (the winner of Res Publica Postgraduate Essay Prize 2012). Substantial changes have been made to this published version. The most important change is that I no longer see the need of showing that my version of moderate perfectionism is compatible with the consensus model of public reason that has been advocated by John Rawls (2005) and Gerald Gaus in Gaus’s earlier works (2003; 2009). I now think that, as argued in previous chapters, public reason is an implausible ideal, so perfectionism should not be subject to limits imposed by public reason—be it the consensus model of public reason or the convergence model of public reason. Nevertheless, on consequentialist grounds such as civility and political reality, I think that people should see the importance of appealing to the moderate form of perfectionist judgements that I propose to justify their stances in political justification. See my discussion in the present chapter and in the last section of the concluding chapter.

² Gaus (2003; 2009).

³ Rawls (2005, pp. 192–193, 215–216, 252–253).

⁴ Larmore (1987, p. 67).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

levels of political decision-making and that almost all perfectionist policies are unjustified.⁵ So Gaus's neutrality, if well argued for, poses a more serious challenge to perfectionism. Second, while he based neutrality on a widely accepted idea of respect for persons, he explained more clearly than most neutralists what this idea means and how it leads to neutrality.⁶ Here, one might think that Gaus's view of neutrality may have changed, with many changes in his view of public justification over the past decade.⁷ Yet I think that the above reasons suffice to show that his argument for neutrality is worth examining.⁸

How about moderate perfectionism? This was first suggested by Joseph Chan as a distinctive political principle.⁹ Some perfectionists have shown support for liberal perfectionism of this kind.¹⁰ Briefly, they think that if we have a more nuanced understanding of coercion, legitimacy, and value judgements, then we should see that the state may promote good life by using moderate measures. Yet, the case for moderate perfectionism has not been further developed, and most neutralists, including Gaus, have ignored it in their works on liberalism.¹¹ It is worthwhile to consider whether moderate perfectionism is sound, especially given that Arneson and Wall have now become almost the only leading perfectionists still active in the neutrality-perfectionism debate.¹²

⁵ Gaus (2003, p. 159).

⁶ Gaus (2009, pp. 84–91). For other neutralists who have argued for neutrality from respect for persons, see, e.g. Larmore (1987, pp. 63–64; 1992, pp. 193–194; 1996, pp. 134–141) and Nagel (1987, p. 238; 1991, p. 159).

⁷ I am grateful to an anonymous critic for pressing me on this point. Based on his latest work on public reason (Gaus 2011), I think that Gaus would argue that some perfectionist policies may be publicly justifiable in some societies—it has to depend on whether reasonable people can converge on the policy in question *or* whether the policy can be chosen through a fair procedure from an “optimal eligible set.” But given the fact of reasonable pluralism, I think that in most societies most perfectionist policies are not justified in any of those ways. Moreover, the form of perfectionism that I defend in this chapter appeals to certain kinds of perfectionist judgements (as they should be reasonably accepted) and adopts pluralistic promotion of perfectionist goods. Thus Gaus's convergence conception of public justification cannot authorize my version of perfectionism.

⁸ Yet, there has not been much systematic discussion of Gaus's argument for neutrality, except for Wall (2009, 2010) and Lister (2011).

⁹ Chan (2000).

¹⁰ Caney (1996) and Arneson (2003).

¹¹ Jonathan Quong (2011) is an exception.

¹² Many perfectionists, such as Thomas Hurka (1993) and Joseph Raz (1986), are not as active in the debate as they were before.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

In the following, I first present a streamlined version of Gaus's argument for neutrality. Then, I defend moderate perfectionism against his argument, and engage more extensively with several important anti-perfectionist theses. In addition, I argue that moderate perfectionism relies on an indirect form of coercion that is morally justifiable, and that it is not necessarily unfair to any particular group of people.

Coercion, respect, and neutrality

Gaus's argument for neutrality starts with the reasonable claim that unjustified coercion is wrong and the use of coercion against moral persons requires moral justification.¹³ In his view, this idea is a fundamental to political morality because the exercise of political power is unavoidably coercive (and this is so not only when constitutional essentials or basic principles of justice are in question). He then argues that any state action is morally justified only if it respects people as free and equal moral persons: a person is morally free "insofar as no one is subject to the moral authority of others," and moral persons are equal in the sense that "they possess the minimum requisite moral personality so that they are equal participants in the moral enterprise."¹⁴ Since "there are no given antecedent principles external to their point of view to which they are bound," moral justification requires that "one's moral claims can be validated by those to whom they are addressed."¹⁵ This leads to the following principle:

"The justification of the state's coercion must not treat differentially reasonable and reflective citizens' differences in their evaluative standards."¹⁶

¹³ Gaus (2003, 2009).

¹⁴ Gaus (2009, p. 84).

¹⁵ Gaus (2009, p. 85).

¹⁶ Gaus (2009, p. 91).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

Call this the *neutral justification principle*. Some neutralists also endorse such principle¹⁷, but different from most others, Gaus thinks that a shared value or reason may not justify any perfectionist policy, because a further requirement should be met:

“Any law or state’s policy is morally justified only if each rational and reflective citizen has conclusive reason(s) for accepting that law or policy.”¹⁸

Call this the *conclusiveness requirement*. To illustrate, Gaus uses the example of smoking: we may share the value of health, but we disagree about whether the value of pleasure is worth the badness of ill health; since not everyone has a conclusive reason to accept anti-smoking policies, they are morally unjustified. Thus he thinks that almost all perfectionist policies are unjustified, as we always disagree about the ranking of values.¹⁹ The neutral justification principle itself also plays a key role in his argument for neutrality. The principle invalidates those laws and policies that are based on any comprehensive doctrine(s). In Gaus’s view, contemporary citizens, who are deeply divided by comprehensive doctrines, may not have any reason, not to say a conclusive one, to accept this kind of laws or policies.²⁰

The idea of moderate perfectionism

I will defend a moderate version of perfectionism against Gaus’s arguments for neutrality. Throughout my discussion, I will also engage more extensively with some of the most

¹⁷ For example, Larmore (1987, pp. 40–68).

¹⁸ Gaus (2009, pp. 92–93).

¹⁹ This anti-perfectionist argument is a powerful one, but has not been discussed by any prominent perfectionist. I will criticise it later.

²⁰ See Gaus and Vallier (2009, pp. 54–55).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

important anti-perfectionist theses by other philosophers. Let me first introduce some of the main features of moderate perfectionism²¹:

(a) Pluralism and widely accepted judgements:

Some perfectionists have pointed out that there is not only one perfectionist good, but a wide array of perfectionist goods and values.²² So, the state may appeal to a many different perfectionist judgements, which are convincing and widely accepted.²³ Chan has made a useful distinction between two sorts of perfectionist goods. They are: agency goods and prudential goods.²⁴ Agency goods refer to virtues or dispositions that constitute the good life (e.g. practical wisdom and courage). Prudential goods refer to goods or values that contribute to a person's good life (e.g. aesthetic experiences and human relationships). So, in my own terms, there can be two kinds of perfectionist judgements:

Judgements about agency or prudential goods: e.g. “practical reason is a constitutive element of the good life” and “human relationships contribute to the good life.”

Judgements about impoverished ways of life: these judgements point out that some ways of life are impoverished because they are highly deficient in agency and prudential goods. These judgements may include: “hard-drug addiction is seriously harmful” and “mind-numbing

²¹ Here, I mainly consider the central features of those versions of perfectionism proposed by Simon Caney and Joseph Chan. See Caney (1991; 1992; 1996) and Chan (2000).

²² Thomas Hurka has recently defended this view. See Hurka (2011).

²³ Some perfectionists have pointed out that the state may appeal to many different perfectionist judgements that are plausible and widely accepted. See, e.g. Arneson (2003, p. 215–216), Caney (1992, p. 45; 1996, pp. 277–279), Chan (2000, pp. 11–14), and Kraut (1999).

²⁴ Chan (2000, p. 11).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

labor which consist simply of the ceaseless repetition of monotonous tasks and long working hours is impoverished.”²⁵

Caney and Chan think that perfectionist judgements like these do not propose any particular ranking of goods as Rawls’s comprehensive doctrines do, and the state need not disrespect anyone by appealing to them. There may be other ways of forming perfectionist judgements that do not assume any particular ranking of goods (e.g. some perfectionists might appeal to Martha Nussbaum’s list of central human capabilities).²⁶ But I will not discuss them here.

Later, I will qualify the above two kinds of perfectionist judgements (i.e. judgements about agency or prudential goods and judgements about impoverished ways of life) in a certain way. I will argue that the state may promote good life by appealing to these qualified perfectionist judgements.

(b) Non-coercive measures (or indirectly coercive measures):

Perfectionist measures, in general, can be classified as either *coercive* or *non-coercive* (or, more precisely, as either *directly coercive* or *indirectly coercive*, as will be explained). Coercive measures, such as compulsory education, force people to do or not to do certain things, and these people are liable to penalty or other kinds of punishment if they fail to comply with those measures. By contrast, non-coercive measures, such as non-compulsory education, do not directly force people to live in a particular way. However, some neutralists are right to point out that even non-coercive measures are supported by tax money and taxation is coercive.²⁷ In my view, moderate perfectionism certainly has to use tax money to support non-coercive measures (i.e. it requires coercion), but apart from that, it may refrain

²⁵ Caney (1996, pp. 277–278).

²⁶ Nussbaum (2000, pp. 78–80).

²⁷ Gaus (2003, p. 147) and Metz (2001, p. 421).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

from all kinds of directly coercive measures, such as compulsory education, and hence does not threaten people's autonomous pursuit of their conception of the good life. I favour this moderate form of perfectionism, for I consider that in many cases coercive measures are counter-productive or less effective than non-coercive measures.²⁸ So, with the above remarks in mind, the distinction between coercive and non-coercive measures remains convincing and useful. Surely, if we want to be more precise, we can call them as *directly coercive measures* and *indirectly coercive measures*.

Moderate perfectionist judgements

Qualifying perfectionist judgements

How might the moderate perfectionist respond to Gaus's arguments for neutrality? First of all, moderate perfectionism does not consider the neutral justification principle (which states that "[the] justification of the state's coercion must not treat differentially reasonable and reflective citizens' differences in their evaluative standards") presents a serious challenge. This is mostly because moderate perfectionism can appeal to what I will call qualified judgements about the good life. These judgements are convincing, rather uncontroversial, and thus should be accepted by all reasonable and reflective citizens.

To start with, consider these (nonqualified) judgements: "the exercise of practical reason is a constitutive element of the good life"; "human relationships contribute to the good life"; and "a hard-drug addict's way of life is impoverished." These judgements seem to be accepted by many people, but a neutralist might argue that some rational and reflective people may reject the value of some perfectionist goods (e.g. human relationships might not

²⁸ Yet, in some cases, coercive perfectionist measures, such as legal prohibition of recreational use of drugs can be very effective to protect people from self-harm. In Chapter 7, however, I shall argue that in most cases, coercive perfectionist measures are unjustified because people can have very different characters, tastes, and reasons for action.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

be, or no longer be, valuable for some hermits). Moreover, every judgement about impoverished ways of life might encounter some people—call these people *exceptions*—to whom they do not apply (e.g. some rock musicians and novelists might have to rely on hard drugs in order to do their best, and thus drug addiction might enrich their lives rather than impoverish them). But moderate perfectionists, such as Caney and Chan, have not considered these possibilities.

Some other philosophers, on the contrary, have taken pains to show that certain perfectionist goods are objectively valuable.²⁹ Yet, even if these value claims are true, they are controversial among philosophers and non-philosophers. Moreover, given the fact of human diversity in terms of taste, character, and systems of belief, I believe that there are some exceptions to the two kinds of judgements about the good life—though I am inclined to think that the number of valid exceptions would be fairly small (for how many people are right to consider human relationships unimportant for them? And how many people are really right to think that hard-drug addiction is not harmful to them?).³⁰ At any rate, I think that we do not have to give up perfectionism just because there might be some exceptions to each judgement about the good life, and I believe that many perfectionists would agree with me on this point. I will seek to defend moderate perfectionism by taking into account the possible existence of exceptions.

I suggest that we can qualify the two kinds of judgements about the good life—judgements about agency or prudential goods and judgements about impoverished ways of life—in the following way, so that they become *qualified judgements about the good life* (or, briefly, *qualified judgements* or *moderate perfectionist judgements*):

²⁹ For example, Hurka (1993) and Sher (1997, pp. 176–244).

³⁰ As I will argue later, if a certain thing is of great importance for most people, there is a strong reason to promote it. And if a certain way of life is seriously impoverished for most people, there is a strong reason to remind people of the harm of it.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

Qualified judgements about the good life may include “human relationships contribute to the good life of *most, if not all, people*,” “courage constitutes the good life of *most, if not all, people*,” and “hard-drug addiction is harmful to *most, if not all, people*.”

Expectedly, my suggestion above will lead to certain criticisms³¹, which I will address in the following sections. For now, my point is that once we qualify those universal judgements about the good life in the above way, they should be accepted *beyond reasonable doubt*.³² Here, two misunderstandings should be cleared up. First, qualified judgements point out that certain things are good or bad for most, if not, all people, *even if anyone disagrees about that*. So these judgements should not be taken as meaning that *most, if not all, people think that* certain things are good or bad for mankind. Qualified judgements are value judgements rather than reports of people’s beliefs about value. Second, qualified judgements do not imply a denial of value objectivism or the possibility that some values are objective, although I have expressed my doubt about the universality of some of the nonqualified perfectionist judgements.

Some might question whether qualified judgements should be accepted beyond reasonable doubt. Let me discuss briefly two of them. I want to show that there are strong reasons to accept them:

Human relationships (at least the mutually respectful ones) contribute to the good life of most, if not all, people: we humans occasionally feel bored, lonely, stressed, pessimistic, or even depressed. Spending time with our intimates and friends is one of the best ways of resisting these unpleasant states. More positively, in most cases when we feel happy about something,

³¹ One criticism would be that the qualification strategy is useless because the state’s coercion generally applies to all citizens, not most, if not all, citizens.

³² That is to say that there are sufficient epistemic reasons to accept qualified judgements.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

we feel happier if we can share our joy with our intimates and friends. In fact, those who have deep personal relations with us are generally willing to offer material and spiritual support when we want to accomplish things that we consider important. Without their help, we would have to fight very hard for the good life and our lives would be much more difficult. In addition, human relationships are usually valuable in themselves as there are some people we like and care about. Based on all of the above considerations, it is reasonable to say that a life with no deep relationship with any other person is very likely lonely, boring, and inauthentic.³³

Hard-drug addiction is seriously harmful to most, if not all, people: Hard-drug addicts generally have serious health problems, which include mania, paranoia, depression, schizophrenia, and decreased organ function.³⁴ Overdoses of any kind of hard drug can cause death. If an addict chooses to quit the drugs after prolonged addiction, he or she will suffer a series of painful withdrawal symptoms, such as malaise, severe muscle aches, diarrhea, and so forth. Upon ceasing to use hard drugs, the addict usually cannot reason in a normal manner. Due to serious health problems and emotional problems, many hard-drug addicts are alienated from normal personal relations.³⁵

There are many other qualified judgements about the good life. They may include: “knowledge contributes to the good life of most, if not all, people”³⁶; “art and culture

³³ For some recent discussions of the value of human relationships, see Hurka (2011, pp. 141–161) and Brewer (2005).

³⁴ See Staals (2007).

³⁵ I concede that there may be some people who take hard drugs for non-medical purposes but do not become addicted to them. In addition, I realise that some people may still manage to lead a good life even though they are addicted to hard drugs. Nevertheless, I think that the bad effects of hard-drug addiction are very serious for most people, and this is a strong reason for reminding people of the potential harm of the non-medical use of hard drugs.

³⁶ For a valuable discussion, see Sher (1997, pp. 176–198).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

contribute to the good life of most, if not all, people”; “recreational activities contribute to the good life of most, if not all, people”; “sincerity constitutes the good life of most, if not all, people”; “long-term obsessive gambling is seriously harmful to most, if not all, people,”; “a way of life that consists of ‘the ceaseless repetition of the same monotonous task all day six or seven days a week’ and which allows for ‘no creativity, contact with other human beings, intellectual stimulation, emotional reward or financial compensation’ is impoverished for most, if not all, people;”³⁷ and so on.

These qualified judgements, too, are convincing, but I cannot defend them here. At the very least, many people would sincerely agree that human relationships contribute to their good life, that hard-drug addiction is harmful to them, etc., and it would be absurd to say that these people—say, because they suffer from false consciousness—are wrong to think so. Also worth noting is that qualified judgements do not need to rely on Rawlsian comprehensive doctrines in order to be convincing. To see that they are convincing, we do not need to assume a coherent view of the major religious, philosophical, and moral aspects of human life; to organize the values of human life in ways that distinguish it from other moral and religious doctrines; and to affirm the truth of any particular tradition of thought and doctrine. For these reasons, there is little reason to think that qualified judgements should be excluded by neutral justification principle even if this principle is sound.

As a matter of fact, most liberal states nowadays practice different kinds of perfectionist policies without appealing to any comprehensive theory of the good (we are not talking about Iran or North Korea).³⁸ Nevertheless, some neutralists might ask: any theory of liberal perfectionism—whether comprehensive perfectionism, which endorses a comprehensive theory of the good life, or moderate perfectionism, which appeals to qualified judgements

³⁷ This example is from Simon Caney. See Caney (1996, pp. 277–278).

³⁸ See Sypnowich (2014).

about the good life—must endorse some view of the good life, but *who can decide what is good for all people?* In response, I want to make two points.

Firstly, moderate perfectionists do not have to claim that they are experts in the good life. However, they should contend the plausible and modest view that every valuable way of life consists of some or many perfectionist goods. Moreover, the value of each of perfectionist goods can be presented in the form of qualified judgements, e.g. human relationships contribute to the good life of most, if not, all people. These judgements do not assume any particular ranking of goods or any judgement that any particular package of goods is good for all people. In addition, we can make sound and modest judgements about many harmful activities, such as the medical use of hard drugs, smoking, and gambling. These judgements point out that certain activities can be seriously harmful most, if not all, people. These two types of qualified judgements about the good life are important for perfectionist policy-making.

Secondly, while moderate perfectionists recognise that there can be many valuable ways of life, they should make clear that it is *not* a completely arbitrary matter to decide what things are valuable or not valuable. For example, I have suggested the moderate perfectionist judgement that aesthetic experience contributes to the good life of most, if not all, people. When being asked what kinds of things can give people valuable aesthetic experience, we must *not* say that people can always disagree about that and so we cannot have any idea about what things are worthy of state support. Rather, we may answer plausibly that art and literature, among other things, are valuable partly because they can bring people rich aesthetic experience, and so they are worthy of state support.

The above two points add up to what might be called a *moderate view of knowledge about the good life*. So, on the one hand, there are certain ideas about the good life that form the basis of moderate perfectionism, and in this sense, moderate perfectionism holds that matters

Chapter 5: Liberal Neutrality and Moderate Perfectionism

about the good life are *not* entirely arbitrary. But on the other hand, moderate perfectionism does not rely on any particular ranking of values, comparative judgements of different valuable ways of life, or any view of human perfection or elitism. Moderate perfectionism relies on the modest and convincing view that there are many goods and values that constitute or contribute to a person's well-being, and that people can flourish in many different ways.

Three merits of moderate perfectionist judgements

That being said, some comprehensive perfectionists might ask: "The moderate version of perfectionism being presented here does not forbid people to appeal to any comprehensive view of the good life after all. As the first part of the thesis points out, there should be no public-reason restrictions on the appeal to ideas of the good life and even comprehensive doctrines. If so, what exactly is the point of proposing moderate perfectionist judgements?"

Let me explain my view more clearly. Moderate perfectionist judgements, I argued, are convincing and rather uncontroversial. For this reason, they have three important merits. First, I believe that the appeal to them is respectful for people as rational moral agents. As I argued, respect for persons may not require people not to appeal to controversial views in political justification. This idea is because people *qua* rational moral agents should believe sound views rather than unsound views that they happen to accept. The mere fact that a person disagrees with a certain view does not show that requiring this person to accept this view is disrespectful to this person. Surely, if we think that a certain view is unsound and we require a person to accept it, then we probably disrespect this person's rational moral agency. Besides, if we require a person to accept a certain view although this person has some good reason (such as a plausible religious reason) to treat that view as offensive to her conscience or personal integrity, then even if this view is sound, we may nevertheless disrespect this person.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

However, I think that moderate perfectionist judgements do not have these problems, since they are convincing and not offensive to people who hold different conceptions of the good.

This brings us to the second merit of moderate perfectionist judgements. Since these judgements are convincing, rather uncontroversial, and compatible with a wide range of comprehensive doctrines, they are respectful for people's self-esteem. Respectful for rational moral agency and respectful for self-esteem are different. While the general idea of respect, as most of us use it, contains both of the above two notions, respectful for rational moral agency is primarily concerned with treating people as rational agents and so it is important to justify moral demands to them by epistemologically sound beliefs. Thus, requiring or expecting them to accept an unsound view (say, that basic human rights are not important for humans actually) that we think is unsound does not show respect for their rational capacities *even if they sincerely accept that unsound view* (say, because they have been brainwashed by the North Korean Government). However, showing respect for a person's self-esteem is a different thing. We may not show proper respect for a person's self-esteem if we require this person to accept a certain belief that this person sensibly and rationally considers as offensive³⁹, even if this belief is epistemologically sound.

Taking these points on board, we should see that appealing to moderate perfectionist judgements in political justification is respectful towards people's rational moral agency and their self-esteem. This is mostly because these judgements are *non-universal* (they only say that certain goods and values are important for most, if not all, people, and that certain activities can be seriously harmful to most, if not all, people), *convincing and rather uncontroversial* (they are backed by good reasons without relying on the truth of any

³⁹ Surely, if this person finds a certain belief, say, that freedom is of great value for most citizens, offensive because this person has a morally depraved character, or because this person holds some irrational beliefs that make this person reject that belief, or simply because this person misunderstands that belief, then we may not run into the problem of disrespecting this person's self-esteem by requiring this person to accept that belief.

particular comprehensive doctrine), and *not offensive to people* who hold different comprehensive doctrines and different conceptions of the good life.

The third merit of moderate perfectionist judgements follows on the heels of the first and the second merits. The third merit is that there are important *prudential reasons* for appealing to moderate perfectionist judgements in political justification. Philosophers, after all, are citizens in reality, as they do not have more say than others in actual political decision-making.⁴⁰ Suppose that in public political debates, a comprehensive perfectionist, say, a follower of Hurka, claims that all people should invoke Hurka's Aristotelian theory of well-being to justify laws and policies. The problem, here, is not about whether appealing to that theory respects people as rational moral agents. For, if what I have argued about respect for rational moral agency is convincing, then appealing to Hurka's theory need not disrespect any person if this theory is epistemologically sound. Nevertheless, Hurka's theory, just like many other theories of well-being and comprehensive doctrines, is highly controversial. Therefore, it is extremely hard to mobilise people's support for that theory or any comprehensive doctrine in politics. When a perfectionist philosopher claims that his comprehensive theory of well-being is sound, he should notice that many (probably most) of his fellow citizens are not on his side, even though they are very much willing to support a wide range of perfectionist policies that moderate perfectionism proposes.

Here, some might argue that a comprehensive perfectionist may well appeal to the kind of moderate perfectionist judgements I propose. That is, while a comprehensive perfectionist thinks that his theory of well-being is true, and that his theory can offer the best justification for moderate perfectionist judgements, he may think that in actual political justification, citizens may, and should be encouraged to, appeal to moderate perfectionist judgements rather than to his theory of well-being. In response, I think that the above idea exactly spells out an

⁴⁰ For an exposition of this idea, see Walzer (2007, pp. 1–21).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

important merit of moderate perfectionism: moderate perfectionism is compatible with many theories of well-being and with many comprehensive doctrines, as it leaves enough space for people to interpret moderate perfectionist judgements in their own ways in the light of their own theories or doctrines. Thus, I think that many perfectionists can accept my moderate version of perfectionism, though they might think that a more ambitious idea of well-being and a more progressive set of perfectionist policies should be pursued.

In addition, the appeal to moderate perfectionist judgements does not undermine civic friendship. Civic friendship is a great value for political community in terms of its importance for social cooperation and for its role in sustaining related values including mutual respect, tolerance, and the willingness of mutual aid.⁴¹ If it happens that many citizens insist that their comprehensive doctrines must be accepted by all people and that they are determined to invoke the truth of their own doctrines, then this would probably undermine civic friendship among citizens.⁴² By contrast, when people appeal to moderate perfectionist judgements in political justification, they allow people to interpret these judgements in their own ways, as long as they are not so sceptical that they reject the importance of each perfectionist good (such as knowledge, intimate human relationships, and aesthetic experiences) for most people.⁴³ In this way, citizens do not have to require each other to accept any comprehensive view of well-being. Their civic friendship maintains when they expect each other to accept the modest kind of perfectionist judgements in political debates and decision-making.

⁴¹ See Lister (2013) and Schwarzenbach (2009).

⁴² However, I think that civic friendship, just like the importance of respecting people's self-esteem, does not call for a side-restraint on the way people take part in political justification (Wall has made a similar point in (1998, pp. 79–80). For it seems very implausible to argue that to avoid undermining civic friendship or to respect people self-esteem, we must not appeal to any controversial idea or theory in political justification in any situation. After all, civic friendship and respect for self-esteem are great values but not absolute values, and so, they have to be weighed against other values.

⁴³ Note that almost all liberal philosophers, except for Bruce Ackerman and Brian Barry, refuse to appeal to scepticism. See Ackerman (1980, pp. 368–369) and B. Barry (1995, pp. 160–188). In my view, Sher has argued plausibly for why scepticism renders liberalism self-defeating. See Sher (1997, pp. 140–155).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

For these reasons, it is much easier to mobilise people's support for moderate perfectionist judgements and the related perfectionist policies than for any comprehensive theory of well-being. As a matter of fact, in actual politics, citizens and officials more often appeal to ideas of the good life that resemble more with moderate perfectionist judgements than with any comprehensive theory of well-being. This already gives us a good reason to think that appealing to moderate perfectionist judgements can be very effective in politics. What I would say about actual policy-making from the perspective of moderate perfectionism is that it is all too often that officials appeal to universal statements about values and ways of life. They argue, for example, that drug addiction is bad for every person, or that cultural heritage is valuable for every person. I think that these judgements are subject to some reasonable doubts. At any rate, it is not necessary for officials and citizens at large to appeal to universal judgements like those. Moderate perfectionism proposes that qualified judgments about the good life are convincing and can justify a wide range of perfectionist policies.

In summary, the appeal to moderate perfectionist judgements in political justification has three important merits. They are: (a) it respects people properly as rational moral agents, as moderate perfectionist judgments are convincing; (b) it respects people's self-esteem, as these judgments are hardly offensive to any rational and sensible person; and (c) mostly because of the last point, it does not undermine civic friendship, and citizens and officials would find it rather easy to mobilise support for moderate perfectionist judgments—these, in turn, provide important prudential reasons for favouring moderate perfectionist judgements. Therefore, appealing to moderate perfectionist judgments is desirable from both the moral and the practical point of view.

The holistic view of perfectionism

The atomist view vs. the holistic view

Now, let's turn to consider other challenges to the appeal to qualified judgements in my argument for moderate perfectionism. Firstly, if we have to admit that every perfectionist good (or every universal judgement about a harmful activity) might encounter some exceptions to whom it does not apply, should we not conclude that no perfectionist *policy* is respectful to all citizens? Another criticism is that there may be no perfectionist policy that every citizen has a conclusive reason to accept—this anti-perfectionist criticism by Gaus is original and powerful, but has not been addressed by perfectionists so far. I will tackle these criticisms in the following.

As Jonathan Quong points out, the state is usually unable to make fine-grained distinctions in the way it treats different citizens.⁴⁴ So, if no perfectionist policy can be fine-grained enough to account for the exceptions, should we not conclude that perfectionism must disrespect some people? But I will argue that the moderate perfectionist state in most cases does not have to make fine-grained distinctions in the way it treats citizens. My main reasons for that, as will be explained in this and the following sections, are: moderate perfectionism aims to promote all valuable ways of life by pluralistic promotion, and pluralistic promotion requires only an indirect form of coercion that is justifiable on the grounds of citizens' welfare.

Let's first distinguish between two views of perfectionism, namely, *the atomistic view* and *holistic view*:

On *the atomistic view*, we consider the legitimacy of perfectionism by examining each perfectionist policy separately. For example, in considering whether it is legitimate for the

⁴⁴ Quong (2011, p. 104).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

state to promote art, we look at this policy on its own, without considering the fact that it is just one among many other perfectionist policies that the state could make.

Most, if not all, neutralist philosophers adopt this view, but there can be a different view of perfectionism:

On *the holistic view*, we consider the legitimacy of perfectionism in light of the fact that the state may make a wide variety of perfectionist policies (i.e. pluralistic promotion).

How, then, may the holistic view support moderate perfectionism? Consider the following analogy. In some universities, students residing in colleges have to pay college fees. A large part of these fees are used to provide students with many different services and benefits. Obviously, not every service or benefit is useful for all students: for example, a college may organize job interview workshops which are useless for most students who are determined to pursue further studies after graduation. If these students take the atomistic view of those workshops without considering that their college provides a wide range of services to students, they might think that their college fees are not used properly. But it would be more reasonable for them to take the holistic view, because their college serves to meet the needs of different students. Those students who want to study further can benefit from, say, the offering of scholarships and fellowships that are provided or supported by their college. In a similar vein, it is more plausible to take the holistic view than the atomistic view to consider the legitimacy of moderate perfectionism, since moderate perfectionism uses tax money (just a part of it, of course) to support a wide variety of policies, not just one single policy, which benefit different valuable ways of life. So, even if there is a hermit who rightly thinks that human relationships are not valuable for him, he may benefit from the state's promotion of

Chapter 5: Liberal Neutrality and Moderate Perfectionism

other goods, such as art and knowledge. In fact, each valuable way of life constitutes of a particular range of goods. So if the state supports a sufficiently wide variety of goods, then every valuable way of life can benefit from that.⁴⁵ Note that pluralistic promotion does not mean that the state must take license from perfectionist judgements to derive all sorts of perfectionist policies, because perfectionist judgements are just one set of considerations among others in the course of decision making. Sometimes civil society on its own may work very effectively in promoting a certain good and hence state intervention is unnecessary.

At this point, one might argue that I have ignored the conclusiveness requirement. For example, even if smokers can benefit from the whole package of perfectionist policies, they must be disrespected by the state's anti-smoking policies, and the wrongness of disrespect cannot be compensated by the benefit derived from pluralistic promotion. Anti-smoking policies disrespect some people because, as Gaus has pointed out, they *must* rely on the controversial assumption that the value of health is more important than that of pleasure, which rational and reflective people may not have a conclusive reason to accept. The same problem might go for any perfectionist policy.

I will reject the above anti-perfectionist argument in the following. As will be clear, my counter argument consists of three key ideas: (a) moderate perfectionism does not need to rely on any controversial ranking of values; (b) it requires only an indirect form of coercion that is justifiable; and (c) public welfare ought to be an important moral concern for each citizen. The holistic view of perfectionism needs to be supplemented with these ideas so as to be convincing.

⁴⁵ David Miller (2004) has made a similar argument for the state's provision of public goods. But my version of perfectionism appeals to qualified judgements about the good life, which have not been considered by Miller and any prominent perfectionist. In addition, I will not consider Miller's point about the nature of political community with regard to the state's provision of public goods: "the more communitarian [a political community] is, the more people will be willing to allow public good production to be cross-subsidized, subject to the rider that, as noted above, each person should make an effort to demand less expensive rather than more expensive goods" (Miller 2004, p. 145). But I will discuss the problem of fairness regarding state perfectionism later in the present chapter and in Chapter 8.

Must perfectionism rely on controversial ranking of values?

Moderate perfectionism, as mentioned, supports two kinds of perfectionist policies: those policies that promote agency or prudential goods and those policies that remind people of the potential harm of certain activities. Even if Gaus's discussion of anti-smoking policies has shown that the second type of policies rely on controversial rankings of values, it is not clear why the first type of policies that promote perfectionist goods necessarily has the same problem. I will first argue that the promotion of goods does not need to assume controversial rankings of values. So at the end of next section, I will be in the position to explain why the state also need not rely on controversial ranking of values in order to remind people of the potential harm of harmful activities.

Consider the state's promotion of human relationships. Must some specific ranking of values be assumed here? It seems not, for that policy does not imply that other values, such as art and knowledge, are less important than human relationships. In fact, one main characteristic of moderate perfectionism is that it promotes a variety of agency and prudential goods without assuming any one of them to be more valuable than others. But one might disagree here, by arguing that the state's promotion of human relationships must rely on the assumption that human relationships are more valuable than some other values, such as solitude, for if this kind of ranking of values is not assumed, why does the state not promote solitude instead of human relationships? Similarly, one might argue that the promotion of prudence, which is an agency good, must rely on the assumption that prudence is more important than some value, say, spontaneity, but any such ranking of values can be reasonably rejected.

The moderate perfectionist can have two responses here. First, even if the above criticism is convincing, it does not seem to apply to all cases of perfectionist promotion. Perhaps

Chapter 5: Liberal Neutrality and Moderate Perfectionism

human relationships and solitude may be treated as a pair of competitive values, but in many cases, it is not clear whether there is any competitive value as opposed to the value at issue. For example, what is the competitive value versus courage? Cowardice? What is the competitive value versus knowledge? Ignorance? Different from courage and knowledge, cowardice and ignorance can hardly be treated as important values that people should deliberately pursue in order to live better.⁴⁶ Hence, even if the promotion of courage and knowledge must assume that cowardice and ignorance are bad, there is probably no controversial ranking of values being made here. Second, even in those cases of promotion where it makes sense to talk about competitive values, I think that the state need not appeal to any controversial ranking of values. To see this, consider why moderate perfectionism promotes human relationships instead of solitude. I think that the following argument is convincing: (1) human relationships are of considerable value for most citizens; (2) solitude, though it may be important for some people, does not have such a high value for so many citizens; and hence, (3) if the state has to choose between promoting human relationships or solitude, then from the perspective of public welfare, it has more reason to promote human relationships. Why (3)? I think that the perfectionist state ought to consider all citizens' welfare—not just the welfare of one or a few citizens—when deciding what goods are worthy of promotion, although this consideration, as will be discussed later, cannot justify all kinds of perfectionist measures. It should also be noted that (1)–(3) do not imply that solitude *per se* is less valuable than human relationships *per se*, for the moderate perfectionist may well accept that for some people (such as hermits) solitude is more valuable than human relationships; the three points make no universal judgement about the intrinsic value of solitude or human relationships.

⁴⁶ But I do not deny that there are occasions where it is good for a person to appear to be a coward or to be (blissfully) ignorant of something.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

One might ask: isn't the promotion of human relationships unfair to those people (such as some hermits) who find human relationships of little or no value for them? Some neutralists think that the unfairness of perfectionist promotion is a compelling reason to reject perfectionism. They contend that perfectionism is inherently unfair and the unfairness cannot be offset by promoting different goods in turns. Jeremy Waldron argues: "If they [government officials] choose to subsidize option A rather than option B, is that not unfair to the adherents of B who, in virtue of their choice of B, have no reason to favor A?"⁴⁷ As far as I know, perfectionist philosophers have not addressed this line of criticism. In response to it, I would argue that we need to be clear about what kind of things the state is supposed to promote and what kind of unfairness is at issue. If the state promotes a conception of the good whose truth or value is an object of serious disagreement (e.g. a Christian conception of the good life), then it would be perfectly sensible for those people who reject that conception (e.g. Muslims) to think that such promotion treats them unfairly and that such unfairness cannot be compensated by any kind of pluralistic promotion. However, the moderate form of perfectionism that I propose does not have this problem, since it promotes a wide variety of agency and prudential goods that are compatible with each other, and each of them should be considered as important for most, if not all, people.⁴⁸

Thus, even if the state's promotion of human relationships may be unfair to a certain group of hermits, they should not deny the great importance of human relationships for most citizens, and thus they have good reason to think that the state's promotion of human

⁴⁷ Waldron (1989, p. 1148).

⁴⁸ One main criticism of perfectionism by Waldron (1989, p. 1148) and Metz (2001, p. 426) is that the perfectionist state should not promote different conceptions of the good by turns, as it would be both absurd and wrong for the state to promote different religions alternately. However, moderate perfectionism does not promote any religion, because any religion is an object of serious controversy, and different religions cannot be treated as compatible goods (e.g. to most Christians, their religion is the true one and other religions are false). The promotion of different religions will lead to social conflicts and serious distrust of the government. In contrast, most agency and prudential goods are compatible goods: generally, to promote an agency or prudential good will not imply that another agency or prudential good is not valuable.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

relationships—as long as it does not rely on directly coercive measures—is morally acceptable for them.⁴⁹ So, taking the holistic view of perfectionism, even if the promotion of human relationships causes some unfairness to them, as this kind of unfairness is morally acceptable for the above reasons, it can be compensated through pluralistic promotion: these hermits can benefit from the promotion of other goods, such as art, knowledge, good health, and environmental protection. It is hard to say that these hermits or any particular group of people must be treated less favourably than others by pluralistic promotion. Even if they cannot benefit from the promotion of human relationships, they might well benefit—over the whole course of their lives—from state support of, say, art, literature, knowledge, etc. at a greater degree than many people, as they might be more able than many others to derive value and pleasure from these goods. In that case, they might benefit more from the whole scheme of pluralistic promotion than many others. Besides, even if there are some people (such as some hermits) for whom one or two goods not valuable for them, it is unlikely that there is any person for whom many kinds of agency and prudential goods are not valuable. Since each person needs a variety of agency and prudential goods to flourish and different people place different weight on different goods, pluralistic promotion, as long as it is pluralistic enough, is not unfair to any particular group of people.

Note that I am not arguing that moderate perfectionism *in practice* will not be unfair to anyone; rather, my point is that moderate perfectionism is not necessarily unfair to any particular group of people. Here, one might argue that due to socio-economic inequalities and majoritarian decision-making procedures, perfectionism must be unfair to ethnic minorities and some socially disadvantaged people. To this criticism, I have two responses. First, most neutralist philosophers do not reject perfectionism on the grounds of such empirical facts as the above. For example, Waldron and Metz simply argue that perfectionism is inherently

⁴⁹ I will discuss this point further soon.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

unfair, and I have already rebutted this argument. Second, if a government that adopts moderate perfectionism cannot avoid treating certain groups of citizens (such as ethnic minorities) seriously unfairly, then there is a strong reason to give them a tax cut or other forms of benefits.⁵⁰ Nevertheless, it can also be reasonably argued that when pluralistic promotion is practiced in the right way, the state will be provided with more opportunities to improve the welfare of ethnic minorities and the socially disadvantaged. I will come back to the unfairness charge against perfectionism later in this chapter as well as in the following two chapters in a number of places. For now, let's consider briefly what sort of coercion, if any, is involved in moderate perfectionism.

Indirect coercion and citizens' welfare

At this point, some might point out that the most serious problem with perfectionism is about the wrongness of coercion. They might argue that the compensation model suggested above is bound to fail, for the wrongness of coercion cannot be compensated through pluralistic promotion: if a hermit rightly thinks that human relationships are not valuable for him, then the state must not coerce him to support the promotion of human relationships, whether he can benefit from other perfectionist policies or not.

Is this criticism justified? I would say that we should be clear about what sort of coercion is involved in moderate perfectionism. As said, apart from using tax money to support perfectionist policies, moderate perfectionism can adopt only non-coercive measures. But taxation is coercive—can it be morally justified for the state to use tax money, which is collected through coercion, to support non-coercive perfectionist measures? This question has been ignored by most perfectionists. For example, Caney and Chan maintain that perfectionism can be “non-coercive,” without considering that all perfectionist laws and

⁵⁰ This is not infeasible. Governments of developed countries generally can identify those citizens who belong to ethnic minorities or certain socially disadvantaged groups (such as low-income groups).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

policies are supported by tax money and taxation is coercive.⁵¹ That being said, my answer to the above question is affirmative. To see why, let's compare these two cases:

- (1) To promote art, the state requires citizens to go to school five times every week for a three-year art course. Any citizen who refuses to do so will be imprisoned. John, a mature adult, rightly thinks that art is not valuable for him, although it is valuable for most people.
- (2) To promote art, the state uses a small part of tax money to sponsor the establishment of some art museums and non-compulsory art education. Any citizen who refuses to pay tax will be imprisoned. John, a mature adult, is one of the taxpayers. He rightly thinks that art is not valuable for him, although it is valuable for most people.

Indeed, both cases involve coercion, but they should not be lumped together. The coercion involved in (1) is both direct and strong, and hence we need very strong reasons to justify it. Since the purpose of coercion is just to promote art (rather than, say, to save people from damnation in an effective way), the coercion can hardly be justified. What about (2)? I think that the coercion upon each citizen (such as John) in this case is just *indirect*, for it does not threaten people's autonomous pursuit of their own conceptions of the good. Moreover, the promotion of art in case (2) would only add a purpose to the usage of the huge pool of tax money, and tax money is collected by the state for many other kinds of purposes, such as the maintenance of social justice and the protection of basic rights. Needless to say, John is just one among numerous citizens who have to pay tax if they are qualified to be taxpayers, and the state, expectably, would use only a small part of his tax money to support art. Even the

⁵¹ Caney (1991, p. 459) and Chan (2000, p. 14).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

neutralist Metz, who is critical of moderate perfectionism, also concedes: “one may fairly say that it [moderate perfectionism] does do in a substantially ‘less’ coercive manner than the extreme form historically has or probably would. That is enough to avoid charges of constant meddling in people’s lives or of interfering in such a way as to threaten social stability.”⁵²

I think that the indirect coercion involved in moderate perfectionism is justified when two conditions are both satisfied: (i) the perfectionist state uses tax money to promote *the welfare of every citizen* in a reasonably fair way; and (ii) each type of perfectionist policy has considerable and undeniable importance from *the perspective of public welfare*. I think that when condition (i) is met, then there is already a good reason for each citizen to accept indirect coercion. When conditions (i) and (ii) are both satisfied, there is a very good case for indirect coercion. Moderate perfectionism can satisfy (i), for, as I have explained, each valuable way of life consists of a particular range of agency and prudential goods, and moderate perfectionism supports all valuable ways of life by pluralistic promotion. This form of perfectionism, moreover, is not necessarily unfair to any particular group of people. What about (ii)? I think that moderate perfectionism can meet this condition, too. Moderate perfectionism promotes many different agency and prudential goods, and reminds people of the potential harm of harmful activities. Each type of these policies, as explained, is of considerable and undeniable importance for most, if not all, people. Hence, from the perspective of public welfare, each type of those policies carries significant moral weight, and thus moderate perfectionism is of great moral importance.

One might ask: “why should other citizens’ welfare be a reason for me to accept indirect coercion?” I think that any citizen ought not to judge the acceptability of any policy only by considering whether it can benefit himself or not: even if art cannot promote John’s good life, he should not think that the state has no reason to promote it; rather, he should think that

⁵² Metz (2001, p. 421).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

since art is of considerable importance for most people, this is a strong agent-neutral reason for the state's promotion of it, and hence the state has good reason to use tax money, which includes a small part of his tax money, to support art.⁵³ Here, some might dispute that there is little reason to think that the task of perfectionist promotion always rests on the state rather than other agents. I have no objection to this point *per se*. But the problem is that other agents and civil society on their own are not always effective in supporting agency and prudential goods. Given the enormous resources and power the state possesses, it ought to take an active role to promote good life whenever its action is of crucial importance. It may either directly promote a certain good or assist civil society to do so. The perfectionist state can work side by side with civil society in many different ways.⁵⁴ By stressing the moral importance of public welfare, I do not mean that we should subsume ourselves to the calculations of public welfare and give up our basic rights. My idea, rather, is that the state ought to be concerned with *both* the basic rights of individual citizens (so that any mature adult, such as John, should not be coerced to attend a three-year art course) and with all citizens' welfare (so we should not ignore that many people's well-being can be improved by the state's promotion of art); a complete disregard of either side is implausible. Moderate perfectionism takes into account the main considerations on both sides by using only indirect coercion to promote good life.

If my arguments above are by and large convincing, then moderate perfectionism should not be rejected by Gaus's conclusiveness requirement. This is because moderate perfectionism does not rely on controversial rankings of values, and it involves only an indirect form of coercion, which is justifiable since these two conditions can be satisfied: (i) the perfectionist state uses tax money to promote the welfare of every citizen in a reasonably

⁵³ There seems to be another reason, an egoistic one, for helping other citizens to live better: when a large number of other citizens live better, we stand a much better opportunity to flourish. This line of thought seems worthwhile to explore, but has not received much attention from perfectionists.

⁵⁴ See Chan (2000, pp. 15–16).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

fair way; and (ii) each type of perfectionist policy has considerable and undeniable importance from the perspective of public welfare. Surely, the practice of moderate perfectionism can deviate from the two conditions. One might argue that the present Russian Government, being authoritarian and corrupted, is unfit to practise moderate perfectionism as it can hardly fulfill the two conditions.⁵⁵ But I think that there are some countries, such as Finland, that may practise moderate perfectionism, since they are likely to be able to satisfy the two conditions owing to their generally satisfactory social and political conditions.

I have been trying to show that the state may promote a wide variety of goods. But I have not explained clearly why it may remind people of the potential harm of harmful activities. I think that these policies are justified on similar grounds. Consider hard-drug addiction.⁵⁶ Some might think that to remind people of the potential harm of hard-drug addiction the state must controversially assume that the pleasure of addiction is less valuable than health and other goods which may be shared by all people. This is not necessarily so. The moderate perfectionist can argue that to remind people of the potential harm of hard-drug addiction, the state needs only to assume that hard-drug addiction is seriously harmful to most people. Hence, even if hard-drug addiction does not make some people's lives worse, they should see that there is a strong moral reason for the state to remind people of the potential harm of hard-drug addiction. Besides, they should understand that moderate perfectionism make many other policies to promote good life. Thus, when citizens' welfare and their basic rights are both considered, the state has more reason to use some non-coercive measures (such as notices and advertisements) to remind people of the potential harm hard-drug addiction, rather than doing nothing about it. Similar policies that remind people of the risks of harmful

⁵⁵ In defending his perfectionist position, Wall also takes account of such practical concerns, too. See Wall (2013c, p. 113).

⁵⁶ I think that the state may also take measures to remind people of the potential harm of smoking, drinking and gambling on similar grounds. For a useful discussion of the harmful aspects of serious addictive personality, see Nakken (1996). I will have much more to say about harmful activities in Chapter 7.

activities, such as gambling and smoking, can be justified on similar grounds. I will have much more to say about that in Chapter 5.

The problem of deeper disagreement

If my arguments so far are, on the whole, convincing, then respect for persons does not require a blanket rejection of perfectionist policies as Gaus and other neutralists maintain. There are even certain strong reasons for moderate perfectionism. Nevertheless, my position can be challenged in a number of ways. For reasons of space, let me focus on one of them in the following. The criticism is that I have ignored the fact that people have *deeper disagreements* over the instances of almost any perfectionist good. For example, even if people agree that art is valuable, they disagree about which kind of art is valuable: some might think that postmodern art is of little or no value, and so the state's promotion of it would disrespect them. More generally speaking, the critic argues, although people appear to have some agreements about the good life, these agreements are just superficial, because people understand each agency or prudential good so differently that any perfectionist promotion must disrespect some people. This echoes Quong's characterization of reasonable disagreement about the good life. In his view, one main reason for neutrality is that people usually have "foundational disagreements" about the good life: "these disagreements can go all the way down, with no shared justificatory framework at the end of the line."⁵⁷

I agree that people can have deeper disagreements about the good life, but it seems to me that Quong has exaggerated the problem. First, although any nonqualified perfectionist judgement (e.g. art contributes to every person's good life) might be subject to foundational disagreement, qualified judgements (e.g. art contributes to most, if not all, people's good life), as I have argued, should be accepted beyond reasonable doubt and thus can be invoked to

⁵⁷ Quong (2011, p. 206).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

support pluralistic promotion. Second, we should distinguish between *two kinds of deeper disagreement* (neutralists seldom distinguish between them):

- (a) Disagreement about the comparative value of the instances of a certain type of good: e.g. although people can agree that Chinese painting and Western painting are both valuable (or both valuable for many people), some of them think that Chinese painting is more valuable, while others think Western painting is more valuable.
- (b) Disagreement about the value of a certain instance of a certain type of good: e.g. some people think that postmodern art is not valuable at all, while others think that it is valuable.

I have already said that moderate perfectionism promotes different *types* of goods. I here suggest that the state, in many cases, may also promote different *instances* of a certain type of good. Consider (a). People may disagree about the comparative value of Chinese painting and Western painting, of jazz and classical music, of visual art and performance art, etc, but I believe that they should not deny that they are valuable (at least valuable for many people). If these things are of considerable value for many people, then the state may support all of them (i.e. pluralistic promotion of different instances of different goods); Quong's anti-perfectionism should not be the only option. Surely, this does not mean that the state must take action to promote all of those things, for, as mentioned before, civil society on its own may already work effectively in providing some goods and hence state intervention is unnecessary.

Of course, people may disagree about how much support each instance of a certain type of good may receive from the state. Here, two points are worth making. First, to be fair and

Chapter 5: Liberal Neutrality and Moderate Perfectionism

impartial, the state may set up decision-making bodies with members not elected by itself, or it may sponsor NGOs and let them decide how the promotion of goods should take place. Second, before proper deliberation and discussion, the relevant decision-makers are advised not to rely too much on their own judgement of the intrinsic value of the instances of the perfectionist good in question, for there are usually great difficulties in making this kind of judgement (here we may recall Rawls's "burdens of judgement"). For example, I believe that the better we understand Chinese painting and Western painting, the harder it becomes to make comparative judgements about their intrinsic value, though both of them are worthy of the state's support.

How about the second kind of disagreement (b)? When Quong treats almost all disagreements about the good life as foundational disagreements, namely, disagreements that "can go all the way down," he seems to have (b) instead of (a) in mind. However, I think that (b) is not as common as (a). For example, while people may disagree over the comparative value of classical music and jazz, of modern dance and classical ballet, of soccer and table tennis, and so on, few people would say confidently that any one of them has no value for any person. Even if there are some such people, it seems doubtful whether their rejection is really justified. Nevertheless, I do not deny that (b) could happen. What should we do when it happens?

I suggest that people may step back to consider their common grounds in order to address their dispute;⁵⁸ for example, when people disagree about whether postmodern art is worthy of promotion or not, they may consider if artworks of this kind possess some of the features that make art valuable. These features may include: art can stimulate creativity and imagination; art can give insight into the human condition; art can call into question the worldview that is dominant in a certain community; and art is an important medium to express people's views

⁵⁸ I owe this point to Chan.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

about life, politics, and their social problems. These are some good reasons for the moderate perfectionist judgement that art contributes to most, if not all, people's good life.⁵⁹ Moreover, the points I have made about pluralistic promotion can apply the promotion of different instances of different goods actually. One key idea is that even though the promotion of different instances may treat some people less favorably than others in some cases, it is quite hard to say that any person or any group of people must be treated less favourably than others *by the whole scheme of pluralistic promotion in the long run*. This is because of the fact that each person needs a variety of goods to flourish and different people place different value on different things, and so it is very difficult to compare who will gain more than others from pluralistic promotion over their lifetime.

Nevertheless, let's take the problem of deeper disagreement more seriously. Despite of what I have argued, there may be some good reasons for being suspicious about pluralistic promotion. First of all, if we cannot deny that there may be some cases in which people have foundational disagreement about a certain thing's value (that is, some people may reasonably think that a certain kind of artworks is valuable, while some others may reasonably think that it has no value or its value is so low that it is unworthy of the state's promotion), should we not endorse neutrality because of these cases? If so, not only should the state refrain from promoting religions, which are incompatible with each other, but also it should refrain from promoting anything, because it is very likely that the promotion of any type of good encounters foundational disagreement about instances of the good at issue.

In response to this challenge, I think that several ideas should be made clearly. First, parties in the present kind of foundational disagreement should not just think about their conflicting views of the instance(s) of a certain kind of good in question, but they should also consider whether it would be better for the state to promote the kind of good in question than

⁵⁹ A fair procedure is also necessary. I will explore the related issues in Chapter 8.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

no to promote it just because of their disagreement. Consider the case of postmodern art again. Suppose that different artists hold very different views about the value of postmodern art: some of them think that it is worthless, while others think it is enormously important for people. However, they should think clearly whether their disagreement should imply that the state ought not to promote art of any kind. I would suggest that in many cases, people in disagreement would not want to go that far. There are several reasons for that. For one thing, people can agree that although the state may not promote the thing in question (e.g. postmodern art), it should nevertheless promote the kind of good at issue in other ways (e.g. the state may promote Ancient Greek art, and even more generally, art education for the public). There seems little reason to think that some cases of intractable disagreements should lead us to embrace neutrality in every case of perfectionist promotion. On the other hand, it seems important to note that it is not necessarily bad for the state to promote things even if they are not valuable or not valuable as some people think they are. Suppose that postmodern art is somehow not valuable at all actually, I would say that the state's promotion of this kind of art need not be bad for people. This is because people can learn from bad things or worthless things—people do not just learn to appreciate things and enjoy their lives only through learning from the best things and most wonderful experiences. To explain briefly, even if postmodern art is in fact not worthy as they lack intrinsic art value, people nevertheless can learn how to appreciate art through contrasting them with other kinds of artworks. And they can have a better understanding of art through criticizing things that they (presumably) rightly consider to be worthless or of little value. The same idea, in fact, goes for many other perfectionist goods and experiences, since we can often learn and enjoy a great deal from comparing good things to bad things, worthy things to worthless things, intelligent things and silly things.

Chapter 5: Liberal Neutrality and Moderate Perfectionism

In addition, as I will argue in the next chapter, one important thing to be achieved by pluralistic promotion is to create and maintain a social environment supportive of a diverse range of perfectionist goods. In the real world, many societies are non-ideal and unfair in terms of their distribution of resources. For that reason, they may not be supportive of some perfectionist goods, such as art development (as in the case of Hong Kong), without the state's support. If a certain human good is of great value for most, if not all, people, and if the state's support for it is necessary for its flourishing, there is more reason for people to support the state's promotion of it despite of some cases of disagreement about its instances. In other words, I think that people usually have more reason to be concerned about the overall social environment than some cases of value disagreement. Moreover, moderate perfectionism always allows room for policy changes in pluralistic promotion. If the state is really wrong in promoting postmodern art in a certain occasion, people who oppose to this kind of art can do their best to advise the state or to take part in decision-making to make the state not to promote it later. But, here, I want to repeat a point I made earlier: there are usually great difficulties in making judgement about the value of instances of goods, and therefore, people have a strong reason to be open-minded, careful, and modest to understand other people's judgements that are less congenial to their own views. Nevertheless, it is people's social environment and its long-term development that is vital to their well-being, rather than specific cases of disagreement about instances of values.

There may be another criticism of pluralistic promotion on the fairness grounds, which is also related to deeper disagreement about instances of values. Some people may argue that although they by and large accept the moderate perfectionist judgements I suggest earlier, there may be quite a few things value in the light of these judgements but are highly controversial in society. For instance, some may argue that prostitution is of great value for most people as in terms of its contribution to intimate human relationships, leisure, and even

Chapter 5: Liberal Neutrality and Moderate Perfectionism

aesthetic experience. However, the critics would argue, should the perfectionist state rule such controversial things from the perfectionist package just because it is controversial? And if so, would the state not be very disrespectful to people who have a predilection for these things? In response, I want to suggest two things, one of which will show that moderate perfectionism is cautious about social consequences of pluralistic promotion, and the other thing will show that moderate perfectionism is in fact progressive in a certain sense, although there is probably a gap between theory and practice of this form of perfectionism (perhaps any kind of state perfectionism).

First, a somewhat conservative suggestion: It is not hard to expect that if the state promotes prostitution (or the use of drugs for entertainment purposes), then it will create intense controversies and serious social problems before long. This is mostly because of the simple fact that a lot of people cannot accept the state's promotion of these things, no matter how valuable these things may be for some people. In my view, moderate perfectionism does not have to deny the value of these things for some people or for many people. What it should be careful is that if perfectionism is important because it can promote people's well-being, then there is no reason to deny that social harmony as well as state's perfectionism's long-term operation are both important for people's well-being. If the state promotes—and does not just tolerate—a certain highly controversial thing and leads to serious social disharmony and discredit on the whole perfectionist scheme, I cannot see why the state should insist on promoting that thing. These consequentialist reasons should be understood by people who have a predilection for the controversial things in question. It would not be disrespectful for the state to expect these people to understand those consequentialist worries, and so they should accept without self-denigration if the state cannot promote those things they love.

Second, a somewhat progressive suggestion: In my view, it is reasonable to think that prostitution is of great value to many people (such as disabled people). As some philosophers

Chapter 5: Liberal Neutrality and Moderate Perfectionism

have also argued, prostitution (or sex services) should even be treated as a kind of health care. If these views are sound (in my view, they are), the state has a *prima facie* reason to support them. But as I have argued in my last point, the promotion—not just toleration—of prostitution and other highly controversial things will very likely lead to serious social disharmony and discredit the whole moderate perfectionist scheme, I think that there is probably no all-things-considered reason to promote them. Nevertheless, I should make one point: the perfectionist reasons for thinking that prostitution is of great value for many people are indeed strong reasons for the state to tolerate it and even legalize it. Certainly, the most common reason for tolerating and legalizing prostitution (and other things, such as drugs for entertainment purposes) is that people have a strong demand of it anyway, and that the state should respect individual citizens' choices for their lives. However, I think that that is just part of what we should think about prostitution; there are perfectionist reasons for thinking that it is of great importance for some people. I cannot argue for that claim here. Suffice here to note that moderate perfectionism need not be conservative in the way that it treats anything that is highly controversial as unworthy of the state's support. Moreover, I should note that even if there are perfectionist reasons for supporting the legalization of prostitution, it may not be proper for the state and any official to make philosophical arguments along those lines. This is not only because of that is a self-defeating thing to do in politics in most cases, but also because of the facts that I discussed in my last point: the moderate perfectionist state should be cautious about social consequences in its policy-making, or it will discredit the prospect of moderate perfectionism and unnecessarily create social disharmony without anything important in return.

To be clear, let me summarize my arguments for the view that moderate perfectionism need not be unfair to people as follows:

Chapter 5: Liberal Neutrality and Moderate Perfectionism

- i. Moderate perfectionism promotes a diverse range of goods and values, each of which is of great value for most, if not all, people. If some people benefit very little or not at all from a particular case of perfectionist promotion, they may nevertheless benefit from the whole scheme of pluralistic promotion in the long run. And hence, for most people, it is hard to say that they are necessarily treated unfairly by moderate perfectionism.
- ii. Moderate perfectionism does not promote things that are incompatible and highly controversial, such as different religions. This is mostly because that will create social disharmony and discredit the long-term perfectionist scheme. Yet, in some cases, moderate perfectionism can support things that are of great value for many people even if they are highly controversial.
- iii. Moderate perfectionism can give certain things that do not belong to the mainstream interests more opportunities to flourish. If the state practices market economy without endorsing any perfectionist policy, those things will be treated more unfairly than they would be in the moderate perfectionist state. In addition, if in practice moderate perfectionism is likely to be unfair to cultural minorities and low-income groups, then there is a good reason for the perfectionist state to offer them a tax cut.
- iv. In response to the problem of disagreement about instances of values, I argued that people should address their disputes on the basis of moderate perfectionist judgements and the related perfectionist considerations. In many cases, people can have meaningful discussions and settlements as to whether the kind of human good in question ought to be promoted despite of disagreement about instances. I also argued that pluralistic promotion is of great importance for creating and maintaining an environment that is supportive of a wide range of goods, and therefore, people should be much more concerned about their social environment than specific cases of disputes about value judgements.

Conclusion

Liberal neutralists are, in general, deeply concerned with the despotic character of the appeal to truth in politics.⁶⁰ In the light of such understanding of politics, it is convincing for many neutralists to contend that the use of political power is justified only if it meets the stringent duty of respect for persons; the appeal to truth alone cannot serve as a proper justification. However, it is not clear that respect for persons must lead to anti-perfectionism, and I have sought to defend moderate perfectionism against neutrality. My main arguments can be summarized as follows: (1) against the charge that perfectionism must disrespect people since there is no conception of the good or perfectionist judgement that should be accepted by all people, I argue that the state may appeal to qualified judgements about the good life, which are by and large uncontroversial and should be accepted beyond reasonable doubt, and thus the appeal to these judgements do not fail to respect people's rational moral agency and their self-esteem; (2) in response to the criticism that perfectionism cannot avoid state coercion and such coercion is imposed upon all citizens, I propose that moderate perfectionism requires only indirect coercion in using tax money to support certain moderate perfectionist measures, and this form of coercion is justifiable from each citizen's perspective since moderate perfectionism is committed to promoting all valuable ways of life and is of great importance for public welfare; and (3) in response to the charge that perfectionism is inherently unfair, I argue that moderate perfectionism does not rely on controversial rankings of values and promotes many different types of goods (as well as many different instances of each type of good), and hence it is not necessarily unfair to any particular group of people.

Some might find my arguments in this chapter wanting. Towards the end of the thesis, I develop my version of moderate perfectionism and defend it against a series of anti-

⁶⁰ This idea about the appeal to truth in politics is from Hannah Arendt (1967, p. 114).

Chapter 5: Liberal Neutrality and Moderate Perfectionism

perfectionist arguments. Some of the anti-perfectionist arguments discussed in this chapter are more fully addressed in the following chapters. In particular, I argue that my version of moderate perfectionism should not be rejected on the grounds of unfairness and paternalism.

Chapter 6

Moderate Perfectionism for a Non-ideal Society (I)

In the last chapter, I advanced a moderate form of perfectionism. Towards the end of the thesis, I will develop my version of moderate perfectionism by proposing several types of perfectionist policies and by tackling a number of anti-perfectionist criticisms often made by neutralists. These criticisms mainly include: perfectionism is wrongfully paternalistic; perfectionism lacks a convincing account of political authority; and perfectionism is inevitably unfair. These criticisms are interrelated in a certain way, and my responses to them are also interrelated. This, I hope, will become particularly clear in Chapter 8.

A central aim in the present chapter and the next—Chapters 6 and 7—is to espouse four types of moderate perfectionist policies for a non-ideal society, where the distribution of resources including wealth, land, social opportunities, and political liberties, is unfair, and a fair distribution of resources is not foreseeable. The four types of perfectionist policies are: (1) policies for creating or maintaining an ideal social and natural environment supportive of a wide range of perfectionist goods; (2) cultural and environmental preservation; (3) making notices, advertisements, public talks, etc., to inform people of the risks of harmful activities; and (4) funding for scientific research about well-being. I argue that these four types of policies are of great importance for any non-ideal society, that is, any real-world unfair society. In addition, I argue that several charges of paternalism against these policies do not succeed. Note that a full defense of moderate perfectionism against the paternalism critique will not be completed until the end of Chapter 8.¹

¹ But in this and the following chapters, I will not pursue how paternalism should be defined. This is because I want to tackle various forms of paternalism critique of perfectionism, rather than examining whether or not paternalism is morally justified. See G. Dworkin (1988, pp. 121–129; 2013, pp. 25–38; 2014) for Gerald Dworkin’s seminal discussions of how paternalism may be defined. Emma Bullock has recently proposed a normatively neutral definition of paternalism, which, in my view, is very useful for considering whether or not paternalism is morally justified in some cases. See Bullock (2015).

Preliminaries: perfectionism and justice

Many contemporary political philosophers are preoccupied with the task of defending or constructing some theory of social justice, and many of them endorse the resourcist view of justice (or briefly *resourcism*).² Resourcism is the view that social justice primarily concerns with a fair distribution of resources, and that the state should ensure that each person has a fair share of resources to pursue their own conception of the good. These resources may include wealth, personal abilities, liberties, opportunities, and political rights.³ Philosophers who endorse resourcism disagree over what resources should be fairly distributed, but most of them think that the state should pursue a fair distribution of resources and not to promote any particular conception of the good. As I said earlier, this view might be called resourcist neutrality.

To recall, there may be three different views of justice insofar as the neutrality-perfectionism debate is concerned⁴:

- (i) *Resourcist neutrality*: The state should pursue justice through realising a fair distribution of resources. Resources may refer to wealth, land, rights, opportunities, talents, and so on. However, resources must not be confused with welfare or quality of life. In addition, the state should not endorse perfectionism to promote good life.

² To name just a few: R. Dworkin (2002), Pogge (2002), Quong (2011), and Rawls (1999a).

³ These resources may refer to John Rawls's primary social goods, Ronald Dworkin's internal resources and external resources, or resources construed in some other way. Rawls's primary social goods include rights and liberties, powers, opportunities, income, wealth, and the bases of self-respect. Dworkin's personal resources refer to health, strength, talent, etc; impersonal resources refer to wealth, land, education, etc. See R. Dworkin (2002, pp. 65–119, 285–303) and Rawls (1999a, pp. 78–81).

⁴ I have distinguished between the three views in Chapter 1.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

Harry Brighouse, Ronald Dworkin, Jonathan Quong, and quite a few philosophers endorse this view.⁵ Resourcist neutrality should not be confused with the resourcist view *per se*. For even if we think that justice requires a fair distribution of resources (i.e. even if we endorse the resourcist view *per se*), we can nevertheless argue that the state should make some perfectionist policies to promote good life (see (iii) below). In that case, we endorse the resourcist view *per se* but reject resourcist neutrality.

- (ii) *Perfectionist justice*: The metric of distributive justice is welfare or certain perfectionist ideals. We decide what goods must be fairly distributed or what constitutes a fair distribution of goods in the light of a particular comprehensive doctrine of value or a certain set of perfectionist judgements.

Richard Arneson, Joseph Raz, and some perfectionists endorse this view.⁶ In addition, there is a third view:

- (iii) *The middle-ground view*: On this view, we do not reject the resourcist view *per se*, nor do we reject perfectionist justice. We only reject resourcist neutrality, because we think that the state should make a wide range of perfectionist policies to promote good life.

My version of moderate perfectionism takes the middle-ground view. This view is compatible with the resourcist view *per se* and perfectionist justice respectively, though the

⁵ See Brighouse (1995), R. Dworkin (2002; 2011, pp. 351–378), and Quong (2011, pp. 12–107). Yet, Dworkin has argued that the state should promote art though he rejects other kinds of perfectionist policies (R. Dworkin 1985, pp. 221–233). I shall discuss his argument.

⁶ Arneson (2000a, 2000b, 2005, 2010a, 2010b, 2013) and Raz (1986; 1994).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

middle-ground view is not compatible with these two views at the same time, since perfectionist justice and the resourcist view *per se* cannot be both true.⁷

It may be worth noting that the moderate perfectionist Joseph Chan has not been clear about whether he holds the middle-ground view or perfectionist justice, while Simon Caney probably endorses perfectionist justice.⁸ But what seems to be clear in the works of most contemporary perfectionists is this: regardless of how principles of justice are derived, there are perfectionist reasons for the state to make policies to promote good life. Thus I believe most contemporary perfectionists would agree with the middle-ground view, though some of them would argue that it is not robust enough and that perfectionist justice is the correct account of justice.

As will become clear in the following chapters, I endorse the middle-ground view in my defense of moderate perfectionism. For now, let's have a closer look at resourcist neutrality. Why do some neutralists who endorse this view reject perfectionism?

Resourcism and anti-perfectionism

Resourcist neutralists believe that the state should pursue justice through realising a fair distribution of resources, and that the state should not undertake the task of promoting good life. Dworkin and Quong are resourcist neutralists. They have argued that if the state takes measures to improve people's welfare by doing more than ensuring each person a fair share

⁷ A moderate perfectionist may endorse the resourcist view *per se* or perfectionist justice, but not both, as the two views are mutually exclusive.

⁸ See Chan (2000). Yet, as I said earlier, in a conversation, Chan pointed out that he endorsed perfectionist justice. Caney has put an effort to demonstrate that ideas of well-being provide the theoretical foundation of civil justice, political justice, and distributive justice (Caney 2005, esp. pp. 25–188). Nevertheless, I believe that Caney and Chan would accept the middle-ground view above.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

of resources, then the state is, in most cases, unjustifiably paternalistic.⁹ More clearly, Quong has confronted perfectionists with the following challenge¹⁰:

Either (1) perfectionism is not needed: the state should pursue social justice through realising a fair distribution of resources, and in this case, the state does not have to endorse perfectionism to improve people's lives, or (2) perfectionism is paternalistic: some might think that the state should endorse perfectionism to improve people's lives even when a fair distribution of resources is realised, but in this case, the state is subject to criticisms of paternalism, since the state directs people to use their fair share of resources in a particular way to pursue the good life.

The above anti-perfectionist argument might be called as *the argument from resourcism*. Towards the end of the thesis, I will explore the central aspects of moderate perfectionism through responding to the argument from resourcism. My response to the argument is threefold. First, moderate perfectionism is compatible with (though it does not affirm) the general resourcist view that justice requires a fair distribution of resources. Second, moderate perfectionism should not be rejected on the grounds of paternalism. Third, I hold what might be called *the proactive approach of moderate perfectionism*. This approach holds that:

In any actual liberal society, the distribution of resources is unfair and a full realisation of fair distribution of resources is not foreseeable. Thus, there is little reason to argue that people should wait for a full realisation of distributive justice so that each person can pursue her own conception of the good with a fair share of resources. The state, rather, should proactively seek to promote people's welfare by certain kinds of moderate perfectionist policies. Some of

⁹ R. Dworkin (2002, p. 211–284) and Quong (2011, pp. 45–107).

¹⁰ Quong (2011, pp. 84–86). I formulate the argument that follows in my own words.

these policies can even alleviate the undesirable effects to people's welfare caused by unfair distribution of resources.

To explain the significance of the above approach, let us consider the following question: would resourcist neutralists, like Dworkin and Quong, be somewhat unrealistic about the prospects of justice in their rejection of perfectionism?¹¹

Over-optimism about social justice?

Capitalism as an economic ideology has an enormous impact on our social environment, our natural environment, our tastes, our interests, our habits, our ideas, our ways of life, etc. Thus, some scholars have been talking about the dominance of capitalism.¹² In addition, mostly for reasons of the dominating influence of capitalism and people's vested interests, a full realisation of distribution of resources is not foreseeable. We just need to take a look at the development of Hong Kong, the United States, and Britain in recent decades: political and economic interests are very much intertwined, with strong collaboration between heads of the government, politicians, the corporate sector, lawmakers, etc.¹³ Let us distinguish between two kinds of society:

¹¹ It may be worth noting that while Rawls believes that justice is basically a matter of fair distribution of resources, he has conceded that perfectionist policies (e.g. "establishing national parks and preserving wilderness areas and animal and plant species; and laying aside funds for museums and the arts") may be justified insofar as basic matters of justice and constitutional essentials are not at issue (Rawls 2005, pp. 214–215). For a similar point, see Rawls (2001, pp. 151–152). Unlike Rawls, Dworkin and Quong do not confine liberal neutrality to basic matters of justice and constitutional essentials. Quong has argued that Rawls's public reason neutrality should apply to all levels of state action. See Quong (2011, pp. 273–287).

¹² For valuable discussions of the dominating influence of capitalism on the whole world, see Harvey (2014), Lee (2014), Piketty (2013), and Ross and Trachte (1990).

¹³ See Almond (1991) and Piketty (2013, pp. 237–467) for in-depth discussions of those problems.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

An ideal society: It refers to a society where a certain resourcist view of justice (say, Rawls's justice as fairness) has been realised.¹⁴

A non-ideal society: It refers to a typical contemporary liberal society where capitalism (or if we wish to be more precise, neoliberalism¹⁵) is dominant and the distribution of resources (including wealth and land) is seriously unfair. Hong Kong, London, New York, etc. would classify as this kind of society. It is not foreseeable that the distribution of resources will become fair in such a society.¹⁶

Resourcist neutralists, notably Quong, seem to be too optimistic in maintaining that the state should be preoccupied with the task of realising an ideal society and that in an ideal society people *would* pursue their own conception of the good with their fair share of resources. For even if perfectionism would be unnecessary in an ideal society, this does not mean that perfectionism is unimportant for any actual non-ideal society. Given the reality that an ideal society is not foreseeable, there is little reason to insist that we must keep away from all sorts of perfectionist policies that might significantly improve people's welfare.

To explain further, it may be beneficial to consider Rawls's theory of justice as fairness, which has a good deal of support from political philosophers. We can find the following paragraph on the back cover of *Justice as Fairness: A Restatement* (2001):

“Rawls is well aware that since the publication of *A Theory of Justice* in 1971, American society has moved farther away from the idea of justice as fairness. Yet his ideas retain their power and relevance to debates in a pluralistic society about the

¹⁴ For stylistic reasons, I will speak of “a fair society,” “an ideal society,” and the like in an interchangeable way.

¹⁵ For a relevant and valuable discussion of neoliberalism, see Harvey (2005).

¹⁶ Again, for stylistic reasons, I will speak of “an actual unfair society,” “a non-ideal society,” and the like in an interchangeable way.

meaning and theoretical viability of liberalism. This book demonstrates that moral clarity can be achieved even when a collective commitment to justice is uncertain.”

The above description of Rawls’s theory shows a very encouraging attitude. However, it also seems to convey something worrying about his theory: American society has been moving further and further away from Rawls’s ideal world. Today, in 2015, we have yet to see any sign showing that any liberal society will be significantly transformed in the way proposed by Rawls’s theory of justice as fairness, Dworkin’s egalitarianism, or any other theory of resourcism.¹⁷

I do not wish to argue that we should give up Rawls’s theory just because of observations in the real world; his theory may nevertheless be convincing in some sense.¹⁸ However, I think that resourcist neutralists are quite mistaken in their rejection of perfectionism, since they focus narrowly on what an ideal society should be like and ignore the potential importance of perfectionism for an actual unfair society.

In the following, four types of moderate perfectionist policies will be introduced. I am going to show that these perfectionist policies are of great importance for any unfair liberal society. Some of these perfectionist policies can even alleviate certain problems caused by an unfair distribution of resources.

Four types of moderate perfectionist policies

To be clear, let me lay out the four types of moderate perfectionist policies with the following table:

¹⁷ I am grateful to Jiwei Ci for stressing this point to me. To have a clearer idea about how the liberal world is departing further and further away from the ideal pictures of justice envisioned by social justice philosophers, see The Independent Editorial (2014) and Osborne (2015).

¹⁸ Hence, I do not necessarily disagree with what A. J. Simmon’s recent defense of Rawls’s ideal theory (Simmons 2010). Rather, I am raising doubts about the prospects of Rawls’s theory of justice.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

Moderate perfectionist policies	Examples
<p>1. Creating and maintaining an ideal social and natural environment supportive of a wide range of perfectionist goods</p> <p>(Note: Policies 2, 3, and 4 below can contribute directly or indirectly to the above purpose.)</p>	<p>Promoting art, culture, sport, education, environmental protection, etc.</p>
<p>2. Cultural and environmental preservation</p>	<p>Restricting property rights to preserve cultural artefacts, historical landmarks, natural environment, etc.</p>
<p>3. Reminding people of the harm or potential harm of some activities</p>	<p>Reminding people of the harm of smoking, drug abuse, gambling, etc. by advertisements, notices, public education, etc.</p>
<p>4. Supporting scientific research about well-being</p>	<p>Funding scientific research about well-being and sponsoring the effort to popularise the research findings.</p>

Before proceeding to discuss these four kinds of perfectionist policies, several remarks should be made:

- (i) How is the idea of pluralistic promotion, which I introduced in Chapter 5, related to the four types of perfectionist policies? We can distinguish between the narrow sense and the broad sense of pluralistic promotion. Pluralistic promotion in the narrow sense

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

means that the state promotes a wide range of perfectionist goods. Thus, reminders of harm (i.e. 3) and some perfectionist policies can be treated as not a part of pluralistic promotion in the narrow sense. By contrast, pluralistic promotion in the broad sense means that the state should promote people's welfare by a wide variety of perfectionist policies. So construed, pluralistic promotion in the broad sense covers all the four kinds of policies we are going to discuss.

- (ii) Many perfectionist policies can be treated as falling under the first type of policies (i.e. 1), because many perfectionist policies can be treated as important for creating or maintaining an ideal social and natural environment supportive of a wide range of perfectionist goods. I will leave open whether or not these policies would still be necessary for an ideal society where distribution of resources is perfectly fair. What is important to note is that an ideal society is *not* foreseeable, and that moderate perfectionist policies are of great importance for any actual unfair society.
- (iii) The four kinds of perfectionist policies need not be taken as exhaustive, though most perfectionist policies fall under one of these four kinds.

In the rest of this chapter, I focus on the first type of policies (i.e. 1). The other three kinds of policies (2 through 4) will be discussed in the next chapter.

Perfectionism and an ideal environment

In what follows, I argue that the state should create and maintain an ideal social and natural environment supportive of a wide range of perfectionist goods. Firstly, I introduce the notion of an ideal environment, and to illustrate my position, I discuss Dworkin's view of state support for art and Harry Brighouse's criticisms of Dworkin's view. This will be followed by some reflections on the issue of art development and the problem of insufficient public space in Hong Kong. I want to show that many perfectionist policies are of great importance for an

actual unfair society, and that, contra Quong, Jeremy Waldron, and quite a few neutralists, perfectionist policies need not assume the paternalistic and disrespectful view that people are incompetent to pursue their conception of the good without the state's assistance.

(a) The notion of an ideal environment

Let us begin with the notion of an ideal environment. An ideal environment is one which gives strong support for the flourishing of a diverse range of perfectionist goods, including prudential goods (e.g. aesthetic experience and knowledge) and agency goods (e.g. sincerity and courage) we discussed in the Chapter 5. By “environment” I often refer to the social environment and the natural environment at the same time. I take “natural environment” to mean what we usually mean by the concept, so I will not offer a definition of it. By “social environment,” I refer to the immediate physical and social setting in which people live or in which something happens or develops.¹⁹ The social and natural environment has enormous influence on people's well-being, as they have a significant influence a person's opportunities and wealth, physical and mental health, interests and habits, as well as how he (or she) understands himself, his surroundings, his society, his country, his culture, and even the whole world.²⁰

Should the state pursue an ideal environment? I think that it should. As I argued, moderate perfectionism holds that there can be many valuable ways of life, each of which exhibits various perfectionist goods to a considerable degree in its own way. Thus, to give people, who have different characters, interests, and tastes, a sufficiently diverse range of valuable opportunities for flourishing, the state ought to create and maintain an ideal environment that

¹⁹ See Barnett and Casper (2001).

²⁰ For a valuable discussion of how different kinds of environments enormously influence people's behavior and psychology, see the seminal study by the social psychologist Irwin Altman (1975). In addition, Joseph Raz has also talked about the great importance of the social environment for people's well-being. See Raz (1986, esp. pp. 247–248, 391–392).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

gives strong support for a wide range of perfectionist goods. Since well-being is deeply influenced by people's social and natural environment, the richness and complexity of their environment are of great importance. If an environment is highly deficient in terms of many perfectionist goods (think about Syria and Afghanistan nowadays, where people are constantly exposed to terror and insecurity, they cannot fully trust each other, much of their infrastructure and facilities are destroyed, and many cultural artefacts are ruined), then most people will not be able to lead a flourishing life.

For these reasons, while Rawls says that “the basic structure is the primary subject of justice because its effects are so profound and present from the start,”²¹ I would suggest that social and natural environment is the primary subject of liberal perfectionism, because their influence on people's level of well-being is enormous, continuous, and profound. Joseph Raz explicates the idea of the good life through the ideal of personal autonomy. He thinks that the ideal of personal autonomy can be realised only if people have an adequate range of valuable options to choose from.²² I agree with him that a good life is only possible where there is an adequate range of valuable options for people to choose from, and therefore, I think that it is of great importance for the state to create and maintain an ideal environment. But as I proposed in Chapter 5, moderate perfectionism does not rely on any comprehensive theory of the good life like Raz's ideal of autonomy. Some philosophers, such as Dworkin, have pointed out that every person should be responsible for her choices in her life. Dworkin even argues that “we should live our lives . . . as a work of art,”²³ as “we value human lives well lived not for the completed narrative, as if fiction would do as well, but because they too

²¹ Rawls (1999a, p. 7).

²² For a similar idea, see Wall (2003). Wall argues for a particular ideal of political freedom, which “holds that the state ought to promote and sustain an environment in which its subjects are best able to carry out their plans and to form new ones” (Wall 2003, p. 307).

²³ R. Dworkin (2011, p. 193).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

embody a performance: a rising to the challenge of having a life to lead.”²⁴ We do not need to deny that. However, as Steven Wall has plausibly argued, there is little reason to think that people should always be held responsible for the environmental disadvantages they confront.²⁵

The state can create and maintain an ideal environment in two ways: (a) promoting a wide variety of goods (i.e. pluralistic promotion in the narrow sense); and (b) protecting people’s well-being through reminding people of the risks of harmful activities (i.e. reminders of harm, which will be discussed later) or informing policy-making with moderate perfectionist judgements (e.g. the government may restrict casinos to specific geographical locations). In view of this, most, if not all, perfectionist policies can be seen as contributing to an ideal environment in one way or the other, although different perfectionist policies have different concrete purposes, which cannot be fully captured by the idea that they contribute to an ideal environment.

In addition, note that since an ideal environment, as I understand the notion, refers to an environment that provides strong, but not perfect, support for a wide range of perfectionist goods, it is *not* an unattainable ideal. Surely, one can reasonably ask why there should be strong support for a wide range of goods. They might ask: if people already live quite well in a contemporary liberal society (such a society is the primary subject of discussion for most social justice philosophers), then why should we care about providing people valuable opportunities to flourish? I will provide an answer to this question later. In what immediately follows, let me explain more clearly the relations between an ideal environment and moderate perfectionism, and I want to do that by examining Dworkin’s view on state support for art and Harry Brighouse’s response to Dworkin’s view.

²⁴ R. Dworkin (2011, p. 197).

²⁵ Wall (2001, p. 406). For his discussion of the relations between liberal neutrality and personal responsibility, see Wall (2001, pp. 402–407).

(b) From Dworkin's view on state support for art to two perfectionist approaches

Let us consider Dworkin's view on state support for art. Throughout the discussion, I will reiterate some of the key ideas of moderate perfectionism, which I proposed in the Chapter 5, by relating them to the notion of an ideal environment. In addition, I will suggest two approaches of perfectionist policy-making. They are: the progressive approach and the remedial approach. Moderate perfectionism endorses both approaches.

Dworkin's idea of rich cultural structure

In *A Matter of Principles*, Dworkin advances an argument for state support for art,²⁶ which he still holds two decades later.²⁷ He thinks that we can argue for state support for art without committing ourselves to elitism and paternalism. The argument is the following:

“We should identify the structural aspects of our general culture as themselves worthy of attention. We should try to define a rich cultural structure, one that multiplies distinct possibilities or opportunities of value, and count ourselves trustees for protecting the richness of our culture for those who live their lives in it after us it is better for people to have complexity and depth in the forms of life open to them, and then pause to see whether, if we act on that principle, we are open to any objection of elitism or paternalism.”²⁸

Moreover, Dworkin points out that the main reason for “protecting the richness of our culture for those who live their lives in it after us” is just similar to that of “protecting language from

²⁶ R. Dworkin (1985, pp. 221–233).

²⁷ R. Dworkin (2002, p. 274).

²⁸ R. Dworkin (1985, p. 229).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

structural debasement or decay,” which allows a greater rather than a lesser choice, for that is exactly the respect in which we believe people are better off with richer than a poorer language.” And in that way, rather than embracing paternalism, we have a reason to name ourselves “trustee of the structure of linguistic opportunity.”

The above argument can be examined in many different ways, but let us focus on these questions:

(i) If we should care about the development of art and culture, should we not care about our social and natural environment as a whole?

(ii) Should we just protect our culture from debasement or decay? Why can we not take a progressive approach to improve our environment so that we can live better?

Consider the first question. In his discussion, Dworkin realises that the problem of state support for art is in fact embedded in a wider problem, namely, state support for cultural development. This is simply because art is part of the whole cultural structure. But obviously, people’s lives are subject to enormous influences from the social and natural environment, not merely from the cultural structure. If so, should we not care about pursuing an ideal environment, not just a rich cultural structure? It is hard to see why we should limit our concerns to the cultural structure. Dworkin thinks that a rich cultural structure is one that multiplies distinct possibilities or opportunities of value. But the same can be said about the social and natural environment: an ideal environment is exactly one that multiplies distinct possibilities or opportunities of value. Obviously, an ideal environment provides richer and more opportunities of value than a rich cultural structure can, since it does not just provide opportunities for enjoying art and culture, but for enjoying a wide range of perfectionist

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

goods including recreation, knowledge, physical and mental health, harmonious human relationships, and a beautiful natural environment. If we think that the state should support art and culture, then we have similar reasons for pursuing an ideal environment supportive of a wide range of goods and values.²⁹ Thus, there is a strong reason for us to become trustees of our own environment, not merely trustees of our own culture.

Should benefits of perfectionist policies be measurable?

Some might point out that my argument above ignores Dworkin's view that we should preserve a rich cultural structure because we should look after our future generations' welfare, not because we should worry about our own welfare. This brings us to a criticism of Dworkin's view by Brighthouse. Brighthouse argues that one serious problem with state support for art is that it can hardly bring measurable and determinate benefits to people—whether people in the present or people in the future. Let us have a closer look at Brighthouse's criticism. A proper response to this criticism from the perspective of moderate perfectionism will help to show that there are good reasons for the state to pursue an ideal environment, which is important not only for future generations but also for people in the present.

Brighthouse argues, “it is far from clear that our traditions, and especially our tradition of innovation, would be inadequately preserved or fostered by the market.”³⁰ He gives an example about funding for avant garde art: “The point of funding it is that nothing like it has been produced before. . . . Whether or not it will benefit anyone, let alone whether it will produce benefits overall, cannot be predicted because past experience . . . gives us no basis

²⁹ Some might think that unlike other perfectionist goods, art and culture are much more vulnerable to decay and debasement, so, in Dworkin's own terms, the state should be concerned about “the fragile structure of our culture” (1985, p. 233). But in fact, the market economy has a penetrating influence on almost all areas of life, ranging from people's social opportunities and styles of recreation to people's diet and health. Sociologists, psychologists, and an earlier generation of Marxist scholars have said much of that. See, among other works: Fromm (1976), Marcuse (1964), and Riesman, Glazer, Denney (2001). So there is little reason to think that art and culture are more vulnerable than other values to the impact of market economy.

³⁰ Brighthouse (1995, p. 50).

for prediction.”³¹ Moreover, “this is not just a problem with the avant garde. Claiming of any innovative practice that it contributes to the availability of a richer and more diverse array of ways of life, must be speculative because of the very nature of innovation.”³² So, he concludes that “we cannot show that, without funding, innovation and tradition as a whole would have been impoverished: any claim to that effect looks, at best, like sheer speculation.”³³ By contrast, the construction of a public railroad service can bring determinate economic benefits. In his example, he supposes that because of market failures the only way to provide the railroad is by having it funded through government expenditure. In that case, “it is permissible for the government to construct the railroad, which will yield uncontroversial benefits, and it would be bad economic policy not to construct the railroad.”³⁴ He explains: “we can straightforwardly demonstrate, using reasonably well confirmed economic theory, that the purported economic benefits are likely to arise unless unforeseen contingencies interfere,” and any person who denies the validity of such a demonstration is “simply being unreasonable.”³⁵

How plausible is the above argument by Brighouse? His argument is based on two examples, namely, the indeterminate benefits of funding avant garde art and the determinate benefits of constructing a railroad. Let us take a look at the avant garde art example first. This example seems to be effective to show that it is hard to demonstrate clearly how state support for art will bring benefits to people, because avant garde art is a new kind of art and we cannot appeal to past experience to argue that funding for it will certainly benefit people. But even if that is true, that does not show that state support for art development as a whole, not only for avant garde art, is unimportant. To wit, firstly, even if the promotion of a particular

³¹ Brighouse (1995, p. 51).

³² Brighouse (1995, p. 51).

³³ Brighouse (1995, p. 55).

³⁴ Brighouse (1995, p. 44).

³⁵ Brighouse (1995, p. 51).

kind of art, such as avant garde art, cannot bring benefits to people, the perfectionist state, according to moderate perfectionism, should promote a diverse variety of art and cultural activities. As I argued in Chapter 5, since people have different interests and tastes, the state usually has good reason to promote a variety of instances of a perfectionist good, such as art. Moreover, such a pluralistic approach applies to a more general level: the state should support a wide range of perfectionist goods rather than just a few of them. We should assess the contribution of moderate perfectionism as a whole, rather than focusing narrowly on any particular case of promotion. So, the indeterminacy or failure of a particular perfectionist policy to bring benefits to people does not imply the failure of the whole scheme of moderate perfectionism. This is what I called pluralistic promotion and the holistic approach.

In fact, the strength of moderate perfectionism lies in its whole scheme, which provides valuable opportunities of flourishing to people who have different characters, interests, and tastes. In arguing for state support for art, Dworkin also focuses on protecting and enriching the whole cultural structure, not just “any particular content for that structure at any particular time.”³⁶ For that reason, he recommends indiscriminate subsidies rather than specific subsidies to particular institutions or some specific kinds of art.³⁷ I concur with Dworkin on these points, and think that Brighouse has been focusing too narrowly on avant garde art in his discussion of public funding for art. Yet, I would suggest that Dworkin should apply those points to a more general level: as I argued, the state has good reason to create and maintain an ideal environment, not just preserving a rich cultural structure, so that a diverse range of perfectionist goods can flourish and different people can benefit from them.

Some might point out that I have not responded to a key idea in Brighouse’s argument, which is that we cannot show clearly that “without funding, innovation and tradition as a whole would have been impoverished.” Yet, two points are in order. First, even if that is true,

³⁶ R. Dworkin (1985, p. 233). See also p. 229.

³⁷ R. Dworkin (1985, p. 233).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

we do not have the same difficulty to show that state support is of great importance for creating and maintaining an ideal social and natural environment in numerous cases: we know that, for example, without state support, many cultural artefacts would be threatened and even destroyed, and that the state can play a very important role to protect the natural environment (see my discussion in the next chapter). Second, we need not focus narrowly on whether state support for art is necessary for preventing it from debasement or decay; if art and culture are of great value for many people, and if the state is a resourceful and effective agent to promote them, then we should see a good reason for the state to promote them.

This brings us to the questions stated in (ii) above: Should we just protect our culture from debasement or decay? Why can we not take a progressive approach to improve our environment so that we can live better? In Chapter 5, I suggested that there are various reasons for thinking that art is valuable for most, if not all, people. These reasons include: art can stimulate creativity and imagination; art can give insight into the human condition; art can call into question the worldview that is dominant in a certain community; art can enable people to have emotional purgation; and art is an important medium to express people's views of life, of politics, and of social problems.³⁸ To say that art is valuable for most people, or that knowledge is important for most people, or that intimate relationships are important for most people, we do not have to—and I think that we should not—demonstrate clearly that we can derive material benefits (such as economic benefits, which can be gained from constructing a railroad) from these human goods. Neutralists, generally, do not endorse scepticism about value, and Brighouse has not proposed any kind of scepticism, too. He only claims that it is hard to show clearly how the promotion of art can bring benefits to people. But I think that we do not have to consider benefits as real only if they are measurable. In

³⁸ For a stimulating discussion of the nature of art and its value, see Danto (2013).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

many cases, we are able to give reasons for why and how a certain policy, such as a perfectionist policy, can benefit people or at least some people.

To see this more clearly, think about the journal article by Brighthouse that we have been discussing (i.e. “Neutrality, Publicity, and State Funding of the arts”). It probably cannot bring measurable economic benefits to many people, but this is *not* a good reason to think that it is unimportant or worthless. For even if the article cannot bring economic benefits to any person (even the author himself), it may be beneficial for many people’s deeper reflection on state support for art, neutrality, and the related topics. More generally, when we consider whether a certain thing or a certain type of perfectionist good is valuable, it is important (though may not be sufficient) for us to think about whether it can bring valuable experiences to people. This kind of assessment requires our understanding of different types of human experiences, such as aesthetic experience, bodily experience, and intellectual experience, which by their nature differ from economic benefits that can be measured.³⁹

For these reasons, even if state support for a perfectionist good, such as art, cannot bring measurable benefits for protecting it from decay and debasement, this does not imply that we cannot see any good reason for state support for it. As long as there are good reasons to think that a certain good is of great value for most people, we should see that the state’s support for it is of great importance, unless civil society on its own already provides strong support for it or the state cannot promote it in any effective way. The moderate perfectionist state supports a wide range of perfectionist goods, so that people who have different characters, interests,

³⁹ Daniel Kahneman points out that there is good empirical evidence that art, cultural activities, as well as a wide range of recreational activities promote the level of people’s well-being. See Kahneman (2011, pp. 391–397). Besides, it should be asked: “what is the point of having more economic benefits?” Brighthouse has not explained why, though he thinks that people should not dispute the desirability of gaining more economic benefits for a society. However, the mere fact that economic benefits can be measured does not show that they are desirable. It would be plausible to say that economic benefits are important—that is, in most cases, we prefer more economic benefits to less—because more economic benefits ultimately bring us more pleasurable experiences, more valuable experiences, and less unpleasant experiences. If so, there would be little reason to ignore what kinds of activities, what kinds of human abilities, and what kinds of human characters, are important, for they are all related to how we can have more pleasurable experiences and valuable experiences. These points support perfectionism rather than Brighthouse’s neutralist position.

and tastes—including people in the present and people in the future (at least people in the not-too-distant future⁴⁰)—are provided with a wide array of valuable opportunities for flourishing.

Should we accept the sufficientarian view of well-being?

At this point, some might argue that if people already live quite well, there is no need for the state to provide them with valuable opportunities to flourish; after all, most people in any liberal society do not starve, do not suffer from war, do not lack many kinds of recreation to choose from, do not have to fear that they will lose the freedom to pursue their own conception of the good because of political oppression, and so on. In this way, some might hold the following view, which might be called *the sufficientarian view of well-being*: if people already live reasonably well, it is not necessary for the state to promote people's well-being.

This view can be coupled with some form of the capability approach, according to which the state has a basic moral duty to secure for each person fundamental access to a certain range of human capabilities.⁴¹ So, some might argue that if the state has already achieved that goal, it does not need to provide people a wide range of valuable opportunities of flourishing. Alternatively, one might adopt some resourcist view of justice, arguing that the basic duty of the state is to secure a fair distribution of resources, and that although every liberal society nowadays falls short of that ideal, people live reasonably well nevertheless, so the state does not need to promote people's well-being.

Note that the present challenge is not about whether the capability approach, the resourcist approach, or any particular approach to justice, is most convincing. The problem, rather, is

⁴⁰ Here, I am aware that one may reasonably point out that we cannot understand clearly what *people in the far future* want and need. For a related discussion, see Williams (1985, pp. 156–173).

⁴¹ For Amartya Sen's recent explication of his capability approach, see Sen (2009).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

whether we should think that if people already live reasonably well, then there is no good reason for the state to improve their well-being. Besides, I have granted that most perfectionist policies intended to create and maintain an ideal environment would be unnecessary for a society where the distribution of resources is fair. So, our question is: should the state in *a non-ideal and unfair situation* pursue an ideal environment to improve people's well-being if their well-being has already passed some sufficientarian level?

I consider that as long as people's well-being is an important matter of concern, the state has a strong reason, though not necessarily an all-things-considered reason⁴², to provide people with a wide range of valuable opportunities of flourishing, even when the level of their well-being has already passed some reasonably high level. First, it seems very difficult, if not impossible, to define a sufficientarian level of well-being in a non-arbitrary way. Whenever one suggests that we should say that people live reasonably when their well-being reaches a certain level, it seems reasonable to ask: "Why don't we fix the sufficientarian level at a higher level? If a higher level should be considered as too high, then why should we think that the sufficientarian level you are proposing is exactly right and not too high?" The present kind of problem has some important bearing on the debate about social justice. Consider people's disagreement about justice. It is quite obvious that many of them think that a free market society is sufficiently good for people despite the fact that it is unfair to people in many different ways. On the other hand, many disagree. They do not accept that a free market economy is sufficiently good, and they believe that people should pursue a much better economic model. It is unclear how we can define "sufficiently good" in a non-arbitrary way that is helpful for the debate. Similarly, when one takes the sufficientarian view and

⁴² One might argue that there is a strong *pro tanto* reason for the state to make perfectionist policies that can push the level of people's well-being above the sufficient level, but since perfectionist policies are supported by tax revenues and taxation is coercive, there is more reason for not to make those policies insofar as these policies are not necessary for maintaining justice. Yet in Chapter 8, I will argue that the state may, and should, make, perfectionist policies despite that they are backed by coercive taxation.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

argues that the level of people's well-being in any liberal society nowadays is good enough, we should ask what they mean precisely by 'good enough.' As a matter of fact, the governments of liberal societies nowadays make perfectionist policies of many kinds, ranging from funding for art to promoting respect for knowledge to environmental protection. If these governments take the advice of neutralists and withdraw all perfectionist policies, can we be certain that the level of people's well-being will continue to be "good enough"? Perhaps some might think that even in that case people will continue to live reasonably well. But if in that case a wide range of valuable opportunities for people to lead a fulfilling life will be lost, and the result is still undesirable, keeping other factors constant.

Thus, we should focus on the importance of perfectionist policies on people's well-being rather than thinking about what level of people's well-being must be seen as good enough. The complete withdrawal of perfectionist policies will remove many valuable opportunities for flourishing and many people will live less well. That is regrettable from a moral point of view and the state has a strong *pro tanto* moral reason to avoid such a situation. And vice versa, since the pursuit of an ideal environment can create a wide range of valuable opportunities for flourishing and people's well-being will thereby be promoted considerably, the state has a strong reason to pursue such an environment. Note that I have not claimed that the state has an all-things-considered reason to pursue an ideal environment. This is because the state's pursuit of an ideal environment is subject to different anti-perfectionist criticisms. I will discuss some of the main criticisms of perfectionism later in this chapter and in the next two chapters.

Perfectionism for a non-ideal society: the remedial approach and the progressive approach

We have seen that in *A Matter of Principle*, Dworkin argues that the state should support art in order to preserve a rich cultural structure. However, in his later work *Sovereign Virtue*, he

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

added a qualification to that perfectionist argument. He said: “a state that has fulfilled the requirements of justice may properly use public funds to support art that the market will allow to perish, on the substantive ground that art improves the value of lives available in the community.”⁴³ This view is intriguing, since he does not say clearly when a state has fulfilled the requirements of justice. If a state can only fulfill the requirements of justice by endorsing the resourcist conception of justice Dworkin advocates, then, clearly, no state nowadays has fulfilled those requirements. Worse still, it is unlikely that any state can fulfill those requirements in the foreseeable future. But if so, then Dworkin’s case for state support for art seems to have no bearing on any actual society.⁴⁴ That does not mean that we should reject Dworkin’s qualification to his own argument; perhaps the state should not promote art unless a fair distribution of resources is obtained. But should we accept this view? Let us first take a look at Brighouse’s neutralist position. I will then argue that even if the state should pursue a fair distribution of resources, this should not detain the state from promoting good life.

Brighouse holds an unequivocal neutralist position regarding state support for art. He argues: “When the background distribution of income and wealth is just, that distribution is the default position, for deviation from which compelling argument needs to be given. . . . when the background distribution of income and wealth is unjust, rectifying that injustice is the urgent task of the government, which task is unlikely to be significantly furthered by funding the arts.”⁴⁵ So, clearly, Brighouse thinks that a fair distribution of resources should be our primary concern. And he thinks that when a fair distribution of resources is obtained, state support for art (actually, any perfectionist policy that uses tax revenues) requires a compelling justification. At any rate, we are living in an actually unfair society, so “the

⁴³ R. Dworkin (2002, p. 274).

⁴⁴ To be sure, Dworkin might think that a state that has not fulfilled the requirements of justice may nevertheless support art. But he has not been clear about that, so I will not speculate what exactly his position is.

⁴⁵ Brighouse (1995, p. 52).

urgent task of the government” is to rectify injustice, but state funding of art can hardly rectify injustice.

At first sight, the above argument seems to be persuasive, since it is very hard to deny that social justice should be our primary concern; even if art and culture are great values, it seems reasonable to say that the state’s pursuit of them should not take priority over social justice. However, there is a problem with Brighouse’s argument. We do not have to deny that the urgent task for the state is to rectify injustice. But if the fact, as I said earlier, is that a fair distribution of resources (assuming that we accept the resourcist view of justice) is far from our reach, should we insist that all tax revenues be spent on pursuing a fair distribution of resources and no money spent on any perfectionist policy? I think that the answer should be “no.” For that implies that we will lose more—losing many valuable opportunities for people to live better while a fair distribution of resources is still not foreseeable.⁴⁶

In addition, I think that we can provide compelling arguments for several types of perfectionist policies whether it is an ideal society (where the distribution of resources is fair) or a non-ideal society that is at issue. I will try to offer some such arguments in the next chapter. For now, note that I have tried to explain that there is a good case for perfectionism *for an actual unfair society*: in such a society, the state should pursue an ideal social and natural environment on the grounds of its great importance for people’s well-being.

If we accept the perfectionist argument from an ideal environment, we can take the following two approaches, which are compatible:

The progressive approach: The state should pursue an ideal environment, which gives strong support for a wide range of perfectionist goods, through perfectionist policies. The state

⁴⁶ In addition, we can argue that rectifying injustice is not the only important thing; we want to lead more fulfilling lives, too. There is little reason to think that all resources (or tax revenues) should be spent on rectifying injustice when some of them can be used to provide people with valuable opportunities of flourishing.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

should do so whether or not our environment is, or will likely be, deficient in terms of some perfectionist good(s) without the state's support. So, on this approach, the state should support art and many other perfectionist goods even if our environment is not deficient in terms of these perfectionist goods.

The remedial approach: The state should support a perfectionist good if our environment is, or will likely be, deficient in terms of that good or unsupportive of it without the state's support. So, for example, the state should spend resources to preserve a rich cultural structure if it is vulnerable to decay or debasement without the state's support.

Dworkin endorses the remedial approach, since he thinks that the state's support for art is important for preventing a rich cultural structure from decay. But if my argument from an ideal environment is convincing, then it supports the progressive approach, not only the remedial approach. I have rejected the sufficientarian view of well-being, which holds that if people's well-being has passed some sufficientarian level, then the state does not need to provide more opportunities for people to live better. Contrary to this view, I think that as long as people's well-being is an important matter, the state has a strong reason to pursue an ideal environment, which provides people with a wide array of valuable opportunities of flourishing. This view points to the progressive approach.

What about the remedial approach? If the progressive approach is convincing, then, *a fortiori*, the remedial approach is convincing. This is because both approaches are intended to spell out the great importance for the state to pursue an ideal environment, and, obviously, the burden of proof is heavier for the progressive approach than for the remedial approach. But some might find the remedial approach problematic: how do we know whether our environment is deficient in, or unsupportive of, a certain good so that state action is needed?

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

If we cannot make judgments about that in a non-arbitrary way, then we cannot use the remedial approach in a non-arbitrary way. Surely, even if the remedial approach fails, perfectionism can rely on the progressive approach. But I think that the remedial approach is sound and useful.

In the rest of this chapter, I will demonstrate the usefulness of the remedial approach through discussing the issue of art development and the problem of insufficient public space in Hong Kong. Perfectionist philosophers sometimes are accused of failing to demonstrate their case by real-world examples.⁴⁷ However, I think that real-world examples, as will be given in the following and in the next chapter, can strengthen my case for moderate perfectionism. I will show that, in some situations, we are able to make convincing judgements about whether our environment is unsupportive of or deficient in a perfectionist good, and how perfectionist policies may remedy the problem. In addition, I will defend moderate perfectionism against various criticisms of paternalism pressed by Quong, Waldron, and some neutralists.

(c) Art and cultural development and unfair distribution of resources

Let us take a look at art and cultural development in Hong Kong. By art and cultural activities, I refer to a very wide range of works and activities. They may include painting, architecture, photography, calligraphy, sculpture, music, theatre, dance, literature, visiting museums and galleries, going to libraries, appreciating cultural heritage, etc. The Hong Kong Government has been spending a considerable amount of resources on art and culture.⁴⁸ There are several reasons for thinking that without the government's support, the public will lose a lot of

⁴⁷ See Jeremy Waldron's criticism of Raz: (1989, pp. 1130–1131).

⁴⁸ The government supports art and cultural activities through the Hong Kong Arts Development Council. See: "Hong Kong Arts Development Council Ordinance, Chapter 472."

valuable opportunities to enjoy and to understand art and culture. And these reasons are interrelated:

- a. High-land-price policy: From the time of British colonial rule till now, the Hong Kong Government owns all of the land (except for areas sold by contract with the government) in Hong Kong. To secure a stable and considerable amount of income, the government has long been relying on the “high-land-price policy”: the government carefully restricts the provision of land and sells land to people who can pay for it. Therefore, the richest people in Hong Kong established their economic dominance through accumulating land.⁴⁹ Many kinds of artworks and cultural activities need studios for work and areas for performances and exhibitions. But due to the high-land-price policy, without the state’s support, many cultural activities and artworks cannot reach the public (except indirectly, and in many cases unsatisfactorily, through the Internet). If the government does not sponsor art and culture, art and cultural development in Hong Kong will almost certainly shrink.

- b. Art and cultural education: The art and cultural education for children in Hong Kong has been offered at a relatively low level compared with that in most developed countries. This is mostly because Hong Kong’s education system has been focusing on training students’ abilities to take part in the service sector and the financial sector. The education system has long been criticized for ignoring the free and diverse development of children.⁵⁰

⁴⁹ For a recent in-depth discussion of the problem, see Leung and Tang (2014).

⁵⁰ For a valuable discussion of the problem, see Lam (2008).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

- c. The nature of art and cultural activities: It usually takes a lot of time and resources to produce or to prepare for a good work or performance. However, many high-quality works and performances cannot help artists to earn a good living (some artists earn a lot, but they belong to the minority). So, if the state does not support art and cultural activities, it is very likely that fewer people will want to pursue art and cultural performance as a career, and their audience will shrink.

Neutralists generally do not doubt the value of art and culture in their criticisms of perfectionism. However, many of them think that perfectionism is vulnerable to criticisms of paternalism. They might argue that if people like art and culture, they will support them without the state's help, and if the state sponsors them, then it acts paternalistically towards people. In response, if we take the remedial perfectionist approach that I introduced earlier, we can argue that whether the state should sponsor art and culture depends on two things: first, whether they are of great value for most, if not all, people; and second, whether our environment would be sufficiently supportive of them if the state did not support them. Since neutralists generally do not endorse value scepticism, we can just focus on the second point. As said, there are at least three reasons for thinking that Hong Kong's environment would be unfavourable for art and cultural development without state support. The three reasons are: Hong Kong's high-land-price policy; the nature of art and culture (it takes time to produce or to prepare for good works and performances, and they may not help artists earn a good living); and long-standing problems with Hong Kong's art and cultural education. For these reasons, if the Hong Kong Government terminated funding for art and cultural activities, the public would lose a wide array of valuable opportunities to enjoy art and cultural activities.

(d) Three criticisms of paternalism

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

Let us take the paternalism critique of perfectionism more seriously. In response to the argument I have just made, neutralists might reply: even if those facts about Hong Kong's art and cultural development are all true (i.e. Hong Kong society is non-ideal and unfair in those ways), why should the state make our environment favourable for art and cultural activities (or any other perfectionist good)? Consider the following criticism:

The first criticism of paternalism: If people can live well without state support for art and culture (or respect for knowledge, or environmental protection, etc.), there would be little point for the state to support them. So, to say that the state should sponsor art and culture is to imply that people cannot live well without the state's support for them. But that is a disrespectful judgement about people's abilities to pursue the good life.

In the same vein, Quong often presses such a question in his critique of perfectionism: "why is state action required for improving people's lives?"⁵¹ He thinks that perfectionism assumes that people would not be fully competent to pursue the good life without the state's assistance, and this assumption is disrespectful.⁵² But I think that the above criticism of paternalism is implausible. This is because the reason for the state's promotion of art and culture (or some other good) need not be that *people lack the necessary abilities to live well*. The reason for state support, rather, can be that *people can live better when their environment becomes supportive of a diverse range of perfectionist goods*. So, if the social environment is unfavourable for the flourishing of a perfectionist good, the state has a strong reason, though not necessarily an all-things-considered reason, to support this perfectionist good.

Here, it may be worth considering briefly a point about fairness. As said, it often takes some time to produce or to prepare for a good artwork or a good performance. For most artists, their work can hardly earn a good living. So, it is reasonable to expect that if the state

⁵¹ See Quong (2011, pp. 45–107, esp. pp. 84–85).

⁵² Quong (2011, pp. 45–107).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

did not support art and cultural activities, many artists would choose to cater for rich people's preferences in order to make their living in a market economy. But if so, many artists would pay less attention to non-rich people's interests, tastes, and needs. Artworks and cultural activities would then become less diverse. And this would create a vicious cycle: When artists pay more attention to rich people's preferences, artists will pay less attention to non-rich people's interests and needs, and non-rich people (or the general public, since non-rich people constitute the majority of the general public) will become less interested in art and culture as well as less supportive of them; and this result, in turn, makes artists more inclined to cater for rich people's preferences to make their living.⁵³ This is unfortunate, and the resulting environment would be somewhat unfair to people who are not rich. As long as art is valuable for most people, not only for rich people, it would be better if our social environment can contribute to the appreciation of art by people from all walks of life.⁵⁴ In this sense, I believe that there is a fairness reason for the state to create and maintain an environment supportive of the public's appreciation of art and cultural activities.

However, some neutralists might still think that state support for art is unnecessary. This brings us to the second criticism of paternalism:

The second criticism of paternalism: If the public supports art and culture (or any other perfectionist good, such as respect for knowledge and environmental protection) without the state's support, there would be no need for the state to sponsor art and culture (or any other perfectionist good). But if many people do not support art and culture, then that is just their own decision, and the state should not intervene. If the state intervenes, then it acts like a parent who decides what is good for people.

⁵³ For a relevant discussion, see Bauman (2009, pp. 194–224).

⁵⁴ By this I do not mean that artists have an obligation to take care of the interests and preferences of all kinds of people. Nevertheless, it would be somewhat ironic if artists—who are supposed to be creative in an independent way—need to cater rich people's preferences to make a living.

This criticism seems convincing. Consider the catering business in Hong Kong. The Hong Kong government seldom promotes good food, but you can eat good food almost everywhere in Hong Kong. Why don't we think about art and culture in the same way? If Hong Kong people generally enjoy art and culture, they will support them without the state's support, and if the state supports them although people themselves do not support them, then the state acts paternalistically.

On inspection, the above analogy is implausible. The catering business and art and cultural development are different in two important ways: (a) People must eat every day to survive, while it would be far too exaggerated to suggest that people have to appreciate art and culture in order to survive. The fact that people must eat every day gives a lot more opportunities to the catering business than art and culture to flourish. (b) It does not require much education to enjoy most kinds of good food, while in art and cultural education, generally speaking, it is important for people to learn in order to acquire the knowledge and even skills needed for appreciation. As I pointed out earlier, Hong Kong's art and cultural education for children has long been unsatisfactory. So, if the Hong Kong Government decided not to support art and culture anymore, then, in the long run, Hong Kong people in general would become much less concerned with art and culture, and there would be much less people choosing to work for art and other cultural activities. In other words, given Hong Kong's environment, which, as said, has been deeply influenced by the high-land-price policy (which is largely responsible for serious current unfair distribution of land and wealth) and the long-standing occupation-oriented education (which ignores art and cultural education), it would be extremely hard for individual citizens to create or maintain an environment supportive of art and culture without the state's support. Thus, public funding for art and culture is enormously important for their development in Hong Kong.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

Some neutralists might argue that moderate perfectionism cannot get away from paternalism nevertheless. This is because even if the state does not adopt any directly coercive measures, such as imprisonment and fines, to promote art and culture, it must adopt some measures to encourage people to act in certain ways, and these measures are unavoidably paternalistic. More clearly, neutralists might press the following criticism:

The third criticism of paternalism: Even if the perfectionist state does not adopt any directly coercive perfectionist measures, such as imprisonment and fines, it must rely on some sorts of measures, such as subsidies and rewards, to induce or encourage people to act in certain ways. These measures are paternalistic and disrespectful, because they assume that people cannot make proper decisions about how they should act or live without the state's intervention.

Waldron has advanced this line of criticism of perfectionism. As he argues, when the state motivates people to act in a certain way by providing them subsidies, is the state not manipulating people's decision-making and "treating people like children"?⁵⁵ Quong disagrees with Waldron that perfectionism must be manipulative, but he concurs with Waldron that even non-coercive perfectionist measures necessarily assume a disrespectful judgement about people's abilities to make proper decisions.⁵⁶

In response, I think that moderate perfectionism should not be rejected by the above criticism. Consider the following:

1. *Collective effort vs. individuals' abilities:*

In some cases, such as art and cultural development in Hong Kong, if the state's support is absent, then individual citizens can hardly produce a strong collective effort to create or

⁵⁵ Waldron (1989, p. 1149).

⁵⁶ Quong (2011, pp. 62–67).

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

maintain an environment supportive of the perfectionist good in question. This is not to say that individual citizens cannot make proper decisions about how they should act or live to pursue their own conceptions of the good. A crucial problem that I want to stress is that the collective effort needed to create and maintain an environment supportive of diverse goods and values can hardly be obtained by individual citizens without state action. I am not suggesting that to create and maintain an ideal environment, the state may impose any perfectionist policy on citizens without public debate and participation. The perfectionist state, as most liberal perfectionists would agree, should understand in what ways citizens want to improve their environment, and should allow them to take part in policy-making whenever possible. I will have much more to say about the importance of fair procedures for perfectionist decision-making in Chapter 8.

2. Manipulation need not be involved:

Some might then argue that even if the main purpose of perfectionist policies is to improve the social environment (e.g. making the social environment more favourable for art and cultural development) rather than causing people to act or live in a particular way to improve their well-being (e.g. giving discounted entries to an art gallery so that you will want to see it and your well-being may be promoted), this still cannot get perfectionism off the hook of the paternalism charge. This is because perfectionist policies, they might argue, are intended to influence people's decisions about what to do and how to live, even if the ultimate purpose of these policies is to improve the social environment. The problem here, they think, is that perfectionist policies are essentially manipulative as they are intended to influence people's decisions. As Waldron points out, "it is important that the decision whether or not to perform them to be taken 'on the merits,' rather than on account of artificially imposed consequences. If and to the extent that this is important, taxing an activity in order to discourage it might be

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

wrong, for it prevents people from refraining from it for the right reasons, so to speak . . . an autonomous decision may be undermined not only by overt coercion from the outside, but also by interfering with the way people form their beliefs about value.”⁵⁷ Waldron thinks that perfectionist subsidies are objectionable on similar grounds.⁵⁸

In response, while I think that perfectionists must agree that any perfectionist policy, directly coercive or not, aims to influence various kinds of decisions in one way or the other, perfectionism need not be manipulative. Consider moderate measures, such as subsidies. First, manipulation is often made in a way that is unknown to the subject of manipulation. But in the case of moderate perfectionism, the state certainly can, and I would suggest that it should, make it clear to the public what goals different perfectionist policies want to achieve. For example, the moderate perfectionist state should make it clear by providing discounted entries to art galleries, it wants to attract more people to enjoy art, and the more basic purpose of that is to create and maintain a social environment that is supportive of art development. Perfectionist policies like that can all be made through public engagement and fair procedures. So it would be implausible to say that perfectionist policies are made without public understanding and people’s participation, as though they are all intended to manipulate people’s decisions in ways unbeknownst to them.⁵⁹

In addition, it does not seem convincing for Waldron to say that perfectionist subsidies prevent people from making decisions with a view to the intrinsic quality of the activity in question. I would agree that many kinds of punishment (in the extreme case, death penalty) can effectively make people unwilling and even unable to consider the intrinsic value or disvalue of the activity in question (e.g. marijuana smoking, if the state bans it or levies

⁵⁷ Waldron (1989, pp. 1145–1146).

⁵⁸ Waldron (1989, p. 1147).

⁵⁹ In contrast, commercial advertisements are generally manipulative in that way. For valuable discussions, see Harms and Kellner (1991) and Irving (1991). Liberal neutralists do not seem to be concerned about the problem, though they often criticise perfectionism for being manipulative.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

heavy tax on it). However, perfectionist subsidies do not disallow people to think freely and independently about whether an activity is valuable, as long as freedom of speech is well protected in society. To see this, suppose that the state sponsors the film industry, so that some cinemas give free tickets for people to see several movies recommended in a film festival. If these movies are really bad, then, probably, many people who will see them with free tickets will still think that they are bad. It is unlikely that many people would have very different judgements about these movies just because they saw them with free tickets (e.g. in reality, many film critics—because of their networking—see a lot of movies with free tickets, but this does not prevent them from holding negative views of these movies). The same goes for other cases, such as free tickets to see an art gallery and tax exemptions for people who take government-sponsored courses.

True, in the above example, many people may go to see the movies partly because they do not have to pay. However, this does not prevent them from forming their own judgements about the movies. More generally, perfectionists may well accept that once an activity is subsidised, people will choose whether or not to perform it in view of the (reduced) cost of performing it and not merely in view of the value of it. However, the two kinds of considerations are not mutually exclusive: people may choose to perform a subsidised activity by considering its cost *as well as* its intrinsic qualities. They can form their own judgements about the value of a subsidised activity in an independent manner.

3. *Supporting people who provide perfectionist goods:*

Quong and Waldron seem to have focused exclusively on perfectionist measures that give incentives (or disincentives, which can be created by sales tax and punishment) to the public who may or may not perform an activity. But perfectionism need not confine itself to these measures. In fact, the perfectionist state can support people who provide or create

perfectionist goods. Consider art again. There is an important interaction between artists and the public in creating a social environment supportive of art. If the environment is not supportive of artists, their influence on the public will probably be weaker, and in turn the environment will become even less supportive of art. To support art, the state may, for example, provide rent subsidies to artists (most artists need studios to do their work), which is especially important for artists in Hong Kong due to the high-land-price policy. The state may also offer prizes and funding to artists, as an important way of recognising the work of outstanding artists and creating a social environment supportive of art and culture. These benefits do not assume the disrespectful judgement that artists would not want to work hard without benefits.

In these cases, criticisms of art and cultural policies as manipulative or disrespectful seem to be off target. The main purpose of creating and maintaining an ideal environment supportive of diverse perfectionist goods is to enable people to live better, rather than assuming that people lack the necessary abilities to pursue their conception of the good. True, as I have said, that assumes that individual citizens' separate actions can hardly produce a strong enough effort to improve their environment. However, that shows no disrespect for their personal abilities to pursue their own conception of the good. It is simply common practice that people coordinate their effort through deliberation and actions to pursue objectives that they consider worthwhile. The pursuit of an ideal environment that provides a wide array of valuable opportunities for flourishing should be one such worthwhile objective.⁶⁰

(e) A special case: combined considerations of well-being and unfair distribution of resources

⁶⁰ As said, I will have more to say about the importance of fair procedures and political participation for moderate perfectionism in Chapter 8.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

I have argued that the state should create and maintain an environment supportive of diverse perfectionist goods for an actual unfair society. In this argument, the state does not need to envision what an ideal society would be like and what people would want to do in an ideal society in order to decide what perfectionist policies are important. Apart from this argument, there is a special kind of perfectionist argument, according to which the state should seek to remedy the problem of unfair distribution of resources through perfectionist policies. To make these policies, the state should consider (i) what people would want to do if they had a fair share of resources, such as a fair share of land (call such considerations *the ideal-situation considerations*), and (ii) what activities people would want to do in an ideal society are of great importance for most, if not all, people's welfare (call such considerations *moderate perfectionist considerations*). Not all activities that some people would want to do in an ideal society are, from the perspective of the welfare of all citizens, worthy of state support in the face of scarcity of resources. For example, some people would probably spend more money on computer games if they had a fair share of resources, but it would be reasonable for the perfectionist state not to sponsor computer games; in view of the welfare of all citizens, computer games are not worthy enough of state support. So, the perfectionist state should select goods that are worthy of support.

Do we have any good examples? In the case of Hong Kong, I think that the government should seek to provide sufficient public space for recreational purposes (e.g. sports), especially in urban areas. In recent decades, the problem of insufficient public space for leisure has been bothering many Hong Kong citizens as well as the government.⁶¹ The problem is mostly caused by Hong Kong's long-standing high-land-price policy (briefly, the main source of the government's income is selling land to rich people, as we discussed earlier). This policy is largely responsible for a seriously unequal distribution of land and

⁶¹ See Too (2007, pp. 79–115).

income among citizens.⁶² Moreover, it is obvious that Hong Kong people can hardly change the high-land-price policy in any fundamental way in the foreseeable future. In this non-ideal and unfair situation, there is a compelling reason for the government to provide public space and facilities for recreational purposes. Here, we have two main considerations: first, it is very likely that most Hong Kong people would want to have sufficient public space and recreational activities if each person had a fair share of resources (this is an ideal-situation consideration); and, second, sufficient public space for leisure is of great importance for most, if not all, people's well-being (this is a moderate perfectionist consideration). For these reasons, the government can remedy the problem of insufficient public space for recreational purposes, which is mostly caused by an unfair distribution of resources, through providing public space and facilities for recreational purposes.

The present kind of perfectionist argument, I think, supports only a small portion of perfectionist policies. This is mostly because of the great difficulty of deciding what people would want to do in an ideal society. The problem of insufficient public space in Hong Kong is a special one, since it is obvious that the problem is caused by an unfair distribution of resources, and most Hong Kong people would want to resolve or remedy the problem if they had a fair share of resources, especially land. Finally, note that the present kind of perfectionist argument is based on the combined considerations of well-being and unfair distribution of resources. In the above example, the government has a compelling reason to provide sufficient public space for recreational purposes, because that is important for creating an ideal environment for people, and because that can remedy the problem (i.e. insufficient public spaces for recreational purposes) caused by an unfair distribution of resources, notably, land and wealth.

⁶² See Poon (2005) for an in-depth discussion of the problem. This study reveals an insider's view of Hong Kong's land policy, as the author, Alice Poon, is a former personal assistant to Kwok Tak Seng, who is the founder of Sun Hung Kai Properties, the largest property developer in Hong Kong.

Summary and remarks

In this chapter, I argued that we should understand the importance and potential contribution of perfectionism for a non-ideal society, where the distribution of resources, such as wealth, social opportunities, and political liberties, is unfair, and a fair distribution of resources is not foreseeable. I focused on one type of moderate perfectionist policies in this chapter, namely, policies for creating or maintaining an ideal social and natural environment supportive of a wide range of perfectionist goods. I argued that even if we grant that we would not need that kind of perfectionist policies in an ideal society where distribution of resources is fair, the state should—for the good of people in an actual unfair society—pursue an ideal environment that gives strong support for diverse perfectionist values. This is because such an ideal environment provides a wide array of valuable opportunities for people to lead a good life. In addition, by discussing the art and cultural development in Hong Kong as well as the problem of insufficient public space in Hong Kong, I argued that moderate perfectionism, in fact, can remedy some of the problems caused by an unfair distribution of resources.⁶³ I also explained why various paternalism charges against perfectionism do not succeed. It is worth noting that in any real and non-ideal society that practices market economy, market economy, as David Miller has shrewdly observed, “is likely to discriminate against non-commodity-based conceptions of the good . . . someone who wishes to pursue non-commodity ends along with commodities is likely to find that he has to make a disproportionate sacrifice of the former to enjoy the latter securely.”⁶⁴ I believe that moderate perfectionism can deal with the above

⁶³ Christine Sypnowich has recently pursued a perfectionist account of equality, which she calls “a flourishing account of equality.” See Sypnowich (2014). By contrast, I only try to show that some perfectionist policies can remedy or alleviate the problems caused by distributive injustice.

⁶⁴ Miller (1989, p. 93). See pp. 72–97 for Miller’s fuller discussion of problems related to neutrality and market economy.

Chapter 6: Moderate Perfectionism for a Non-ideal Society (I)

problem by providing a wide range of valuable opportunities of flourishing and alleviating some of the undesirable effects to people's welfare.

Finally, let me point out some connections between children's welfare and their living environment, though I will not go into details. If the state should take care of children's welfare, then it is important for the state to create and maintain an ideal social and natural environment supportive of diverse perfectionist goods. More clearly, an ideal environment is not just important for adults, but also for children. After all, our environment cannot be divided: it is something that has enormous influence on the welfare of people at different ages, of different social backgrounds, of different races, and so on. Neutralists, generally, do not reject state perfectionism towards children.⁶⁵ But if so, we should be concerned about creating and maintaining an ideal environment for the good of children, rather than only caring about their school curriculum. Seen in this light, neutralists have a strong reason to adopt a more welcoming attitude towards a wide range of perfectionist policies, since many of these policies are important for contributing to an ideal environment from which children can benefit. While liberal neutralists may not deny what I have suggested here, they seldom draw our attention to the important facts above.⁶⁶

⁶⁵ But there is an important exception. See Waldren (2013).

⁶⁶ In his critique of perfectionism, Quong sets aside considerations about the relations between children's well-being and state policy-making. See Quong (2011, esp. p. 59 note 45).

Chapter 7

Moderate Perfectionism for a Non-ideal Society (II)

In Chapter 6, I suggested that there may be four kinds of moderate perfectionist policies. They are: (1) policies for creating and maintaining an ideal environment supportive of diverse perfectionist goods; (2) policies for cultural and environmental preservation; (3) reminders of harm; and (4) funding for scientific research about well-being. I focused on (1) in the previous chapter. I argued that even if many perfectionist policies would be unnecessary when a fair distribution of resources was realised, this is not foreseeable in our actual unfair world. Thus, we should not ignore the great actual and potential importance of many perfectionist policies for creating and maintaining an ideal social and natural environment. And in fact, some perfectionist policies can remedy or alleviate some of the problems attributable to distributive injustice.

Let us now turn to discuss the other three kinds of perfectionist policies (i.e. (2) through (4) above). I believe that while these policies are of vast importance for any actual unfair society, they would be important even if distributive justice had been fully realised. In addition, I argue that several criticisms of paternalism against these policies do not succeed.

Cultural and environmental preservation

In this section, I will argue that the moderate perfectionist state should take measures to preserve cultural artefacts and the natural environment. Some neutralists think that there would be no need for the state to preserve valuable things when the ideal of a fair distribution of resources is realised, and that perfectionist policies for preserving valuable things are wrongfully paternalistic. I want to demonstrate that these views are implausible.

(a) Restricting property rights to preserve valuable things

Imagine that in an ideal society where the distribution of resources is fair, there is a rich man who owns these valuable things: Beethoven's manuscripts for his Symphony No.5 (which includes the manuscript for the famous "Fate" motif), van Gogh's painting "Starry Night," and Rawls's manuscripts for his three major works, namely, *A Theory of Justice*, *Political Liberalism*, and *The Law of Peoples*. Suppose that this rich man did not come to possess these things by any morally accusable means, such as theft. Unfortunately, it turned out that this man has a sadistic interest in destroying these things: he thinks he can derive enormous pleasure from destroying things that other people treasure. Should the state stop him from doing that on perfectionist grounds? The answer would be "no" if we adhere to the position taken by most liberal neutralists.¹ To be sure, liberal neutralists would agree that if that rich man had made a promise, either to the sellers or the public, that he would not damage those valuable things, then in some cases, the state may have the right to stop him. But what if he has not made any such promise to anyone? If the story is as simple as that, neutralists would have to say that this rich man, just like any other person, should not be stopped by the state.

More clearly, many neutralists think that in an ideally fair situation, the state should not intervene in people's decisions as to what they want to do with their fair share of resources; otherwise, the state would end up endorsing paternalism. But I suspect that some neutralist philosophers would want to suggest that the state should do something to stop that rich man from destroying Rawls's manuscripts for his three important works (and perhaps, they might think the same about Beethoven's manuscript and van Gogh's painting). If they really think that the state should stop him, then they cannot avoid appealing to perfectionist reasons of the relevant kind.

¹ See Quong's discussion in (2011, pp. 73–107).

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

Let us consider more carefully whether the state may take action to preserve valuable things. Quong has discussed an interesting case about preserving a cultural artefact.² He invites his readers to imagine that there is a developer who wants to buy a certain monument and its surrounding land, in the hope of replacing the monument with a casino. He assumes that the majority of citizens think that the monument should be preserved, and so, if the state goes on to preserve it, the state will make “*no* negative judgement about those citizens.”³ Quong then asks: “Would a state regulation prohibiting the commercial development in order to preserve the monument be an instance of perfectionism without paternalism?”⁴ He thinks that, indeed, if the state decides to preserve cultural artefacts in accordance with the majority’s views, then it would not be subject to the charge of paternalism. Furthermore, in preserving cultural artefacts, Quong argues, it is unnecessary for the state to appeal to perfectionist reasons. This is because, he explains, “anti-perfectionists could also support a temporary regulation protecting the monument . . . to prevent the commercial developer from using his unjust bargaining power to purchase something that justice may not entitle him to purchase.” Here, the justification for that “is grounded in claims of fairness, and need not be defended by recourse to perfectionist reasons.” Moreover, Quong makes it clear that if people lived in an ideally fair society, then “the state cannot prohibit the commercial development without recourse to paternalistic reasoning.” For in that case, “the state will intervene only if it believes that citizens will fail to use their resources and corresponding market power appropriately.”

The above argument by Quong seems convincing. This is because it is reasonable to say that if the majority of citizens want to preserve a certain artefact, and if they are not able to do so *just because* they lack a fair share of resources to outbid the developer, then the state can

² Quong (2011, pp. 93–94).

³ Quong (2011, p. 93; my emphasis).

⁴ Quong (2011, p. 93).

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

intervene on behalf of the majority of citizens *on the grounds of fairness*. Here, no perfectionist reason is called for. However, I disagree with Quong's view that if the state seeks to preserve cultural artefacts in an ideally fair situation, then the state must recourse to paternalistic reasoning.

First, note that Quong's example above is rather limited. We cannot generalise this example to many real cases in which people already possess the valuable things in question (unlike the developer who has to buy the monument in order to turn it into a casino). In many cases, the problem is whether the state may preserve valuable things by restricting people's property rights over the things they already have. My example about the rich man's intention to destroy valuable things belongs to such cases. I asked whether, on liberal neutralist grounds, the state may justifiably stop the rich man from destroying those things. I think that Quong has to bite the bullet and answer "no." He cannot argue that the state may stop the rich man because that is necessary for regulating unjust bargaining power (as Quong argues in his example about the monument), since in that case, the assumed background is that each person already has a fair share of resources and that the rich man had come to possess those valuable things in a morally unproblematic way.

Yet an even more important question is, why should we accept Quong's view that perfectionism and paternalism must go hand in hand? To stop the rich man from destroying those valuable things, the state may intervene on the perfectionist grounds that it should not allow any person to damage or destroy anything of great value for most, if not all, people. Thus, the state has a weighty perfectionist reason to stop that rich man from destroying those valuable things, since these things are treated by many people as enormously valuable, even if the rich man himself thinks that these things has no intrinsic value for him (though he can derive sadistic pleasure from destroying these things as they are treasured by other people). Note that when the state stops the rich man from destroying these things on such perfectionist

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

grounds, it is not exercising paternalism over him—the state’s intervention does not aim to promote his welfare; rather, it aims to protect many other people’s interests.

Nor does the state in that case exercises paternalism over other people. To explain, if the background of Quong’s monument example is instead an ideally fair society, then Quong would say that each person should be left free to choose whether she wants to use her fair share of resources to outbid the casino developer. And if the state ignores people’s free choice and takes measures to stop the developer from going ahead, then, on Quong’s view, the state shows disrespect for people’s abilities to make up their mind about whether to outbid the developer or not. Now, even if Quong is right about that, the sadistic rich man example (which represents cases where the valuable thing in question is owned by someone who wants to destroy, damage, or radically change it; I will discuss a real example from Hong Kong soon) is simply different. In the sadistic rich man example, this rich man already owns those valuable things, and he wants to destroy them. So, there is no question whether other people can outbid him to get these things by using their fair share of resources (unless he allows people to outbid him; but in my example, there is no reason for why he wants to do so). And so, when the state stops him from destroying the valuable things on the perfectionist grounds that I proposed, it is not acting on the paternalistic assumption that people are not competent enough to decide whether they should use their fair share of resources to outbid the rich man (there is simply no decision about outbidding they could make).

Some neutralists might then concede that in cases like the rich man example, there should be some laws about preserving valuable things even in an ideally fair society. But they might argue that it would be wrongfully paternalistic for the state to decide on behalf of people about what things should be preserved. Their concession might be only that when people have a serious dispute about whether a certain thing should be preserved because of its value, the state may, on the basis of some laws, require the owner of that thing to let the public

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

decide in some way whether it should be preserved. I also think that there should be some such laws. But why should any law about preserving valuable things be made in the first place? It is hard to see why any such law is needed if perfectionist reasons should be treated as irrelevant. Notice that the reason for having such laws is not about regulating bargaining power in the market or the redistribution of resources for fairness, since these considerations do not bear on the present case.

If we think that those laws should be made, then we probably have taken the following line of reasoning or something alike: when a certain thing is considered by some people to be enormously valuable for the public, then, *on the grounds of the value of cultural or historical preservation*, the state should, whenever necessary, let the public decide whether it should be preserved or not and, in order to do so, the state may be permitted to restrict the property rights of the owner of the thing in question. This line of reasoning is clearly a perfectionist one. Furthermore, the state does not rely on any purportedly disrespectful judgement on citizens' abilities of discernment. One might even say plausibly that the state, in that case, assumes a somewhat respectful judgement about people, namely that they should be left free to discuss and decide what is particularly valuable for the public and what ought to be done about it. At any rate, since this point is not crucial for my present argument, I will not discuss it further.

(b) Cultural preservation for an unfair society

Let me illustrate my position through discussing a real case of cultural preservation in Hong Kong. It will become even clearer that the state does not have to appeal to paternalistic reasoning in preserving valuable things. *King Yin Lei*, built in 1937, sits on a 50,650 square feet site in Hong Kong. It is a three-storey building made of "red bricks and green tiles," which, according to some experts in Chinese architecture, "reinterprets traditional Chinese

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

architectural form in the light of western design techniques.” It has long been a scenic spot for tourists.⁵ The mansion was put up for sale in 2004, but it gradually came to light that the new buyer had plans to demolish the property and redevelop it. In September 2007, dump trucks were spotted at the site, and parts of the roof were removed. This sparked intense criticism from the public. Later, the Hong Kong Government appealed to the relevant laws about cultural preservation to declare the mansion a proposed monument and order a work stoppage.⁶

Was the Hong Kong Government acting in a paternalistic way by declaring the mansion a proposed monument? The answer would certainly be “yes” if the owner of the mansion was willing to consult the public about whether it should be preserved and if, hypothetically, the government could easily press a button (so to speak) that gave every citizen a fair share of resources so that they could make up their mind as to whether they want to buy the mansion from the owner. However, these things did not (and could not) happen, and the government, which must inevitably consider its actions against the background of an actual unfair society, must think about whether it should intervene to preserve the mansion. If no law existed for the government to invoke in order to perform the intervention, then this raises the question of whether some laws should be made to provide the legal basis for that kind of state action (as argued, such laws are usually based on perfectionist considerations about the preservation of valuable things, and these considerations do not have to rely on paternalism).

Of course, if we want to understand clearly whether the Hong Kong Government has acted paternalistically in the above case, we should consider the details of its decision as well as people’s general opinion about the preservation of the mansion. Generally speaking, if the majority of citizens expresses their disagreement with a certain case of preservation, and if

⁵ The Conservancy Association, an NGO in Hong Kong, urged the Hong Kong Government to preserve King Yin Lei before the incident that I am going to discuss.

⁶ For more details about the incident, see The Conservancy Association’s report: http://www.conservancy.org.hk/heritage/KYL_E.htm

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

the state overrides the majority's opinion and takes action to preserve the artefact in question, then it may be plausibly argued that the state has shown disrespect for people's abilities of discernment. Nevertheless, in reality, that does not seem to be a troubling problem. The much more troubling problem about preservation is the common dilemma found in cases like the one in Hong Kong above—that is, whether or not the state should intervene and restrict the property rights of the owner of a certain thing that some people want to preserve for its cultural or historical value. Here, we may well accept many neutralists' view that the state should seek to reform its basic structure to achieve a fair distribution of resources. But in saying that, we can—and according to moderate perfectionism, we ought to—at the same time affirm that the state ought to make certain laws and, whenever necessary, take action for cultural preservation in an actual unfair society.

It is worth noting that Quong has not explained plausibly why a resourcist neutralist would think that the state ought to intervene in his monument example. He thinks that even antiperfectionists can agree that the state should stop the developer from buying the monument and turning it into a casino. His reason is that if the developer uses its “unjust bargaining power to purchase something that justice may not entitle him to purchase,” then “the regulation [that prevents the developer from going ahead] might be necessary until the unjust distribution of resources can be corrected.” On inspection, this argument is implausible, because if it was convincing, then it licenses the state to prevent all other cases in which people can use their unjust bargaining power in the market to do their business. Given the fact that any liberal society nowadays is unfair in terms of its distribution of resources, if we follow Quong, there would be a very large number of cases where the state is permitted to intervene to deal with problems of “unjust bargaining power.” Suppose that Quong wants to reject that implication. The problem, however, is that it is hard to formulate a principle by which the state can decide when it may intervene, if its justification is limited to the grounds

of maintaining just bargaining power. If the state, in Quong's own, example should be permitted to stop the developer from destroying the monument, then why should the state not be permitted to do the same in a huge number of cases? And if the state in most cases should not intervene to maintain just bargaining power, then why should it be allowed to intervene in the monument case? It seems very difficult, if not impossible, to come up with a principle by which the state can distinguish between different cases in a non-arbitrary manner.

Since neutralists generally think that the state should not appeal to perfectionist reasons in legislation and policy-making, it is very hard for them to find a convincing argument for the state's intervention to preserve valuable things. Therefore, they probably have to accept the following unsavoury implication of their neutralist position: in some cases, the state should let people destroy things of enormous cultural, historical, or environmental value. To liberal perfectionists, that is unacceptable. Moderate perfectionism holds the view that the state should take measures to preserve things that are enormously valuable.⁷ These measures are particularly important for an actual unfair society, where cultural artefacts and the natural environment are from time to time (or constantly, as some might argue) under the threat of radical change or destruction due to the dominating influence of the capitalist economic model, and the unjust bargaining power that goes hand in hand with that model.⁸

Reminders of harm and coercive paternalism

Reminders of harm refer to state-sponsored measures, such as advertisements and public talks, which are intended to inform people of the harm or the potential harm of activities that can be seriously damaging to people's welfare. For the sake of simplicity, call these activities

⁷ In addition to the case of *King Yin Lei*, the public's protection of the famous Victoria Harbour in Hong Kong from the Hong Kong Government's further plan of reclamation presents an important case of environmental preservation. For a relevant discussion, see: E. Chan and J. Chan (2007).

⁸ There are two important recent works of serious problems with capitalism: Harvey (2015, esp. pp. 91–281) and Piketty (2013, esp. pp. 237–467).

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

harmful activities. In this section, I propose that the state should make or sponsor reminders of harm. I point out that the justification of reminders of harm is based on a special weak form of paternalism, which is convincing and not disrespectful. When reminders of harm are made in a proper way, they should not be rejected on the grounds of respect. They are of great importance whether people live in an actual unfair society or an ideal society where the distribution of resources is fair. In addition, I examine Sarah Conly's recent argument for coercive paternalism. This will help to show that coercive measures that are intended to protect people from harm to self, such as legal prohibition and sales tax, are difficult to justify in most cases. Thus, I suggest that the moderate perfectionist state should be very cautious about the use of those coercive measures. However, I leave open the question whether some directly coercive measures that are also intended to protect individuals from harm to self are justified in some cases.

(a) Reminders of harm

Nowadays, almost all countries endorse various kinds of paternalist measures to deal with harmful activities or potentially harmful activities. Harmful activities refer to those that are harmful to people's physical or mental health. They may include: smoking cigarettes, drinking alcohol, eating dangerous food, recreational drug use, extremely violent sports competitions, and gambling. The paternalist measures dealing with harmful activities may include: legal prohibition, sales tax, and advertisements. These measures are intended to prohibit or discourage people from performing harmful activities, although some of these measures are against some people's will and some people may perform a harmful activity in a knowledgeable and voluntary manner.⁹

⁹ So some of these measures can be considered as hard paternalist measures. See G. Dworkin (2014).

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

Are these paternalist measures justified? We encounter a difficult problem in justifying these measures: Even if all people should care about their health and their lives, they disagree over the value of their health and even the value of their own lives. So, they compare the value of their health or their life with other values, such as the pleasure of using a recreational drug, the thrill of taking part a dangerous sport or gambling, and the potentially creative state of mind caused by drinking, and so on. Given the great differences in people's personalities, habits, and ways of living, it is reasonable to say that people can sensibly rank different values in different ways so that the state has little reason to claim that the value of health or that of life must take priority over other values, such as pleasure. If this is the case, then it seems doubtful whether any paternalist measure is morally justified on the grounds of protecting individuals from harm to self. (Note that our concern here is harm to self, not preventing harm to others—e.g. we consider whether tobacco products should be banned on grounds of protecting smokers from harming themselves, rather than on grounds of protecting non-smokers from second-hand smoke.)¹⁰

The moderate form of perfectionism I propose acknowledges these factual and theoretical difficulties. It holds that the state may appeal to qualified perfectionist judgements, as discussed in Chapter 5. These judgments may include: “health is of great value for most, if not all, people,” “life is of great value, for most, if not all, people,” “hard-drug addiction is seriously harmful to most, if not all, people” and “compulsive gambling is seriously harmful to most, if not all, people.” I here suggest that on the basis of qualified perfectionist judgements, the state may and should make *reminders of harm*. Specifically:

¹⁰ Of course, in reality, when we consider whether a certain product (e.g. tobacco) or activity should be banned on grounds of its harm, we usually should consider both its self-regarding harm as well as its other-regarding harm (de Marneffe 2006, p. 94). For a recent debate of whether drugs including tobacco, alcohol, soft drugs, and hard drugs should be legalised or criminalised, see Husak and de Marneffe (2006). The two authors take account of both kinds of harm in making their arguments.

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

Reminders of harm refer to state measures, such as informational advertisements, public talks, exhibitions, and campaigns, by which the state informs people of the harm or potential harm of harmful activities, such as smoking, drinking, and the recreational use of drugs. Reminders of harm are not intended to discourage people from performing harmful activities or to persuade people not to perform them, although these reminders may have such effects. Rather, these reminders are intended to invite people to think carefully about the harm or the potential harm of certain activities, thereby creating a social environment in which people are well aware of the harm (or the potential harm) of those activities. The state ought to make reminders of harm because of the great importance of people's well-being.

Let us take a closer look at the features of reminders of harm. If we accept the convincing view that a harmful activity is not necessarily undesirable to all people because people can reasonably rank different values in many different ways, then we should agree that it is difficult to justify any state measure that disallows or discourages *all* people from performing a harmful activity. Here, one might ask: that being said, why can't the state appeal to qualified perfectionist judgements and make measures that only disallow or discourage most people, rather than all people, from performing harmful activities? To this question the answer is simple: it is extremely difficult, and in most cases just impossible, for the state to make fine-grained measures that disallow or discourage some people but not others from performing an activity. If the state imposes tobacco tax, then all smokers (except for those who buy tobacco in the black market) have to pay more. If the state bans a dangerous sport, such as big wave surfing, then any person who decides to take part in that sport is under the threat of punishment. In addition, if the state wants to make an advertisement that tells people that using recreational drugs is undesirable, it will be quite hard and indeed quite odd to say clearly that that is just undesirable for most people but not necessarily for all people. By

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

contrast, reminders of harm are different. They are based on qualified perfectionist judgements, which do not point out that any harmful activity is undesirable for all people. These reminders only inform people of the harm of harmful activities. Since these reminders do not disallow or discourage people from performing harmful activities, it seems that they can be addressed to all people, including those who consider a certain harmful activity good for them, without much problem.

But there may be two questions about reminders of harm: First, if they are not intended to discourage people from doing harmful activities, should they be treated as a kind of perfectionist measures? It seems that even liberal neutralists can endorse them. The second question, which may be asked by a different group of people, is quite different from the previous one: shouldn't the state let people, or at least all adults, find out by themselves information about harmful activities, and remind themselves about the harm of these activities if they want? Here, we do not dispute the perfectionist nature of reminders of harm. The problem is that reminders of harm may assume the paternalistic judgement that people cannot manage their lives without the state's assistance. It seems disrespectful for the state to act like a parent to remind people of the harm of those activities.

Let's begin with the first question. Reminders of harm, as I propose, are perfectionist in nature. They focus on the harmful effects of harmful activities, instead of describing every aspect of these activities, such as the great pleasure of drug addiction and the great excitement of gambling, in a neutral manner. Surely, on the grounds of freedom of speech and thought, the state should not restrict the information about the potential benefits of harmful activities, but state-sponsored reminders of harm do not convey them to people. Out of ethical concern for people's well-being, these reminders draw people's attention to the harmful effects of harmful activities. People are invited by the reminders to think carefully whether harmful activities are worth doing. But importantly, on the grounds of respect, I

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

submit that reminders of harm should not distort or exaggerate facts about harmful activities to discourage people from performing them. For example, the state should not convey the idea that smokers necessarily die of smoking-related diseases, because that is simply not true. Similarly, the state has a strong reason to avoid depicting people who perform a harmful activity as foolish, or in some other degrading way, since that is also not necessarily true. In short, I think that the state should avoid conveying any factual claim or any judgement about the good life that is mistaken or seriously misleading, because that is disrespectful for people's rationality and self-esteem.

For these reasons, it is reasonable to claim that many present governments are in different ways and at various degrees disrespectful of people in discouraging or prohibiting them from performing harmful activities, especially in cases such as smoking, drinking, and using recreational drugs. This is because these governments usually appeal to implausible judgements about the good life (e.g. drinking must be morally degrading) and demonise people who perform a harmful activity as foolish, arrogant, selfish, or irresponsible. There is little reason to claim that every person who performs a harmful activity must be vicious or imprudent. People can act in a certain way for many possible reasons. Just like a philanthropist may not be a truly benevolent person, a person who performs a harmful activity may do so in a prudential and autonomous manner, rather than suffering from weakness of will or obvious cognitive errors.

This brings us to the second question: if people are rational and mature enough to decide whether or not to perform harmful activities, why should the state remind people of the harmful effects of these activities? Here, we should distinguish between two charges of paternalism: (1) Reminders of harm assume that without the state's guidance, people cannot make proper decisions about whether harmful activities are desirable for them; and (2) reminders of harm involve a violation of people's autonomy, as people are required to act or

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

not to act in a certain way(s). Consider (2) briefly. Some might argue that the making of the reminders must use tax revenues, and taxation is coercive. So they think that people are forced to pay tax for the reminders to protect their welfare. This charge of paternalism, as we have seen earlier, can be made about any perfectionist policy, since any perfectionist policy uses tax money. I will discuss this charge of paternalism in the next chapter. Suffice here to note that reminders of harm do not force people to act in a particular way, such as refraining from possessing recreational drugs or receiving alcohol rehabilitation. Let's then focus on (1).

As Quong often asks, why is state action needed for protecting or promoting people's welfare? Neutralists might claim that reminders of harm assume the disrespectful and paternalistic judgement that people are not able to make proper decisions without the state's guidance. In response, I should first concede that reminders of harm are needed because the following view is true:

(i) The harm (or potential harm) of any harmful activity about which reminders of harm ought to be made is unknown to or underestimated by some people.

For example, we may say that some smokers underestimate the harm of smoking.¹¹ If (i) was untrue, there would simply be no need to make any reminder of harm. In fact, there seem to be many good reasons for thinking that (i) is convincing,¹² and I suppose that neutralists will not dispute it. We should note that reminders of harm do not have to assume the following view:

¹¹ It may be worth recalling what the famous actor Yul Brunner said in an interview in 1985 before he died of lung cancer in the same year: "Now that I'm gone, I tell you: Don't smoke. . . . If I could take back that smoking, we wouldn't be talking about any cancer. I'm convinced of that."

¹² See, for example, Conly (2012, chaps. 2 and 6) and Goodin (1989, chap. 2) for how many smokers underestimated the harm of smoking.

(ii) Every person should be reminded by the state of the harm or the potential harm of harmful activities.

This view might be somewhat disrespectful to some people, as these people may be well aware of the harm of harmful activities, and so they may reasonably think that it would be paternalistic for the state to remind them about the harm of those activities.¹³ However, reminders of harm can be based on (i) rather than (ii). So, it may well be true that not all people need to be reminded of the harm of harmful activities, but the mere fact that the harm of those activities is unknown or underestimated by some people calls for reminders of harm. To avoid misunderstanding and possible disrespect, the state can make it clear that reminders of harm are important because of (i), not because of (ii).

The problem, then, is whether the view stated in (i) still disrespects people. I will argue that *reminders of harm are based on a special kind of soft paternalism*, which is convincing and not disrespectful. Let me explain as follows.

(1) Soft paternalism underlies reminders of harm:

Soft paternalism is the idea that the only condition under which paternalism is justified is when it is necessary to determine whether the person being interfered with is acting voluntarily and knowledgeably.¹⁴ By contrast, hard paternalism is the view that it may be permissible to prevent a person from acting in a certain way even if this person acts voluntarily and knowledgeably. It is soft paternalism rather than hard paternalism that underlies reminders of harm. These reminders are made to invite people to think carefully

¹³ Some philosophers consider that rational persuasion can lead to a case of paternalism. See, e.g. Tsai (2014). I think that Tsai's argument is by and large convincing. Nevertheless, I will concede that reminders of harm assume a special and moderate form of paternalism, which I think is morally justified.

¹⁴ Joel Feinberg is the first prominent philosopher who distinguished between soft paternalism and hard paternalism. See Feinberg (1986, pp. 12–16). But in the text, I am following Gerald Dworkin's distinction between soft paternalism and hard paternalism. See G. Dworkin (1988, pp. 121–129; 2014).

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

about the harm of harmful activities. These reminders are important mostly because there is a strong moral reason to be concerned about the welfare of those who do not know or underestimate the risks of harmful activities. In making the reminders, the state may well accept that if a person is well aware of the harm of a harmful activity and voluntarily performs this activity, then the state should not interfere with this person insofar as only harm to self is concerned. Thus, the reminders assume soft paternalism but not hard paternalism.

(2) Soft paternalism without a particular target:

Unlike the common practice of soft paternalism, the kind of soft paternalism that underlies reminder of harm does not target any particular person or any particular group of people. The reminders are important because of the fact that *some people* do not know or underestimate the harm of harmful activities.¹⁵ Here, “some people” does not refer to any particular person or any particular group of people. So, even if we should think that a soft paternalist measure by the state must disrespect a person when this measure targets this person, reminders of harm should not be accused of disrespecting any particular person or any particular group of people.

(3) No direct coercion is involved:

Soft paternalism may be enforced through coercive measures. To recall J.S. Mill’s example of the person who is about to walk across a damaged bridge, if we are not able to tell this person the danger of the bridge (since he does not understand our language), then according to soft paternalism, it is justifiable for us to force this person not to cross the bridge, so as to determine whether this person understands the danger. Reminders of harm belong to a non-coercive soft paternalist measure. They do not disrespectfully force any person to act in a

¹⁵ So I think that there is no need for the state to remind people of the harm of committing suicide, because the harm and risks of committing suicide should be clear to all normal adults.

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

particular way to protect him or her from harm to self. (Indeed, the state has to use tax revenues to make reminders of harm and every qualified taxpayer is forced to pay tax. As said, I will explain in the next chapter why the state may use tax revenues to make perfectionist policies.) Here, some might maintain that people may remind themselves about the harm of harmful activities if they truly want to. They think that even if some people do not know or underestimate the risks of harmful activities, that is their own choice and so there is no reason for the state to make any reminder of harm. In response, two additional points should be made:

(4) Social environment and sustained effort:

I argued earlier that it is of great importance for the state to create and maintain ideal social and natural environments supportive of a wide range of perfectionist goods. A similar point can be made about harmful activities: it is of great importance to have a social environment that is well aware of the risks of harmful activities and potentially harmful activities, including smoking, drinking, and recreational use of drugs. Such a social environment is desirable, because it is good for every person to be well aware of the risks of those activities and consider carefully whether they really want to take part in any of them (although, as said, underlying reminders of harm is not necessarily the view that every person should be reminded of the harm of those activities).

This kind of social environment is especially important for people with less education, and children. In many cases, the risks of a harmful activity may not be fully understood by people with less education. For example, if we want to understand clearly the risks of smoking, we should not just accept popular slogans about smoking, such as smoking can kill. We would better know that smoking cigarettes involves 4,000 chemicals, and at least 69 of those

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

chemicals are known to cause cancer.¹⁶ While it is reasonable to think that well educated people should find out that kind of information from a variety of sources, the fact is that many people with less education are not good at accessing and understanding similar information. So, reminders of harm are particularly important for those people. The reminders are important for children for similar reasons. Children should learn to adopt a cautious and prudential attitude towards harmful activities at the early age, lest they would do any harmful activity recklessly or ignorantly. It requires sustained and enormous effort to create and maintain that sort of environment of high awareness. There is good reason for the state to take the responsibility to achieve that goal, because it is resourceful and less vulnerable to lawsuits. This brings us to the next point about advertisements.

(5) Advertisements and respect:

If the state did not take measures to protect people from harm to self, then civil society would almost certainly be under a strong moral pressure to take up that responsibility. In that situation, many citizens and organisations would take action to advertise the harm of harmful activities. We should anticipate that many advertisements to that effect will demonise people who do harmful activities (e.g. smokers), that some facts about harmful activities will be distorted or exaggerated, and that many harmful activities will be described as undesirable or base for *all* people. There would be two problems. First, those advertisements will generate an environment hostile to people who choose to do harmful activities, which can be very disrespectful to them.¹⁷ Second, since those advertisements may contain false or misleading factual claims, people who launch them run the risk of being sued (by tobacco companies, for

¹⁶ For recent important research on the harm of tobacco smoking, see, e.g. IARC (2004), Jha (2009), and Sasco, Secretan, Straif (2004).

¹⁷ J.S. Mill has provided a stimulating discussion on social norms and social pressure can undermine liberties. See Mill (2006, chaps 2–4).

example). As a result, it is likely that in the long run, few people would be willing to put a sustained effort to advertise the risks of harmful activities.

To avoid these problems, the state has good reason to restrict civil society's initiatives to advertise the risks of harmful activities. For example, the state may prohibit individual citizens and organisations to launch advertisements against harmful activities, though they should be allowed to express their opinions about harmful activities through other means. Besides, the state should inform and warn people of the risks of harmful activities in a non-disrespectful way. As I proposed, reminders of harm made by the state should not distort or exaggerate facts about harmful activities, and they should avoid conveying the idea that every person who performs a harmful activity is imprudent or base. In my view, the moderate perfectionist state should avoid creating a social environment hostile to people who choose to do harmful activities. It should do its best to respect people's personal choice about doing harmful activities.¹⁸

(b) Sarah Conly's coercive paternalism

So far, I have discussed the features and merits of reminders of harm. I have argued that the moderate perfectionist state should make reminders of harm, but I left (and will leave) open the question whether coercive paternalist measures, such as legal ban and sales taxes, are justified in some cases. My general position about perfectionist measures, as said, is that the moderate perfectionist state should prefer non-coercive measures (i.e. measures that are not

¹⁸ Some perfectionists might argue that the state should help people to think more clearly about the risks of harmful activities and enable them to make better choices by, in the words of Cass Sustein and Richard Thaler, "private and public choice architects" that "are self-consciously attempting to move people in directions that will make their lives better" (Sustein and Thaler 2008, p. 6). Sustein and Thaler argue that that is to endorse a particular kind of paternalism called "libertarian paternalism." Briefly, this idea is that the state should influence people's options and decision-making in a particular way on grounds of people's welfare without forcing people to act in any particular way. See Sustein and Thaler (2008). For criticisms of this approach, see Mitchell (2005) and Veetil (2011). I shall not discuss libertarian paternalism in my thesis, though I believe that many of the paternalist measures advocated by Thaler and Sustein, whether or not they are genuinely libertarian, are morally justifiable.

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

directly coercive) to coercive measures whenever possible, and that it should take a cautious attitude about the moral justifiability of every coercive perfectionist measure. I now turn to discuss Conly's argument for coercive paternalism. Conly makes a number of interesting points on the justification of paternalistic measures, which are worth examining. If her argument is convincing, then moderate perfectionism may endorse the coercive measures she recommends. However, I will show that her argument is implausible for a number of reasons. This will help to show that many coercive measures intended to protect or promote people's welfare are hard to justify.

In a recent work, Conly argues for coercive paternalism.¹⁹ She proposes that the state should ban cigarettes, unhealthy food that is likely to have lethal effects, the overuse of credit cards, and some other things that are harmful to people in various ways.²⁰ In her view, coercive paternalism by the state is necessary for enabling people to secure their long-term rational goals, while that can hardly, if ever, be achieved by only discouraging people from performing harmful activities through non-coercive measures.²¹ For the sake of discussion, I will focus on her argument for legal ban on cigarettes. Her arguments for other coercive paternalist measures share the same structure as the argument for the ban on cigarettes. Throughout the discussion, I will offer some reasons for thinking that insofar as harmful activities involve only harm to self, the state should not enforce legal ban on harmful activities. These reasons may not amount to a compelling case for the rejection of coercive paternalism. However, they are exactly some of the main reasons why moderate perfectionism, in my view, should not endorse directly coercive measures in most circumstances.

Conly's argument for legal ban on cigarettes can be summarised as follows:

¹⁹ Conly (2012).

²⁰ Conly (2012, p. 33).

²¹ Conly (2012, p. 172).

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

1. People rationally want to secure their long-term goals, such as good health.
2. Smoking is harmful to health and makes people less able or unable to secure other long-term goals of theirs. However, smokers irrationally continue to smoke.²²
3. If the state bans cigarettes, then, in the long run, people will stop the irrational act of smoking. Thus, the state enables them to secure people's long-term goals including good health.
4. Requiring that people "don't buy cigarettes . . . doesn't seem to interfere with the basic life choices rights are intended to protect."²³
5. Hence, banning cigarettes will not disrespect smokers.²⁴ In view of all people's welfare as a whole, it is morally justified for the state to ban cigarettes.²⁵

Two things should be noted. First, as mentioned, Conly thinks that similar arguments can be made to justify legal bans on unhealthy food, the overuse of credit cards, and so on.²⁶ I will not repeat this point below. Second, her argument for hard paternalism is *not* a perfectionist one. In making the argument, she does not appeal to any conception of the good or any perfectionist judgement.²⁷ She only contends that to help people secure their actual long-term goals, such as good health, the state should ban cigarettes. However, my discussion of her

²² Conly (2012, p. 44).

²³ To quote more fully: "Requiring that people save more than they now do, that they don't amass huge debts through avaricious credit schemes, that they don't buy cigarettes, that they don't eat things with likely lethal effects, doesn't seem to interfere with the basic life choices rights are intended to protect, even in those cases where such requirements fail to benefit" (Conly 2012, p. 65).

²⁴ Conly (2012, pp. 32–46).

²⁵ See mainly: Conly (2012, pp. 171, 63–72). She argues: "There is no doubt that those already addicted to smoking will suffer if there are no more cigarettes to smoke. . . . It seems plausible, however, that on the whole the gains of the policy will outweigh the costs for almost all individuals. On the whole, most arguments suggest that we will be better off, as a society, without cigarettes" (Conly, p. 171). In addition: "The fact that some people will be prevented from doing what is in fact good for them—from fulfilling some of their goals—is not in itself a reason to prohibit the legislation that prevents such actions. As with all legislation, we need to measure the costs and the benefits—how many are affected, the degree to which they are affected, the way they are affected. We want to craft the most fine-tuned legislation that is practically possible, so as to minimize the number of people who are harmed by a generally beneficent piece of legislation" (Conly, p. 66).

²⁶ Conly (2012, chap. 6).

²⁷ Conly (2012, chap. 4).

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

coercive paternalism that follows will help to show that coercive perfectionist measures in many cases are undesirable.

Is the above argument for hard paternalism convincing? It is very plausible to say that people rationally want to secure their long-term goals including good health (i.e. 1). However, it is highly implausible for Conly to claim that all smokers are acting irrationally and that requiring that people do not buy cigarettes do not seem to interfere with people's basic life choices (i.e. 2 and 4 are implausible). Why should we think that all smokers are being irrational? Conly talks about smokers in general: "smoking, not surprisingly, seems to involve a number of errors in judgment: people use time discounting to undervalue how much the future matters; anchor the use of an irrelevant starting point to make comparisons, so that they judge that since the first ten cigarettes haven't hurt them then the next ten years' worth won't either; or employ wishful thinking. . . ." ²⁸ This is why Conly thinks that autonomy is often "overvalued," ²⁹ as autonomy, in the case of smokers' irrational decisions and many other cases where people choose to harm themselves, is not valuable enough to offset what they lose (hence, Conly's book is entitled "Against Autonomy"). ³⁰

However, Conly has not made it clear in any place in her book that *all* smokers are irrational, though she often talks about smokers generally. This is deeply problematic. For if some smokers are in fact very rational and prudential in their choice to smoke, then her case for a legal ban on cigarettes, which applies to all smokers without any exception, will be deeply suspect. After all, the state cannot apply a legal ban on cigarettes selectively to irrational adults but not rational adults. If there are some people who rationally choose to smoke, they can reasonably ask: "How could it be justified that you ban cigarettes for my own good even though I am being fully rational to choose to smoke?" Conly admits that

²⁸ Conly (2012, p. 22). See also (pp. 44, 169, 171).

²⁹ Conly (2012, p. 16).

³⁰ Conly (2012, p. 1).

paternalistic measures may prevent some people “from achieving well-thought-out ends.”³¹ I will come back to this point soon. But note that she has *not* made the point that some smokers are rational in their decision to choose to smoke. And I have just said that if there are rational smokers, then her argument will be suspect.

In fact, some recent research point out that it is hard to demonstrate that all long-term smokers are being irrational.³² I think that even without having a serious look at the findings of the research, it is not hard to find that there are different kinds of smokers—there are *not* only the long-term and heavy smokers that Conly’s discussion focuses on most, if not all, of the time. Consider some of sorts of smokers who are cautious about the harm of smoking: (i) people who smoke continuously but only lightly; (ii) people who have decided to quit smoking later, though they are unwilling to stop smoking in the near future; and (iii) people who sometimes smoke heavily but only occasionally. Conly has not considered any of these smokers. Surely, she can maintain that these smokers only account for a small part of all smokers. But the point I am pressing is simply that it is very likely that some smokers are in fact rational in their choice to smoke. She has not explained clearly why coercive paternalism can be justifiably exercised over these rational smokers.

That being said, I concede that if smoking is not an importance choice for *every* smoker, then banning cigarettes may be morally justified. This is because in that case, the costs would seem to be relatively small when compared with the benefit that many smokers’ and many potential smokers’ health will be protected from the harm of smoking. Suppose that there is a coercive environmental measure that bans shops from providing unrecyclable plastic bags to customers, but permits any shop to give *recyclable* plastic bags to customers. Any shop that violates the requirement will be fined. Suppose also that unrecyclable plastic bags and recyclable plastic bags will cost almost the same. In this case, since it is implausible to say

³¹ Conly (2012, p. 64).

³² See Warburton (1992, pp. 262–263).

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

that the choice of unrecyclable plastic bags is especially important for people, it would be unconvincing to argue that coercive environmental measure violates people's autonomy. What about the choice to smoke?

As mentioned, Conly thinks that requiring that people do not buy cigarettes "doesn't seem to interfere with the basic life choices rights are intended to protect" (i.e. 4). However, she gives no proof for why requiring that people do not buy cigarettes (i.e. making people unable to smoke) does not interfere with their basic life choices. To prove that, she should at least show that all smokers she has seen or interviewed think that banning cigarettes does not interfere with their basic life choices. She could hardly succeed to show that. Even if she could, she still would not be able to show that *all* smokers share the same view. Actually, it does not seem hard to realise that for many smokers, smoking *is* one of their basic life choices, and so banning cigarettes will very likely interfere with their basic life choices. For example, the writer and social critic Christopher Hitchens has talked about his predilection for smoking and drinking. He strongly opposed a legal ban and sales tax on cigarettes, alcohol, and even cocaine. The philosopher Bertrand Russell even said that "if I cannot smoke, I shall die," when he was being asked whether he would choose the smoking compartment or the non-smoking compartment of the aeroplane.³³ It is reasonable to claim that many smokers greatly enjoy smoking and treat it as one of their basic life choices. So it is very implausible for Conly or any person to say on behalf of all smokers that they do not consider smoking to be of such fundamental importance to their lives.

What follows if 2 and 4 in her argument for legal ban on cigarettes are implausible? The two premises are key premises in that argument. If they cannot stand, then her argument is unsound. Let me explain more clearly. First, Conly has said a lot about the irrationality of the choice of smoking. That is a key idea in her argument that the state will not disrespect

³³ Russell (1968, p. 21).

smokers' autonomy and rational agency capacity by banning cigarettes.³⁴ And she has not suggested that even if a person is being fully rational in the choice to smoke, the state can ban cigarettes without disrespecting that person. Therefore, if some smokers are indeed rational (I have argued that that is very likely to be true), then her main claim that legal ban on cigarettes does not disrespect people's autonomy is simply implausible.

In addition, the implausibility of that main claim helps to explain why it is implausible for her to justify coercive paternalism by appealing to all people's welfare. She argues: "The fact that some people will be prevented from doing what is in fact good for them – from fulfilling some of their goals – is not in itself a reason to prohibit the legislation that prevents such actions. As with all legislation, we need to measure the costs and the benefits We want to craft the most fine-tuned legislation that is practically possible, so as to minimize the number of people who are harmed by a generally beneficent piece of legislation."³⁵ However, I have argued that, firstly, it is very likely that some smokers are rational in their choice of smoking, and that, secondly, smoking is a basic life choice for many smokers. These two points imply that if the state bans cigarettes, it will very likely violate some smokers' autonomy in a serious way.

Conly's appeal to the cost-and-benefit approach as well as people's overall welfare only appears to be convincing when no serious moral cost is involved—say, because all smokers are being highly irrational in their choice of smoking, or because smoking is just a trivial matter for all people. But what is at stake about a legal ban on cigarettes is a weighty moral cost. Conly has not proposed anything that helps us understand how that weighty moral cost can be outweighed by the benefit of the legal ban. Surely, she might simply appeal to some unrestricted version of utilitarianism, which concerns exclusively on maximizing the utility of all parties concerned and ignores individual persons' basic rights and their autonomous

³⁴ Conly (2012, pp. 32–46).

³⁵ Conly (2012, p. 66).

choice. However, she has not proposed any form of utilitarianism, let alone any unrestricted version of it.

Should we, then, say that all coercive paternalist measures are morally unjustified? If what is in question is *not* about any person's important decision in life, then coercive paternalist measures may be justified. As mentioned, if all shops are required by the state to use recyclable plastic bags instead of the unrecyclable ones and the two kinds of bags cost the same, it would seem very implausible to maintain that such a measure violates people's autonomy, since the choice of plastic bags in this case does not seem to involve any person's important decision in life. Perhaps similar arguments can be made to defend seatbelt laws and helmet laws—it can be argued that driving with or without a helmet should not be concerned with any person's important decision in life. I will not go into this debate here. Let me instead offer some considerations on the justifiability of coercive paternalist measures as follows.

- (i) *Whether important decisions in life are involved*: If my discussion of Conly's argument is by and large convincing, then, in considering the justifiability of a coercive paternalist measure (a legal ban, a sales tax, etc.), we should consider whether the choice of doing harmful activity in question may sensibly be considered by some people as an important decision in life. As I said, Conly has not shown that the choice to smoke *is not* a case of a person's important decision in life. On the other hand, it is very reasonable to say that smoking is some people's basic life choice. When some people's basic life choice is involved, coercive paternalist measures require a compelling argument to justify. One compelling argument is that the harm to self at issue is enormous, and *all* people who perform the harmful activity in question are irrational or it is very likely that they are irrational. But in most cases, it is hard to show that that is true.

(ii) *Respect for persons and qualified judgements*: There is a difficult problem of respect for persons when considering whether a coercive paternalist measure is justified. The state should consider carefully whether people who choose to perform the harmful activity in question must be irrational. Given the many differences in people's characters, interests, and tastes, it is often difficult to show that all people must be irrational in choosing to perform the activity in question. So I think that the state should always appeal to qualified judgements about the good life or qualified judgements about people's rationality when it seeks to justify any kind of paternalist measures. That is, the state should appeal to judgements like these: "long-term smoking is irrational and undesirable for most people, because it seriously undermines most people's life goals, which they themselves endorse" (this is a qualified judgement about people's rationality) and "hard-drug addiction is seriously harmful to most, if not all, people" (this is a qualified judgement about the good life). I think that many such qualified judgements are convincing. The state would not fail to respect people as rational autonomous agents by appealing to qualified judgements as these judgements are convincing.

(iii) *Qualified judgements and coercive measures*: Can qualified judgements justify coercive paternalist measures? The main problem is that these measures usually apply to all people rather than to some people in a selective way. So, although the state can admit that smoking is undesirable for some people but not all people, it simply cannot enforce a legal ban on cigarettes or tobacco tax in the way that ensures that these measures only apply to those for whom smoking is undesirable. Then, some might ask: can qualified judgements justify coercive paternalist measures that apply to people in an indiscriminating manner? The answer, I think, is that in many cases qualified judgements cannot justify those measures, insofar as only harm to self and adults are

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

concerned. This is because in many cases (we can think about smoking, drinking, and recreational drug use), it is implausible to say that *all* people who decide to perform a harmful activity do not consider their choice as an important one in their life. Moreover, in many cases, it is implausible to say that *all* people who decide to perform a harmful activity do not do it voluntarily and knowledgably. Surely, if the coercive measure in question is a very moderate one (say, a small tax on tobacco, which only imposes a small cost on smokers), then the bar of justification will be significantly lower. But such measures are generally ineffective, and unlike reminders of harm (which take the form of advertisements, public talks, etc.), those coercive measures do not explain to the public the risks of harmful activities.

In summary, due to people's different characters, tastes, habits, ways of living, and numerous possible reasons behind their decision, coercive perfectionist measures are difficult to justify in most cases. Conly's argument for coercive paternalism is unconvincing, mostly because she has underestimated great differences between individual persons. I have also argued that the state should make reminders of harm; out of the important concern of well-being, the state ought to remind people of the risks of harmful activities including smoking and recreational drug use. These reminders assume a particular kind of soft paternalism, which, as argued, is morally justified and not necessarily disrespectful. My arguments in this section do not appeal to the idea that personal autonomy is a sovereign right, which political authorities must not violate for promoting welfare.³⁶ I leave open the question whether some coercive perfectionist measures may be justified occasionally. The main purpose of this section is to demonstrate that mainly because of important differences between individual persons,

³⁶ Feinberg has argued that personal autonomy is a sovereign right (Feinberg 1986, pp. 47–51, 52–97). He even draws an analogy between national sovereignty and personal sovereignty to explicate the inviolability of personal autonomy (Feinberg 1986, pp. 52–57). For a recent criticism of Feinberg's argument, see Arneson (2005).

moderate perfectionism should endorse non-coercive measures rather than coercive measures whenever possible.

Scientific research about well-being

In addition, I submit that the moderate perfectionist state should sponsor scientific research about people's well-being. At first sight, it seems that neutralists would not dispute that the state should support research of that kind. They might argue that there may well be non-perfectionist reasons, such as economic benefits and education for citizens, for supporting different kinds of research, and scientific research about well-being are just one kind of research that ought to be supported by the state. However, I will argue that the state ought to support these kinds of scientific research on the grounds of their importance for people's well-being. If my argument that follows is convincing, then the state should not only support those kinds of scientific research. It also has good reason to sponsor scientists and other people to popularise scientific findings about well-being and happiness. I believe that this idea is worthy of attention from perfectionists.

There are two kinds of scientific research that are relevant to my discussion:

- a. Scientific research about well-being. Research topics may include: How should we understand psychology of well-being? Can we measure well-being in a meaningful way? What are relations between health and happiness?
- b. Scientific research about the relations of people's well-being and their environment. Research topics may include: How do the social environment and physical environment affect people's well-being? Can urban planning promote people's well-

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

being? Are certain facilities, such as casinos, good for tourists but bad for local people's well-being?

These two kinds of research are interrelated: they rely on each other in various ways, and the findings of each kind of research can benefit the other kind. Apparently, scientific research about the relations of people's well-being and their environment (i.e. b) can provide a lot of opportunities for the state to improve a wide range of perfectionist policies, including all three kinds of policies we have discussed, namely, creating and maintaining an ideal environment in which different perfectionist goods can flourish, preserving valuable things, and making reminders of harm. A recent impressive example is the book, titled *Well-being for Public Policy*, written by Ed Diener, Richard Lucas, Ulrich Schimmack, and John Helliwell (2009). These scholars have sought to understand how research on well-being may help policy makers and individual citizens to make better decisions about social issues and personal problems. Examples of giving well-being a central place in policy-making are given in four areas. They are: health, the environment, work and the economy, and social life. In my view, any contemporary government can learn from this book to improve its policy-making.

In addition, I believe that people can learn from scientific research about well-being (i.e. a). People generally take happiness and unhappiness seriously, in the sense that they want to pursue happiness and avoid unhappiness in their own ways. So, it is reasonable to say that for most, if not all people, happiness is a basic element of well-being. Of course, there is no single recipe of happiness for all people. But we should not lose sight of the fact that many scientists, including psychologists and neurobiologists, have been researching about happiness and well-being, and their research can contribute to people understanding of these important topics, so that people can be provided with more opportunities to live better. One

might ask: why do we think that we can learn from scientists? I think that philosophers can reasonably worry that many philosophical arguments about happiness and well-being are not only highly controversial, but inconclusive. However, many scientists' findings on human psychology and physiology are quite solid, and it would not be exaggerating to talk about scientific progress of research on happiness and well-being. Just to give one example, Daniel Kahneman's recent work *Thinking, Fast and Slow* (2011), which centres on cognitive biases and the psychology of well-being, is an important contribution to our understanding of well-being.³⁷ In my view, it would not be exaggerating to say that any person who has studied this book has learnt something important about how to live better.³⁸

Some neutralists, such as Quong, might ask: if the state supports research about well-being and sponsor people to popularise such research for the reason that it can improve people's lives, wouldn't the state appeal to the paternalistic and disrespectful assumption that people cannot manage their lives without assistance? Again, the problem is not that people cannot manage their lives without help, but that the research can provide valuable opportunities for flourishing, by informing people with scientific findings on well-being and by improving other moderate perfectionist policies. After all, we are not infallible: our views and decisions about how to live can be improved through experiences and learning from science. Any person who is by and large competent to pursue his own conception of the good may nevertheless hold some mistaken views about well-being and about his own psychology. Quite a few scientists have pointed out that people who have good relationships with their

³⁷ Kahneman (2011).

³⁸ Many recent scientific research findings can help us understand well-being, happiness, and our emotional life. To name just a few: Diener, Kahneman, Helliwell (2010), Ekman (2007, 2013), Gilbert (2007), and Yalom (2011, 2012). In the recent decade, many psychologists and psychiatrists have become interested in what has been called positive psychology. This branch of psychology gives human happiness and strengths a central place in personal growth, whereby exploring a wide range of issues including the nature of the good life and clinical treatment of mental illnesses. See Seligman and Csikszentmihalyi (2000), Carr (2004), and Lopez and Synder (2011). My argument in this section is not based on the plausibility of positive psychology; I am only arguing that for most, if not all, people, happiness and well-being are very important matters, and that the state has good reason to sponsor the relevant kinds of scientific research because they can contribute to people's understanding of happiness and well-being as well as provide them opportunities to lead better lives.

friends and family are more likely to lead a satisfactory life, and that sport can increase one's happiness. However, many people (especially those who are less well educated) have not had access to these findings. They may have ignored the potential value of human relationships and sports for their lives. It would be good for the state to help popularise scientific findings on well-being, so that the public will know more about them and improve their views about how to live.

Therefore, the perfectionist state has good reason to support scientific research about well-being and to sponsor people to make the relevant scientific findings more accessible to non-experts. Liberal perfectionists generally are not very concerned about the contribution of scientific research about well-being in their philosophical work. This may not be surprising, because they are generally more interested in philosophical arguments than scientific findings. However, I think that the state should give a sustained support for scientific research about well-being, since such research can provide people with valuable opportunities to improve their views and decisions about how they want to live. Besides, the research findings are of vast importance for the state to pursue ideal social and natural environments for people to flourish (e.g. the research can help the state to improve its urban planning and welfare services). As we live in a non-ideal and unfair society, and the realization of an ideal state of affairs is still unforeseeable, we should not lose sight of the contribution of the research about well-being to the state's policy-making.

Conclusion and remarks

Some neutralists think that there is no need for the state to make perfectionist policies, because these policies would be unnecessary when a fair distribution of resources is realised. I have argued that this anti-perfectionist argument is implausible. For what we should anticipate is the continued dominance of capitalism and governments' reluctance to make

fundamental changes to societies' basic structure. Thus, a full realisation of a fair distribution of resources is not foreseeable. In this and the previous chapter, I propose that for any actual liberal society, there are four kinds of moderate perfectionist policies that are of great importance for people's well-being. To recall, the four kinds of policies are: (1) policies for creating and maintaining an ideal environment supportive of diverse perfectionist goods; (2) cultural and environmental preservation; (3) reminders of harm; and (4) state support for scientific research about well-being. In concluding, let me make the following remarks, which might serve to fortify the moderate version of perfectionism I propose.

I. *Moderate perfectionism may not replace any plausible theory of justice*: In proposing moderate perfectionism, I do not suggest that it can replace any theory of justice, such as Rawls's justice as fairness or Dworkin's equality of resources. It is certainly important for governments to seek to realise social justice. A key point that I have been pressing is that we should not regard perfectionism as unimportant on the grounds that the state should only pursue a full realisation of justice. Such an ideal can hardly, if ever, be realised, and to spend every resource on pursuing that ideal is both unrealistic and unwise. Besides, if we focus exclusively on what an ideally fair society should be like, we would not be able to understand the importance and potential contribution of perfectionist policies.

II. *Flexible perfectionist policy-making*: The state, of course, can take account of different perfectionist considerations in every single case of policy-making. For example, when the state is considering whether or not to grant a licence for running a large casino (as the Macao Government often has to consider³⁹), it should take account of various perfectionist considerations. They may include the impact of the gambling businesses on social order

³⁹ For discussions of the social costs of the gambling businesses in Macao, see DKC Fong, HN Fong, Li (2011) and Sheng and Tsui (2009).

and people's choice of occupations, as well as the potential serious harm of gambling to people's welfare. In fact, very often, the state should draw on various perfectionist considerations in every single case of policy-making (here, we can think about urban planning and environmental protection).

III. *Interrelations and mutual reinforcement*: Most perfectionist policies are interrelated, as they support each other in many possible ways, though, for the sake of simplicity, I have discussed the four types of perfectionist policies separately. Consider scientific research about well-being and other perfectionist policies. Much research about the relationship between people's well-being and their living environment can inform and improve urban planning. On the other hand, some research about well-being are important for the state's making of reminders of harm, since studies about the connection between health (physical and mental health) and harmful activities are obviously useful for making relevant policies. In addition, I argued that people can learn a good deal about well-being and happiness from scientific research. But if people generally ignore or misunderstand science, it is unlikely that people can learn from that kind of research. So, there is a good reason for the state to put a sustained effort to promote people's understanding of and respect for scientific knowledge. Furthermore, perfectionist policies (1) and (2) are obviously interrelated: to create and maintain ideal social and natural environments supportive of diverse goods and values, the state should take measures for cultural and environmental preservation. Our discussion here can go on and on, but I think I have explained how many perfectionist policies support each other.

So, we may say that there is an interesting phenomenon about perfectionist policies, which might be called *the mutual reinforcement effect*: Many perfectionist policies are not just important in their own right, but also important for supporting other perfectionist

Chapter 7: Moderate Perfectionism for a Non-ideal Society (II)

policies. Since many perfectionist policies support each other, the importance of each of them cannot be judged accurately one by one. As a result, the case for perfectionism may be stronger than what many people, perhaps even including some perfectionists, have considered it to be.

Chapters 6 and 7 together show that any person concerned with the neutrality-perfectionism debate ought to pay more attention to the social reality of the non-ideal, real world. And to have a better grasp of the contribution of liberal perfectionism and its potential, we should be sensitive to various aspects of an actual unfair society and appreciate the pluralistic and flexible character of perfectionist policy-making.

Chapter 8

Legitimacy, Fairness, and Moderate Perfectionism

Many liberal neutralists believe that state perfectionism is paternalistic and unfair. For that reason, they think perfectionism cannot be genuinely liberal and respectful to people. More clearly, neutralists have made two anti-perfectionist arguments:

- (1) State perfectionism is paternalistic: On the one hand, the perfectionist state is like a parent deciding what citizens need and treat citizens like children. On the other hand, the perfectionist state needs money to operate, so it forces citizens to pay tax for the reason that it will take care of them. Citizens are treated as if they do not know what is good for them.
- (2) State perfectionism is unfair: People hold different conceptions of the good, but the perfectionist state favours some people more than others, especially those who have mainstream interests in society.¹

In previous chapters, I have given some reasons for why these criticisms are not entirely convincing. This chapter will explain further why moderate perfectionism should not be rejected by the above two criticisms. Let's begin with the criticism that perfectionism appeals to a paternalistic view of political authority, which is the idea that the state has the moral right to force citizens to act in certain ways (including paying more tax) on the grounds of helping them to lead a better life.

¹ Among others, critics of perfectionism, Ronald Dworkin, Thaddeus Metz, Alan Patten, and Jeremy Waldron have argued that perfectionism is unfair. See R. Dworkin (2002, pp. 11–64; 2013, pp. 354–356), Metz (2001, p. 426), Patten (2012, esp. pp. 261–272), and Waldron (1989, p. 1148).

Legitimacy and the expert/boss fallacy

State perfectionism has always been accused of being paternalistic. As we discussed in Chapter 7, Jonathan Quong and Jeremy Waldron think that perfectionism is based on the disrespectful assumption that people are not competent enough to pursue the good life. In response, I argued that moderate perfectionism does not rest on such an assumption. I also argued that moderate perfectionism does not use directly coercive measures, such as legal prohibition, to promote good life. However, my critics may remain unconvinced. They may think that all perfectionist policies—moderate or not—need tax money to be made, and taxation is coercive. So, should we not conclude that moderate perfectionism is paternalistic because it forces people to pay tax for perfectionist policies, which are intended to take care of their welfare? It seems that moderate perfectionism cannot avoid coercive paternalism, since it forces people to act in a certain way (i.e. paying tax) on the grounds that their welfare will be promoted. Surely, this kind of hard paternalism differs from general cases of it, such as legal prohibition of tobacco, since moderate perfectionism aims to promote different valuable ways of life. Yet, the critics argue, hard paternalism is not moderate at all.

This poses a serious challenge to moderate perfectionism.² Note that the problem here is not whether or not the state may legitimately make perfectionist policies to improve people's lives; rather, the problem is whether the state may require people to pay tax for perfectionist policies, i.e. do citizens have political obligations to support perfectionist policies?³ Now, even if moderate perfectionism is good for all people and so they have a very strong

² Moderate perfectionists Joseph Chan and Simon Caney have not considered this challenge adequately. See Chan (2000; 2014) and Caney (1991; 1995; 1996). Surely, they might have endorsed Raz's service conception of authority and thus believe that the state may force every citizen to pay tax on grounds of his or her welfare. See Raz (1989, pp. 23–109, 417–418). I will discuss Raz's service conception below and argue that moderate perfectionism does not rely on it.

³ Many philosophers have pointed out that even if the state may legitimately make a certain policy, this does not imply that citizens are under political obligation to support a particular state to make that policy. For relevant discussions, see, e.g. Applbaum (2010) and Edmundson (1998).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

prudential reason to pay tax for it, there is, as Quong points out, a conceptual gap between what you ought to do for your well-being and what rights the state has over you. Quong considers this as the major problem with many popular arguments for perfectionism, including Raz's argument, which is based on his service conception of authority. At the heart of the service conception of authority is this claim:

“[T]he normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him . . . if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly.”⁴

Raz thinks that the above claim applies to reasons for action in general, including perfectionist reasons.⁵ In Quong's view⁶, Raz's theory of authority indicates that if people are more likely to comply with the perfectionist reasons that apply to them (i.e. if they are likely to live better) by accepting certain perfectionist directives enacted by the state as authoritatively binding and try to follow them, rather than by trying to follow the perfectionist reasons which apply to him directly, then the state has legitimate authority to require people to follow those directives. However, Quong considers that such an argument fails to “explain why the brute fact that I have reason to do something should affect what rights you have with regard to me.”⁷ He argues that “we sometimes possess the right to make decisions over certain domains even when, all things considered (including considering

⁴ Raz (1986, p. 53).

⁵ Raz (1989, pp. 1230–1232).

⁶ As I am going to explain, the following interpretation of Raz's service conception of authority, which has been endorsed by Quong, is not entirely correct. I am grateful to Steven Wall for pointing out the problem for me.

⁷ Quong (2011, p. 115).

autonomy), we would do better to follow someone else's directions."⁸ Moreover, "to believe that expertise translates into legitimate practical authority is to be guilty of what David Estlund calls the expert/boss fallacy."⁹

Quong thinks that his duty-based conception of authority is not vulnerable to the expert/boss fallacy. In brief, this conception states that people should fulfill duties of justice whether the state requires them to do so or not. If people can better fulfill these duties by following certain directives issued by the state than by not following them, then the state has the right to require people to follow them. Indeed, duties of justice and perfectionist reasons are both reasons for action. However, Quong points out that in requiring people to fulfill duties of justice the state is not acting like a parent to force them to do what is good for their well-being. This is because people are obligated to fulfill duties of justice even if it cannot enhance their well-being. On the other hand, Raz's service conception requires people to act in a certain way if that can improve their welfare.¹⁰ I will return to discuss Quong's duty-based conception of authority later. For now, let us focus on Quong's criticism of perfectionism.

We should note that Quong's criticism of the service conception of authority is important in his overall critique of perfectionism. In fact, it is his main reason for thinking that perfectionist theories in general—not merely Raz's perfectionism—do not have a convincing account of legitimate authority to issue and enforce perfectionist policies.¹¹ More clearly, his criticism that perfectionism lacks a convincing account of authority has two parts:

⁸ Quong (2011, p. 118).

⁹ Quong (2011, p. 118). For Estlund's discussion of the fallacy, see Estlund (2008, pp. 3, 22–23). Some philosophers have made a similar criticism of Raz's service conception of authority. See, e.g. Hershovitz (2003), Himma (2007), and Green (1989, pp. 810–811).

¹⁰ Quong in passing rejects the idea that a person owes certain duties to himself or herself. See Quong (2011, pp. 116–117).

¹¹ See Quong (2011, pp. 108, 136).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

- (1) The expert/boss fallacy: As we have seen, Quong thinks that Raz's service conception and similar models of authority that concern what people have most reason to do for their well-being cannot provide the right account of political legitimacy. It is because these models commit the expert/boss fallacy, i.e. the fact that the state has the expertise to promote your well-being does not show that it has the moral right to force you to act in a certain way that promotes your well-being.
- (2) The perfectionist conception of justice is untenable: Quong thinks that if the legitimacy of perfectionism is not based on the reasons-for-action model of authority like Raz's, then it may be based on the perfectionist conception of justice. It can be argued that since each citizen is under some perfectionist duties of justice to enable other citizens to live well, the state should coordinate citizens' actions through enforcing perfectionist directives.¹² Quong believes that there are several reasons to reject the perfectionist conception of justice. These reasons include various considerations of personal responsibility and the problem of expensive tastes.¹³

I will not dispute (2), mostly because my version of perfectionism does not intend to propose a perfectionist theory of justice.¹⁴ As for (1), I will point out that Quong's criticism of the expert/boss fallacy is based on a misunderstanding of Raz's conception of authority. Moreover, it is not convincing for Quong to claim that many perfectionists commit the expert/boss fallacy as they base their theories on a paternalistic account of authority. Then, I will show that moderate perfectionism need not rely on Raz's service conception.

¹² See, for example, Raz (1986, pp. 193–216; 1994, pp. 1–59) and Arneson (2000a, 2000b, 2005, 2010a, 2010b, 2013).

¹³ Quong (2011, pp. 120–126).

¹⁴ As has been seen in Chapter 6 and Chapter 7, my version of moderate perfectionism does not intend to provide a theory of perfectionist justice, though I think that it is by and large compatible with the mainstream conceptions of perfectionist justice in recent decades, such as Raz's conception and Arneson's conception.

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

First, consider Quong's criticism that Raz has committed the expert/boss fallacy. Surely, there is a conceptual difference between (a) you ought to act in a certain way so you will live better and (b) the state has the moral right to require you to act in that way. And one would commit the expert/boss fallacy if he claims that (a) alone implies (b). However, Raz's conception of authority does not have such implication. As we have seen, in Raz's view, "the normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with *reasons which apply to him*."¹⁵ Of course, reasons that apply to a person may include those perfectionist reasons concerning what this person should do to lead a better life. However, *this kind of perfectionist reasons do not exhaust all kinds of reasons that apply to a person* (e.g. there may be reasons that require every person to help each other to lead a better life; these reasons are not about what a person should do to advance her own welfare). So, Quong misrepresents Raz's service conception when he claims that to Raz, the state has legitimate authority over a person with regard a certain action as long as the state can help this person to advance her welfare by requiring her to act in a certain way.

Indeed, to Raz, every person has moral reasons to advance the well-being of other people.¹⁶ These reasons, obviously, are not about what a person should do to make his or her own life better. To Raz, these moral reasons, among other reasons, apply to every person, and so every citizen of a certain political community may have the obligation to support certain perfectionist policies for the advancement of the well-being of all citizens (e.g. they may have the obligation to pay tax for making these perfectionist policies).¹⁷ The service conception

¹⁵ Raz (1986, p. 53; my emphasis).

¹⁶ See Raz's discussion of duties of well-being in his work (1994, pp. 3–28).

¹⁷ Ibid.

can justify perfectionism in the above way¹⁸, though I will not pursue this justification because my version of perfectionism, as I will explain, is not based on the service conception.

There is another problem with Quong's claim that perfectionists, notably Raz, commit the expert/boss fallacy as they base their theories of perfectionism on a paternalistic conception of authority. To recall, Quong points out that there is a conceptual difference between (a) you ought to act in a certain way so you will live better and (b) the state has the moral right to require you to act in that way. And Quong argues that one would commit the expert/boss fallacy if he thinks that (a) alone implies (b). Nevertheless, perfectionists can maintain that (b) is true and seek to bridge the conceptual gap between (a) and (b). A rather natural way to bridge the gap goes something like the following: the state has the right to force people to act in a certain way (e.g. requiring them to pay tax for perfectionist policies) because the state is in a good position to improve their well-being *and because hard paternalism is justified in some cases like this* (even if hard paternalism is in many cases unjustified).¹⁹ I am inclined to think that a convincing argument for perfectionism can be made along those lines²⁰, but I will not consider them here, because in my view, as I will show, moderate perfectionism does not have to rely on hard paternalism. Here, I want to point out the following problem: Quong has *not* rejected hard paternalism and has *not* shown that perfectionism cannot be justified by hard paternalism. Thus, his criticism that perfectionism commits the expert/boss fallacy is in fact quite weak. Let me explain more clearly.

¹⁸ To Raz, this justification for perfectionism follows naturally from his conception of authority, so he has talked about "the naturalness of perfectionism." See Raz (1989, p. 1230).

¹⁹ For a relevant argument, see Arneson (2005).

²⁰ One might argue that people owe themselves duties to act in accordance with sound practical reasons, and so the state may, in some cases, legitimately require people to follow perfectionist directives to that end. In fact, Raz has argued that people have certain duties to themselves. See Raz (1994, pp. 31–42). But I shall not appeal to this line of argument in my defense of moderate perfectionism.

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

Quong contends that perfectionism is based on the paternalistic assumption that people are not fully competent to lead a good life without the state's assistance.²¹ Importantly, he concedes that this paternalistic charge, even if convincing, shows only that perfectionism is "presumptively wrong."²² This is because perfectionists can argue that "the benefits of living in a perfectionist state simply outweigh whatever wrongness there may be in treating citizens paternalistically."²³ Yet, he points out that even if that is true in some cases, "the liberal perfectionist state will nevertheless lack political legitimacy."²⁴ He thinks that that gives us a sufficient reason to reject perfectionism.²⁵ Note that, as said, one of his main reasons for thinking that perfectionism lacks legitimacy is that many perfectionist theories, most notably Raz's theory, commits the expert/boss fallacy.²⁶ However, as I pointed out, any perfectionist who holds the service conception of authority or alike need not commit that fallacy, as they can argue that hard paternalism is justified in some cases, and the state may require people to act in a certain way (such as paying tax for perfectionist policies) so their welfare will be promoted. Obviously, Quong has not ruled out such an argument. He cannot claim that since paternalism is always wrong, there can be no way to rebut the expert/boss fallacy. This is so because he has conceded (in Chapter 7) that paternalism may be morally justified in some cases. So, his criticism that perfectionism lacks legitimacy is probably much weaker than he thinks.

Indeed, I have not shown that moderate perfectionism is free from the hard-paternalism charge. As said, critics of moderate perfectionism can argue that it needs tax money to be practiced and taxation is coercive, and so moderate perfectionism cannot avoid hard

²¹ Quong (2011, chap. 3).

²² Quong (2011, pp. 74, 84, 86, 100, 101–105).

²³ Quong (2011, p. 108).

²⁴ Quong (2011, p. 108; italics removed).

²⁵ Quong (2011, p. 136).

²⁶ About half of Quong's chapter on political authority and perfectionism (i.e. about half of Quong (2011, chap. 4)) is intended to show that perfectionist theories usually commit the expert/boss fallacy.

paternalism. On the contrary, I find that moderate perfectionism does not have to rely on hard paternalism. I hold two views:

- (1) Concern for other citizens' well-being: Every citizen has a strong moral reason to support using the tax revenue for pursuing moderate perfectionism because moderate perfectionism is of great importance for *other citizens' well-being* (they include children and future people). So, every citizen has a strong moral reason to support moderate perfectionism even if he (or she) thinks that the state should not force him to support anything that promotes *his own well-being*.
- (2) Pursuing moderate perfectionism through fair procedures: If all citizens are under the natural duty of justice to support and further just institutions (as John Rawls, Quong, Waldron, and many other neutralists think), then they should pay tax to support the creation and maintenance of fair procedures for decision-making. These fair procedures can make moderate perfectionist policies.

These two ideas do not rely on the service conception of authority, nor do they propose any perfectionist conception of justice.²⁷ And, to my knowledge, they have not been pursued by any perfectionist philosopher. Let me begin with the first idea.²⁸

²⁷ I do not deny that Raz's service conception of authority and some conception(s) of perfectionist justice may be justified. But I will not try to defend them.

²⁸ However, I will not consider whether those political procedures that are widely considered by people in contemporary liberal societies as *fair* political procedures (e.g. democratic procedures) may be less important, if not totally unimportant, for some societies that are not contemporary liberal societies. For example, democratic procedures were not, and possibly still have not been, regarded as important by many people in Bhutan, especially before the King Jigme Khesar Namgyal Wangchuck introduced democratic reforms from 2007 onwards. I will not discuss cases like this. I want to focus exclusively on the importance of fair political procedures for contemporary liberal societies. In my view, it is plausible to say that people who belong to different political traditions can have reasonable yet conflicting understandings of the notion of a fair political procedure. For a recent discussion of how political traditions may make the demands of political morality more definite for political societies, see Wall (2015).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

Moderate perfectionism is a complex political principle. As argued, it is based on a variety of moral considerations about disabilities, social injustice, suffering, happiness, meaning of life, and so on. The primary goal of moderate perfectionism is to enable every citizen to live better than they would do without it in the long term. So, moderate perfectionism is not based on the paternalistic view towards every taxpayer that “you should sponsor perfectionism because it is a good deal for you.” Rather, the use of tax money for moderate perfectionism is based on the idea that every citizen should be concerned about the great importance of moderate perfectionism for all citizens’ welfare (or for other citizens’ welfare, as some citizens may think that they do not want perfectionism taking care of them). Consider how moderate perfectionism is important for citizens’ well-being in a liberal capitalist society, such as Hong Kong and New York, where the distribution of wealth and resources is seriously unfair (as most liberal egalitarians would agree). When the state uses the tax revenue to enact moderate perfectionism, it means that all citizens are expected to accept several things.²⁹ In brief:

- (a) Citizens should understand that even if perfectionism is not needed for an ideally just society, their society in fact is far from ideally just. Moderate perfectionist policies are of great importance for citizens’ well-being in a non-ideal and unfair society. These policies create and maintain a social environment supportive of a diversity of goods and values, remedy or alleviate problems resulted from an unfair distribution of resources, and preserve valuable things, such as cultural artefacts and natural environment. They are especially important for a society whose development is constantly subject to the enormous influence of market economy (i.e. the enormous influence of the richest people).

²⁹ For my discussion of them, see Chapter 6 and Chapter 7.

- (b) People do not have perfect knowledge about matters of the good life, including medical knowledge, human psychology, human physiology, and how their living environment affects their well-being. This is so even if most people (excluding disabled people) are highly competent to pursue their conception of the good. So, research about well-being informs people of the risks of certain activities are of great value for citizens' welfare. The moderate perfectionist state sponsors this kind of research and remind people of the risks of harmful activities, thereby providing more valuable opportunities to people to lead a good life.

For these reasons, moderate perfectionism is of great importance for citizens. Even if the state should not use your tax money to support moderate perfectionism on the grounds that it is important for *your* well-being and that it is a good deal for *you*, the state has good reason to do so because it provides a lot of valuable opportunities to citizens to live better. However, in quite a few places, Quong's discussion of political authority trivialises the importance of perfectionism. He argues that perfectionists often commit the expert/boss fallacy in a similar way as a tour company paternalistically forces you to pay for its services as these services are good for you. This analogy, though effective to indicate the conceptual gap between expertise and authority, should not be taken as a serious challenge to perfectionism. This is because perfectionism is *not* concerned about such a minor and personal thing as your desire to join a tour. Moderate perfectionism, as argued, aims to provide every person a wide range of valuable opportunities to lead a good life.

Natural duty of justice, fair procedures, and perfectionism

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

In what follows, I will argue that *if* there is a natural duty of justice to support and further just institutions, then citizens should also support the creation and maintenance of fair procedures for decision-making, and these procedures can make many different policies including moderate perfectionist policies.

Let us begin with this question: is it morally justified for the state to coerce people to pay tax for pursuing social justice? Rawls, Quong, and many other philosophers think that the answer is affirmative, though people hold different conceptions of social justice. To Rawls, the natural duty of justice

“requires us to support and to comply with just institutions that exist and apply to us. It also constrains us to further just arrangements not yet established, at least when this can be done without too much cost to ourselves.”³⁰

Quong and Waldron endorse the natural duty of justice as Rawls understands it.³¹ Yet, construed in that way, the natural duty of justice remains an abstract moral duty, which does not explain why people should obey the political authority to which they are subject. So, Quong proposes what he calls “the duty-based conception of legitimacy authority.” He argues:

“One way to establish that a person has legitimate authority over another person involves showing that the alleged subject is likely better to fulfil the duties of justice he is under if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to directly fulfil the duties he is under himself.”³²

³⁰ Rawls (1999a, p. 99).

³¹ Quong (2011, pp. 108–136) and Waldron (1993).

³² Quong (2011, p. 128).

Here, the idea is that all people have some prior duties of justice to fulfill, including the natural duty of justice. If obeying the law enacted by a certain political authority enables people to fulfill those duties of justice in a way better than not obeying the law, then they have a moral duty to obey the law. This seems convincing, but there is a fundamental question: why should people fulfill the natural duty of justice in the first place?

Quong often illustrates the importance of the natural duty of justice through discussing the duty of rescue.³³ The duty of rescue is the moral duty to rescue a victim(s) from serious harm or death. This duty is a weighty one: any person who can rescue a victim(s) should accept the coercion imposed on him necessary for rescue insofar as the coercion is not too burdensome. Quong's idea of the duty of rescue resembles Christopher Wellman's Samaritan duty of rescue. Wellman thinks that every person is under a Samaritan duty to save people from the state of nature through supporting the creation of basic political institutions.³⁴ So, Quong's idea of natural duty of justice, as construed in terms of the duty of rescue, is similar to Wellman's idea of legitimacy. In their view:

- (1) Every person is under the duty of rescue to save a victim(s) from serious harm or death. Any person who can save a victim(s) should accept the coercion imposed on him or her necessary for rescue insofar as it is not too burdensome.
- (2) Every person should understand that if there was no state (as Wellman worries), or if there were no just institutions (as Quong worries), then other people would be vulnerable to serious harm and death.

³³ Quong (2011, pp. 112–118, 127–130).

³⁴ See Simmons and Wellman (2005, pp. 3–89) and Wellman (1996).

- (3) Based on (1) and (2), every person has a moral duty to support basic political institutions (as Wellman argues) or just institutions (as Quong argues). Hence, we should accept the coercion imposed on us (including the legal requirement to pay tax) necessary for the creation and maintenance of basic political institutions or that of just institutions, insofar as the coercion is not too burdensome.

It is reasonable to say that every person is under the duty of rescue. For as long as morality is something that has to be taken seriously, then we have compelling reason to think that pain, suffering, and death should be avoided and alleviated.³⁵ In any case, I will not dispute that people are under the duty of rescue. Yet, does the above argument help to show, as Quong thinks, that every citizen has the moral duty to support the state's pursuit of social justice? One serious problem with the above argument is that there are many laws and policies important from the perspective of social justice but do not seem necessary for rescuing people from serious harm or death. Consider the protection of what is now often called "the right to privacy." I suppose it is reasonable to say that for privacy reasons, credit card companies should not be allowed to share their clients' personal information without their consent, nor should private hospitals be allowed to sell patients' medical records to insurance companies. These acts should be restricted or prohibited mostly because the intrusion of privacy is harmful to people's self-respect. Apart from the value of privacy, there are many things including gender equality, the right to sexuality, the right to access government information, and children's interests to engage in social and political issues, that deserve respect and ought to be protected or secured by the state. Yet, it would seem exaggerating to suggest that each of those things is necessary for rescuing people. Surely, there are laws necessary for rescuing people. They may include laws prohibiting assault and murder and laws protecting basic

³⁵ For an exposition of this view, see Nagel (1986, pp. 138–163).

property rights. However, a fairly large part of laws and policies that are important for achieving social justice are not necessary on the grounds of rescuing people.

In this light, we should ask Quong and other Rawlsians who understand the natural duty of justice in terms of the duty of rescue: Should you not be satisfied with having the minimal state that Robert Nozick advocates? The minimal state, which has the narrow functions of “protection against force, theft, fraud, enforcement of contracts, and so on,” is certainly necessary for saving people from death and serious harm.³⁶ However, since you are concerned only about the duty of rescue, the minimal state is all you need.³⁷ Justice as fairness and almost any contemporary theory of justice desire to achieve many things, not merely rescuing people from death or serious harm. It is not clearly how these theories can be justified by appealing only to the duty of rescue. Surely, the natural duty of justice may require people to do much more than rescuing people. But in Quong’s discussion of political authority, we cannot see how that is the case. He treats the natural duty of justice and the duty of rescue as more or less the same thing.

Here, I suggest that if we think that the state can and should make a wide range of laws and policies to pursue social justice, and that every person is under the natural duty of justice to support just institutions because they are necessary for saving people from serious harm and death, then we probably should argue in such a way: Every person is under the natural duty of justice to support the creation and maintenance of just institutions. One main reason is that these institutions, including fair decision-making procedures, are necessary for saving people from serious harm and death. Consider the vast moral importance of fair procedures. Without fair procedures for selecting political representatives, for legislation and jurisdiction, and for state policy-making on different levels, people would be vulnerable to egregious injustices ranging from political authoritarianism and political oppression to economic

³⁶ Nozick (1974, p. ix).

³⁷ A similar criticism of the appeal to the duty of rescue can be seen in Buchanan (2002, p. 709 note 15).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

exploitation and social discrimination of all sorts. These injustices are seriously harmful and every person has the moral duty to save others from the serious harm by supporting fair procedures. For this reason, it is morally justified for the state to require people to pay tax for the creation and maintenance of fair procedures for decision-making. Once fair procedures are in place, people can make a wide range of laws and policies to pursue social justice, not limited to those necessary for saving people from serious harm or death.

Note that the above argument places a central importance on fair decision-making procedures. With this argument, Quong and other Rawlsians can contend that justice as fairness can be pursued by fair procedures, and that the state does not make only those laws and policies necessary for saving people from serious harm and death. Perhaps, some might ask: Must Rawlsians care about fair procedures? Can they not argue simply that the state should achieve justice as fairness whether or not fair procedures seek to realise it? Rawls's political liberalism already has an answer to these questions. He thinks that there can be different reasonable political conceptions of justice—i.e. there is reasonable disagreement about justice. His justice as fairness is one such conception among others, though he considers it the most convincing political conception of justice.³⁸ In the face of reasonable disagreement about justice, he thinks that the state should not ignore fair procedures and impose justice as fairness on people. So, he is cautious to avoid political authoritarianism. Following Rawls, people are nevertheless under the natural duty of justice to support just institutions including fair procedures, even if fair procedures do not enforce his own conception of justice.

If so, then moderate perfectionists should ask: why can't people make perfectionist policies through fair procedures? I think that people can pursue moderate perfectionism through fair procedures; in fact, fair procedures are necessary for realizing moderate

³⁸ See Rawls (2005, pp. 226, 241, 426–427, 450–452).

perfectionism. State perfectionism gives many people the impression that the state should decide in a paternalistic manner what is good for all citizens and what is bad for them. Nevertheless, that is not necessarily the case. Many perfectionists would agree that in normal situations, fair decision-making procedures are necessary for realizing perfectionism in a liberal society.³⁹ Citizens should be allowed to take part in perfectionist decision-making in many different ways, ranging from public scrutiny to the selection of decision-makers and to referendums. Surely, citizens can hardly enjoy equal chance of participation in decision-making, but as soon as there are many different ways by which they can involve in the process, the state's pursuit of perfectionism can be quite respectful to them. However, critics of perfectionism usually do not consider how perfectionism may be pursued through fair procedures and public participation. Admittedly, this is partly due to the fact that perfectionists seldom explain clearly the relations between perfectionism and fair procedures. Yet, there is little reason for any neutralist to depict perfectionism as though citizens have no chance to take part in decision-making, but at the same time to stress that fair procedures are necessary for pursuing social justice. Consider an example, Quong stresses that there can be reasonable disagreement about justice and fair procedures are necessary for achieving justice. Yet, he thinks that perfectionism is disrespectful since it assumes that people are not fully competent to pursue a good life. In his argument, he mentions in passing that if people could unanimously make perfectionist policies for themselves, then perfectionism may not be disrespectful.⁴⁰ What he has not considered, however, is that there is a substantial middle ground between unanimity and the complete absence of fair procedures. People may have compelling reason to pay tax to support fair procedures for decision-making, and these procedures, though they rarely attain unanimous decisions, may have legitimate authority to

³⁹ See, e.g. Caney (1998, pp. 30–32) and Chan (2000, pp. 26–28).

⁴⁰ Quong (2011, p. 105).

make a wide range of policies including the perfectionist ones. However, he ignores this important possibility.

It is hard to see why people cannot make perfectionist policies through fair procedures, unless Rawls's theory of public reason should be endorsed and it disallows people to appeal to perfectionist judgments in political justification. Yet, I have argued at some length that Rawls's public reason and probably any philosophical theory of public reason are incoherent, since they can hardly meet their own requirements. In addition, even if it is true that in political justification people should appeal only to reasons that any person "can reasonably be expected to endorse," they may appeal to moderate perfectionist judgments (i.e. qualified judgments about the good life), which, as argued, can reasonably be expected to be endorsed by any person. For these reasons, we should conclude that public reason neutrality is unsound. There are, of course, other criticisms of perfectionism, but unlike public reason neutrality, they do not propose a principled restraint on political justification that disallows people to pursue perfectionism.

My defense of moderate perfectionism in this part can be sharpened by distinguishing between two approaches:

- (1) *The case-by-case approach*: Suppose the state wants to construct a public housing unit. This project, of course, needs tax money, and taxation is coercive. According to the case-by-case approach, the state should consider whether it is morally justified to force people to pay tax for that project and if they refuse they will be imprisoned. Similarly, when we ask whether a certain perfectionist policy is justified, we consider whether the state may require people to pay tax for that policy and in the event that they refuse they will be imprisoned.

- (2) *The fair-procedures approach:* Consider again the public housing project and perfectionist policy-making. Yet, according to the fair-procedures approach, what the state considers is *not* whether people should pay tax for that particular project or for any particular perfectionist policy. Rather, there are two questions at stake: First, do people have the moral duty to pay tax to support fair decision-making procedures? So, the state considers whether it is morally justified for the state to *force people to pay tax to support fair procedures*, among other just institutions, and if they refuse they will be imprisoned. Second, is it morally justified for the state to *use the tax revenue on the project or the policy in question if the relevant fair procedures so decided?*⁴¹

Rawlsians such as Quong should not go for the case-by-case approach. If they accepted this approach, they would find it hard to justify policies like the construction of public housing unit or to justify laws that protect people's privacy. The reason is because these policies and laws do not seem important enough to justify the threat of imprisonment. I suggest that Rawlsians and other philosophers can opt for the second approach (and in fact, as said, Rawls himself thinks that fair procedures are necessary for making decisions about social justice). With this approach, they can contend that people have the duty to pay tax to support fair procedures, and that these procedures can make a wide range of policies and laws. In my view, once fair procedures are in place, we can make moderate perfectionist policies. Public reason neutrality is implausible and should not detain us. Of course, fair procedures may or may not make perfectionist policies; it depends on people's collective decision-making.⁴² But

⁴¹ Of course, the taxation rate and how the state uses tax revenues are related. It is plausible that when the state uses tax money to pursue a certain important project (such as moderate perfectionism), people need to pay more tax than they would otherwise have to pay. In my defense of moderate perfectionism that follows, these considerations will be taken into account.

⁴² Note that I am not suggesting that democracy can provide a satisfactory answer to the long-standing problem of political authority. Some philosophers have argued (in my view persuasively) that there may not be any single general principle that determines the conditions of the legitimacy of political authorities, since the

I think moderate perfectionism, just similar to Rawls's view of justice as fairness, requires fair procedures to realise if it is to have legitimate authority.⁴³

Some neutralists might argue that even if people have the duty to pay tax to support fair procedures, these procedures should avoid making any perfectionist policy for fairness reasons. I will argue that although moderate perfectionism may be unfair to some people, there is still good reason to pursue it through fair procedures. However, before I move on, I want to strengthen the case for moderate perfectionism further.

Natural duty of mutual aid and moderate perfectionism

I have argued that if people are under the natural duty of justice to support just institutions, then people have the duty to support fair procedures for decision-making, and people can pursue moderate perfectionism through fair procedures. Now, I want to show that the natural duty of mutual aid, which is another natural duty, can strengthen the above argument. My idea is that on the grounds of the duty of mutual aid, people have good reason to realise moderate perfectionism through fair procedures. I will only outline the argument—it is an additional argument for moderate perfectionism, though I believe that it is worth pursuing for perfectionists.

legitimacy of political authorities has to depend on the nature of the particular social practice of a certain political community. For this view, see Chan (2012, pp. 35–37; 2014, pp. 27–45), Marmor (2011), and Wall (2015). My present argument is only that if people are under a natural duty of justice to support fair procedures, then these fair procedures can be used to make perfectionist policies unless there is sufficient countervailing reason for people not to do so. Thus there should not be a separate question to whether people are under some sort of duty to support the making of perfectionist policies in particular.

⁴³ Allen Buchanan has argued that political legitimacy should be based on a certain form of natural duty of justice, which he calls “Robust Natural Duty of Justice.” This idea, briefly, consists of two premises: (a) “ensuring that all persons are treated with equal regard requires just institutions and, more particularly, institutions that protect their basic human rights”; and (b) “equal regard for persons requires helping to ensure that their rights are respected” (Buchanan 2002, p. 704). Buchanan argues that only democratic government can be legitimate if “institutional resources are available to allow democratic authorization of the wielder of political power” (Buchanan 2002, p. 693). Briefly, in his words, “political legitimacy requires democracy” (Buchanan 2002, p. 712). In my view, this philosophical account of legitimacy and democracy is compelling as long as we endorse equal respect and concern for all persons (that is, (b) above), though we may have somewhat different conceptions of human rights. See C. Barry and Southwood (2011) for a critical review of several accounts of human rights (including their structural pluralist account of human rights).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

As said, Quong, Waldron, and quite a few philosophers endorse Rawls's natural duty of justice. Yet, they give little attention to a different kind of natural duty, which is the natural duty of mutual aid, whose importance has also been stressed by Rawls. The duty of mutual aid simply means that people have "a duty to do something good for another."⁴⁴ It was considered by Kant to be an important duty, as he thinks that, in Rawls's words, "situations may arise in which we will need the help of others, and not to acknowledge this principle is to deprive ourselves of their assistance."⁴⁵ However, Rawls thinks that that is not the most important reason for the natural the duty of mutual aid. Rawls argues:

"A sufficient ground for adopting this duty is its pervasive effect on the quality of everyday life. The public knowledge that we are living in a society in which we can depend upon others to come to our assistance in difficult circumstances is itself of great value. . . . The primary value of the principle is not measured by the help we actually receive but rather by the sense of confidence and trust in other men's good intentions and the knowledge that they are there if we need them."⁴⁶

If we accept the above argument for the duty of mutual aid, we will have a strong reason to realise moderate perfectionism. State perfectionism has often been criticized for being paternalistic. However, as I have argued, the most important reason for each citizen to support moderate perfectionism is its great importance for the well-being of all citizens rather than its contribution to his or her personal interests. Moderate perfectionism does not rely on the view that "you should support the perfectionist state because it takes care of you!" Rather,

⁴⁴ Rawls (1999a, p. 98).

⁴⁵ Rawls (1999a, pp. 297–298).

⁴⁶ Rawls (1999a, p. 297; emphasis added).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

it appeals to the idea that every citizen should be concerned about other people's well-being. We can also say that every citizen is expected to take part in the scheme of mutual aid within his political community. If we should care about the moral importance of "the quality of everyday life" and the great value of "the public knowledge that we are living in a society in which we can depend upon others to come to our assistance in difficult circumstances," as Rawls thinks that we should, then we should notice that moderate perfectionism is enormously important for citizens as a whole. Moderate perfectionism has pervasive effect on the quality of our everyday life for a number of reasons. It intends to create and maintain a social environment supportive of diverse human goods, to take care of the well-being of people who usually encounter more difficulties than others to lead a good life, to remedy or alleviate some of the problems caused by an unfair distribution of resources, to preserve valuable things such as cultural artefacts and the natural environment, to remind people of the serious harm of some activities, and to support research about people's well-being.

In this light, we can construct an argument for moderate perfectionism in a way parallel to Quong's duty-based conception of legitimate authority. According to that conception, one way to establish that an agent has legitimate authority over another agent involves showing that the alleged subject is likely better to fulfil the duties of justice he is under if he follows the directives of the alleged authority, rather than by trying to directly fulfil the duties he is under himself. I would suggest that we argue for moderate perfectionism in a similar way:

- (1) Citizens are under the natural duty of mutual aid, so they ought to help each other on important matters about the good life, as long as the assistance they need to provide to each other is not too burdensome.

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

- (2) Citizens can try to fulfill the duty of mutual aid individually, without coordinating their effort through political procedures. However, this is usually much less effective—in terms of their ability to contribute to each other’s well-being—than if they take part in the perfectionist policy-making through fair political and legal procedures.
- (3) Moderate perfectionism is not too burdensome for citizens (as argued in Chapter 6 and Chapter 7), and it is of great importance for citizens’ well-being.
- (4) Therefore, citizens have a strong reason to fulfill the duty of mutual aid by pursuing moderate perfectionism through fair procedures, instead of trying to fulfill that duty individually.

This line of argument from the natural duty of mutual aid, to my knowledge, has not been made by any perfectionist philosopher, but I believe that it is worth pursuing.

Taking the unfairness charge seriously

Surprisingly, most perfectionists have not said much about how perfectionism should deal with the problem of unfairness.⁴⁷ Yet, we are now in the position to take more seriously the unfairness charge against perfectionism. For we have already discussed the main features of moderate perfectionism and how the natural duty of justice can support moderate perfectionism in an indirect but important way. In my view, the unfairness charge against perfectionism is possibly the strongest challenge to perfectionism, not only because this

⁴⁷ Caney and Chan have offered some suggestions as to how the problem of unfairness may be dealt with. See Caney (1998, pp. 30–32) and Chan (2000, pp. 26–28, 32–33). In addition, Steven Wall has argued briefly that on fairness grounds the state may have more reason to endorse perfectionism to improve the moral environment of a society. See Wall (2013c, pp. 98–100). However, their arguments are quite brief in relation to the potential threat of the criticism of unfairness. Some perfectionists, such as George Sher, are even criticised for ignoring the problem of unfairness. See Richard Dagger’s criticism of Sher’s book (1997) in Dagger (1998, p. 451).

charge on its own raises some serious doubts about the moral justifiability of perfectionism, but also because it calls into doubt whether the state has any moral authority to require citizens to support perfectionism.

Let me begin with a summary of the various forms that the unfairness charge may take:

- (a) Perfectionism affirms a particular comprehensive doctrine of value or morality or it affirms a particular way of life. So, it is unfair to people who do not accept them.⁴⁸
- (b) Perfectionism favours some perfectionist goods, especially the mainstream ones, more than others, and this is unfair. The problem is a particularly serious one because people deeply disagree about the content of almost any perfectionist good (e.g. they disagree about what kinds of art are valuable).⁴⁹
- (c) Perfectionism has a serious problem with promoting different conceptions of the good. Many conceptions of the good are incompatible, in the sense that if one of them is truly valuable, then some others or all others cannot be truly valuable (e.g. many religious conceptions of the good are simply incompatible). If the state promotes incompatible conceptions of the good, it would appear to be inconsistent and self-defeating. Yet, if the state selects to promote some conceptions of the good at the expense of their incompatible counterparts (e.g. promoting Christianity instead of Buddhism), then it would be unfair.⁵⁰

⁴⁸ Rawls endorses this line of argument. See Rawls (2005).

⁴⁹ See R. Dworkin (2013, pp. 354–356) and Patten (2012, esp. pp. 261–272).

⁵⁰ See Metz (2001, p. 426) and Waldron (1989, p. 1148).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

- (d) There are some people who reasonably think that perfectionism does not promote their well-being in any significant way: some people lead a very monotonous way of life so perfectionism may not benefit them whatsoever; some people are hermits and do not want to rely on anything given by the state; some people are extremely rich and can buy a lot of things they want, so they find perfectionism unimportant for their well-being; and some people think that they are able to live well in a liberal neutralist society because they can adapt to very different social conditions, so perfectionism may not benefit these people more than neutrality would.

In Chapter 6 and Chapter 7, I tried to show that moderate perfectionism should not be rejected on the grounds of (a) through (c). Yet, some may find that I have not explained clearly how moderate perfectionism can tackle the problem posed in (d). I will focus on (d) in this part. Let me first summarize the key points I have made in response to the unfairness charge as a whole:

- (i) Moderate perfectionism does not advocate any comprehensive doctrine of value or morality, nor does it affirm any particular way of life. It supports a wide plurality of goods and values. Moreover, it does not claim that *all* people should consider some perfectionist goods (or some activities) as valuable (or harmful). Rather, it appeals to qualified perfectionist judgments, such as: art is valuable for most, if not all, people; knowledge is valuable for most, if not all, people; and hard-drug addiction is seriously harmful to most, if not all, people.
- (ii) Moderate perfectionism can support those things that are valuable for many people but that do not belong to the mainstream. Yet, if moderate perfectionism in practice is

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

likely to be seriously unfair to cultural minorities and low-income groups, then the moderate perfectionist state has a strong reason to give tax cut to them.

- (iii) Moderate perfectionism avoids promoting those things that are obviously incompatible (e.g. two incompatible religions⁵¹) or highly controversial (e.g. prostitution for disabled people). This is not because these things cannot be truly valuable, but because the promotion of them may lead to very serious disagreements that cripple the long-term operation of moderate perfectionism.
- (iv) People are advised to deal with their disagreements about goods and values on the basis of qualified perfectionist judgments and the related perfectionist considerations. Moreover, they should notice that moderate perfectionism is a long-term project and so perfectionist policies are subject to review and changes. Thus, in many cases, people can have sensible decisions about whether the things in question ought to be supported and how they ought to be supported.
- (v) Pluralistic promotion is of great importance for creating and maintaining a social environment that is supportive of a wide range of goods and values. Thus, in most cases, people ought to be concerned about their social environment more than specific cases of disputes about values.
- (vi) There are many moderate perfectionist policies important on the fairness grounds (though, of course, they are not just important on the fairness grounds). These policies

⁵¹ In my view, there is another sufficient reason for why the moderate perfectionist state should not promote religious doctrines: they belong to comprehensive doctrines, and moderate perfectionism, as argued, does not seek to promote comprehensive doctrines. See Chapter 5 and the final remark in Conclusion of my thesis.

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

include those that alleviate or remedy various problems caused by an unfair distribution of wealth and natural resources, such as land and natural environment.

- (vii) Since moderate perfectionism supports a wide range of goods and values in many different ways, it is hard to say who will benefit more in the long run and who will benefit less. Yet, almost every person can benefit a good deal from the whole scheme in the long run.

I think that the above seven points together have weakened the unfairness charge against perfectionism by a considerable degree. Yet, some neutralists might argue that they have not shown clearly how moderate perfectionism could be fair to those who reasonably think that perfectionism is unimportant for their welfare (i.e. (d) mentioned earlier). Call those people *reasonable dissenters*. Reasonable dissenters may include: some who lead a very monotonous way of life (e.g. “couch potatoes”), some hermits, some extremely rich people who can buy a lot of things they want, and some others who think they can live well in a liberal neutralist society and so perfectionism is not particularly important for their well-being. In addition, there are, certainly, some people who reasonably but mistakenly reject moderate perfectionism. They can also be called reasonable dissenters. Their position is mistaken since their criticisms of moderate perfectionism are unsound. Yet, their position is reasonable because they are not being irrational or immoral in rejecting moderate perfectionism.⁵² I will come back to discuss this type of reasonable dissenters later. For now, reasonable dissenters only refer to those who reasonably think moderate perfectionism does not benefit them in a fair manner. These people may reasonably refuse to pay tax for moderate perfectionism. If so, should we not conclude that moderate perfectionism is illegitimate? Some would say it is

⁵² I take a rather loose sense of reasonableness here. This will not cause any problem to my argument.

certainly illegitimate, since it cannot be right for the state to force reasonable dissenters to pay tax for any kind of perfectionism including moderate perfectionism.

I agree that some people can reasonably complain that moderate perfectionism is unfair to them, though that does not imply that these people will benefit less from moderate perfectionism in the long run.⁵³ Nevertheless, I will argue for two points:

- (1) Moderate perfectionism is still desirable, though it bears a moral cost due to the probable fact that it is presumably unfair to reasonable dissenters.

- (2) Fair procedures may nevertheless enact moderate perfectionist policies. If people are under the natural duty of justice to support fair procedures (including paying tax to support them), then, in the light of various features that characterize moderate perfectionism, reasonable dissenters should not withdraw their support for fair procedures (such as refusing to pay tax) on the grounds that moderate perfectionism is unfair to them.⁵⁴

I should make a few clarification points, so as to avoid any misunderstanding of my argument. First, the present problem is *not* that there is no reason for reasonable dissenters to support moderate perfectionism. As I have argued, even if a citizen can reasonably think that the state need not to do anything to promote his well-being, she should note that moderate

⁵³ It may be worth noting that a person's preferences and outlook on life often changes again and again over his or her life time. For a scientific survey on this phenomenon, see the psychologist Daniel Gilbert's recent work: Gilbert (2014). In this light, it is perfectly possible that a certain "couch potato" may one day choose to lead a more active life; that a certain hermit may want to reconnect with other people; etc. So it would be implausible to claim that moderate perfectionism must be unfair to some people because some people will *forever* live in a way that perfectionist policies cannot benefit them. Note that in considering whether moderate perfectionism is fair to people, we should consider whether it benefits all people over the long haul; moderate perfectionism is not supposed to be a short-term endeavour.

⁵⁴ I do not deny that they may reasonably perform some civil disobedience activities against the government if necessary. But this does not imply that they should withdraw completely their support for fair political procedures.

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

perfectionism is of great importance for *his fellow citizens*. This is a strong reason for each citizen to support moderate perfectionism. Yet, there is a problem with moderate perfectionism: this political ideal is intended to promote *all* citizens' well-being, so reasonable dissenters have a reasonable complaint that it is unfair to them.

In addition, the present problem is *not* simply whether citizens should pay tax for moderate perfectionism in particular. As argued, if citizens are under the natural duty to support just institutions, then they should pay tax to support fair decision-making procedures, among other just institutions, and it seems that people can make perfectionist policies through fair procedures (note that in Part I of the thesis, I have argued that people should not be subject to restrictions on perfectionist policy-making imposed by public reason). However, there is one problem: can reasonable dissenters argue that because moderate perfectionism is unfair to them, they are no longer under the duty to pay tax or to pay the whole amount of tax?

With the above three points of clarification in mind, consider the problem of reasonable dissenters. Should we give up moderate perfectionism because it is unfair to some people? Some criticisms of perfectionism may give us the impression that if perfectionism is unfair or paternalistic, then it is better for the state not to make any perfectionist policy, for in that case, the state would not make any mistake and no moral cost would be involved.⁵⁵ Nevertheless, that is simply not true, because there is a moral cost of not making any policy that is of moral importance. More clearly, state perfectionism is a real option. It is not something that has never been heard of. Liberal societies nowadays have been practicing perfectionism in their own ways.⁵⁶ Note that any political principle has its dissenters and supporters. When a

⁵⁵ The anti-perfectionist arguments adduced by R. Dworkin (2002, pp. 11–64; 2013, pp. 354–356) and Waldron (1989, p. 1148) may give us such an impression.

⁵⁶ While I should say “all liberal societies” with caution, I know of no liberal society nowadays that embraces a thorough form of liberal neutrality. Consider Hong Kong. Hong Kong was considered by Milton Friedman as a role model of capitalism (M. Friedman and R. Friedman 1980, p. 34), since Hong Kong's market was one of the freest on the world, and the Hong Kong Government had always been cautious about making any welfare policy. Nevertheless, every year, the Hong Kong Government spends a considerable amount of tax money on

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

government endorses some degree of state perfectionism (which is what governments of liberal countries have been doing), there are both dissenters and supporters of perfectionism. However, if the state endorsed neutrality, there would also be dissenters and supporters of neutrality. The problem of dissenters is not unique to perfectionism. It would be implausible to suggest that if the state endorsed neutrality, there would be no moral cost. If any liberal society nowadays decided to cut back its support for perfectionist policies or even embrace a radical form of liberal neutrality, its social environment and people's way of living would be fundamentally changed. In the long run, a very large number of people would have fewer valuable opportunities to live better, and this is a significant moral cost. Further, since moderate perfectionism is of great moral importance for people, so does its omission, because the very fact that anything is morally significant confers significance on its omission.⁵⁷

To be clear, we can compare two scenarios with the following table: 1) a contemporary liberal society endorsing moderate perfectionism and; 2) a contemporary liberal society endorsing neutrality without making moderate perfectionist policy:

	Main advantages	Main costs	People's response
Moderate perfectionism	The majority of people's well-being is improved.	Moderate perfectionism is unfair to some people, and these people have to pay more tax because the perfectionist state needs tax money to operate.	There is no strong discontent about state perfectionism <i>per se</i> , though there are disputes over different perfectionist policies (e.g. tobacco tax).

art, culture, and a wide range of recreational activities. As a capitalist liberal society like Hong Kong is still far from the liberal neutralist doctrine, I do not know of any liberal society that is "more neutralist" than Hong Kong and comes close to the neutralist doctrine.

⁵⁷ Raz has made this point well. See Raz (1994, p. 88).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

<p>Neutrality and no moderate perfectionism</p>	<p>Those who consider perfectionism unfair probably⁵⁸ pay less tax and no longer complain about the unfairness.</p>	<p>The majority of people lose many valuable opportunities to live better.</p>	<p>There would probably be strong discontent from many people, especially from those who consider capitalism unfair.</p>
--	--	--	--

This table explains two points. First, moderate perfectionism is desirable for a political community even if it is somewhat unfair to reasonable dissenters. Second, state perfectionism, contrary to what some perfectionists might think, cannot avoid a certain degree of moral cost and regret.

Let me explain. I have argued that moderate perfectionism is important for the well-being of most, if not all, citizens, as it promotes a wide range of goods and values and alleviates various problems caused by an unfair distribution of resources. Surely, if moderate perfectionism was seriously disrespectful to people, it would be objectionable in spite of its enormous value for most people.⁵⁹ Yet, I have argued that moderate perfectionism is moderate in many different ways, most notably: it appeals to piecemeal and qualified judgments about the good life; it does not rely on directly coercive measures to promote good life; it endorses the moderate view that citizens have good reason to be concerned about each other's well-being, although the state may not have good reason to expect each citizen to take care of himself or herself. For these reasons, moderate perfectionism does not seem to

⁵⁸ It is not necessarily true that if there is no perfectionist policy then every citizen will pay less tax. It may well be that the absence of perfectionist policies brings about social costs, which, in turn, needs more tax money to deal with the related problems.

⁵⁹ I will have more to say about that soon when I come to the point that moderate perfectionism does not endorse full publicity.

involve a high moral cost, though, admittedly, citizens probably have to pay more tax than they would have to if there was no perfectionist policy.

Should we think that requiring people to pay more tax for moderate perfectionist policies is to impose a huge demand on citizens including reasonable dissenters? There seems to be good reason to answer no. As said, liberal countries nowadays have been practicing perfectionism in their own ways. Yet as far as we can see, most of the disputes about perfectionism in these countries are about *how* to promote people's well-being (e.g. whether a high tobacco tax is justified and whether more money should be spent on art development), but not about whether the state should or should not get rid of all perfectionist policies. Therefore, most of the disputes about perfectionism can be treated as "family disputes within perfectionism." Surely, there are quite a few people contending that the laissez-faire-neutral state is more desirable, though we have not seen many people in reality contending those versions of neutrality proposed by contemporary Anglo-American philosophers. Nonetheless, there has not been any strong social movement or political movement demanding the replacement of all perfectionist policies by a rigorous principle of laissez-faire neutrality. In my view, that is hardly surprising: People who prefer the laissez-faire-neutral state are in general quite content with the present dominance of capitalism, although, surely, some of them think that their countries should become even more laissez-faire. Besides, as a matter of fact, liberal countries in general practice state perfectionism in a pluralistic way—i.e. these countries want to provide a wide plurality of valuable opportunities to people to live well, which is a key feature of moderate perfectionism. Although there are probably some reasonable dissenters of perfectionism in every liberal society, the number of such people should be much smaller than those who consider state perfectionism acceptable. It is hard to find any social movement against state perfectionism (note that it should not be confused with "family disputes within perfectionism"), while there are numerous social movements

against liberal societies' concession to capitalism and capitalism's unfair domination of people's way of living.⁶⁰ If governments of liberal societies decided not to make any perfectionist policy, there would almost certainly be strong social discontent worldwide.

Importantly, these facts have normative significance: They are facts that we can observe in contemporary liberal societies, *where people are allowed to freely express themselves*. If people strongly oppose state perfectionism, there is no reason why they would not oppose it publicly. There is also no reason why they would not organize social movements in the hope of bringing an end to perfectionism, in the same manner that many people want to do with global capitalism. Unlike non-human animals, people living in liberal societies can speak for themselves and struggle for their ideals—they do not need philosophers like Quong and Gerald Gaus in order to be able to voice out their complaints about perfectionism if they have such views, whereas non-human animals may need the help of philosophers like Will Kymlicka and Peter Singer to speak for them. So, the fact that it is hard to find people strongly opposed to state perfectionism, though it is being practiced in every liberal society, shows that people have no strong discontent with it. And this implies that the moral cost of practicing perfectionism is not as high as many neutralist philosophers have argued, or hinted. It would be implausible to say that state perfectionism in effect is so unfair and disrespectful that it is comparable to religious intolerance (as Gaus sometimes compares perfectionism with religious intolerance), social discrimination (as Nussbaum claims that perfectionism treats many people as second-class citizens) and other cases of basic rights violations.

By contrast, the main moral cost of enacting the moderate form of perfectionism I propose is only that some people are reluctant to pay more tax to support it. Moreover, we should note that for any liberal democratic country, all decisions about taxation have to be made through

⁶⁰ Recall the Occupy Wall Street movement and the worldwide movements it triggered in 2011 and 2012. It is also worth noting that many, if not all, of these movements involve perfectionist ideals—unlike neutralist philosophers, a lot of participants in these movements put issues of social injustice and perfectionist ideals side by side.

democratic procedures, so moderate perfectionism is not once and for all—people have chances to debate the merits of different perfectionist policies and even whether perfectionism as a whole is acceptable. I will come back to this point later.⁶¹ For now, notice that the moral cost of endorsing moderate perfectionism is probably far lower than that of endorsing neutrality. If any liberal country withdrew its support for perfectionist policies, a lot of people would lose many valuable opportunities to live better. Just imagine: If the government of some liberal country decided to cut back or even to withdraw its support for art development, cultural policies, sport activities, public education, environmental policies, and so on, how would citizens react? Could they place their hope on the market economy to improve their welfare? It should not be denied that market economy has made many countries much wealthier than they were.⁶² However, it would seem naïve to think that without any state action or participation, entrepreneurs as a whole would be sufficiently concerned about people's well-being. For all of the above reasons, I conclude that from the perspective of the whole political community, there is more reason to endorse moderate perfectionism than neutrality, even though moderate perfectionism may be unfair to some people.

I am now in a better position to explain why reasonable dissenters should not withdraw their support for fair procedures (e.g. refusing to pay tax) although they can reasonably complain that moderate perfectionism is unfair to them:

(1) *The authority of fair procedures:*

If fair procedures are to have authority, then people should treat their outcomes as binding even if none of the outcomes is desirable for all people. Imagine that people could withdraw their support for fair procedures, such as by refusing to pay tax, whenever they do not accept the outcomes. In that case, there would be no reconciliation among the people, as they would

⁶¹ See my discussion about the self-reliance of civil society below.

⁶² See Collier and Dollar (2002, pp. 3–7).

no longer be willing to be committed to those procedures. This would be a huge moral cost for all people, because fair procedures, as said, are of vast importance for keeping people away from egregious injustice of all kinds. For these reasons, all people, including reasonable dissenters of perfectionism, have a particularly strong moral reason not to withdraw their support for fair procedures. In other words, when fair procedures produce some perfectionist policies, people should not refuse to pay tax on the grounds that they do not support those policies, unless they have a particularly strong moral reason to do so.

Do reasonable dissenters have a particularly strong reason to do that? I do not believe so. Consider the limits of fair political procedures. Indeed, there are certain limits of these procedures. They should not be allowed to produce anything regardless of people's basic rights. The fundamental reason for having fair procedures, namely, keeping people away from egregious injustices, helps define the limits of the authority of fair procedures.⁶³ If political procedures happened to produce a seriously unjust outcome, such as the disenfranchisement of women (as some Islamic governments do) or the selection of a dictatorial political party to lead the government (as the Weimar Republic did in 1930s), there would be a particularly strong moral reason for citizens to withdraw their support for the political procedures in question. Citizens, in that case, may even have a moral duty to perform civil disobedience to rectify the unjust decisions. In such a situation, refusing to pay tax would probably be only a mild form of civil obedience.⁶⁴ However, the practice of moderate perfectionism, as I have argued, is not comparable to typical cases of basic rights violations. Taking a look at reality, if state perfectionism in liberal societies had infringed upon people's basic rights or shown a serious disrespect for people, there would be little reason why people would not strongly oppose those policies. Yet as said, it is hard to find

⁶³ See Christiano (2008, pp. 231–300).

⁶⁴ I do not believe that democratic states have a moral right to do wrong, in the sense that citizens should not seek to intervene to prevent some wrongs that the states inflict (on their people or on people in other countries). I agree with the main argument advanced by Gerhard Ø verland and Christian Barry (2011).

people who are strongly opposed to perfectionism and intending to take action to bring it to an end. Therefore, we cannot see how the practice of moderate perfectionism will overstep the limits of the authority of fair procedures. Hence, although reasonable dissenters have a reasonable complaint against moderate perfectionism, this does not seem to constitute a strong enough reason for them or others to refuse to pay tax or to refuse to pay the full amount of tax.

(2) Moral cost and regret cannot be cancelled out:

Yet, moderate perfectionism involves moral cost and regret. The moral cost and regret, as said, is mainly that it is somewhat unfair to some people, and that these people have to pay more tax than they would have to if there was no perfectionist policy. If it was possible to exempt reasonable dissenters from paying the part of tax used on moderate perfectionism, and if that would not undermine citizens' overall commitment to the tax system and fair political procedures, there would be little reason not to do so. However, the above is not possible, since it is not possible to identify clearly who are reasonable dissenters and who are not, and even if that could be done, that would probably undermine many people's commitment to the tax system and fair procedures. Although moderate perfectionism involves a moral cost and regret, which cannot be cancelled out by its enormous value⁶⁵, the problem, as I have argued, should not be exaggerated. Any choice of basic political principle involves moral cost and regret; such a problem would manifest itself with state neutrality, too. And I have argued that there is more reason to endorse moderate perfectionism than liberal neutrality in a liberal capitalist society.

(3) Self-reliance of civil society:

⁶⁵ My point is that we need to compare the costs and the gains of different scenarios (with or without perfectionist policies). I am not arguing that we should be preoccupied with utilitarian calculations at all costs.

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

The last point about moral cost and regret brings us to consider the possibility of neutrality as well as self-reliance of civil society to achieve perfectionist goals. There is one important merit with fair political and legal procedures: they allow people to change basic political principles, constitutional content, laws, and policies in a usually fair and peaceful way. Moderate perfectionism, as I understand it, should be realised through fair procedures, and so it should leave open the possibility for people to replace perfectionism by stringent neutrality. Should people indeed favour neutrality, they should be allowed to endorse it. This idea, as said, is similar to Rawls's view about justice as fairness: people should be allowed *not* to choose justice as fairness even though it is, to Rawls, the most convincing political conception of justice.

All liberal societies nowadays are practicing perfectionism in their own ways. However, since perfectionism, in my view, is probably unfair to some people, I would suggest that in the long run, people should become less and less reliant on the state to realise perfectionist goals. In other words, I think that civil society should become more and more self-reliant to pursue moderate perfectionist goals. As mentioned in Chapter 7, many perfectionist goals can be achieved by NGOs and the business sector. The state, certainly, should play an important role to facilitate the self-reliance of civil society as well as to oversee its performance.⁶⁶ However, to minimize the problem of unfairness and to save tax money, it would be the best if the state can reduce its intervention in the long term.

(4) Reasonable (but mistaken) rejection of moderate perfectionism:

I mentioned earlier that there are, certainly, some people who reasonably reject moderate perfectionism although their rejection is mistaken. They can also be called reasonable

⁶⁶ A recent report on the performance of NGOs in Hong Kong has also pointed out that the NGOs can be fairly self-reliant in advocating and promoting a wide range of ideals, although, as the report suggests, the Hong Kong Government can play a more active role to coordinate the work of the NGOs, in particular their abilities to work with the business sector and other non-governmental agents. See Lee, Chan, Lam, et al (2010).

dissenters. Should we think that their reasonable rejection of moderate perfectionism renders the political ideal morally unjustified and that they may withdraw their support for fair procedures when the majority of people decide to pursue the ideal through fair procedures? I think the answer should be no. Some might think that whenever a political principle encounters some people's reasonable rejection—that is, these people have some good reasons to reject the principle and they are not being irrational or immoral in rejecting it—then even if they are not right to reject it, it should become morally unjustified. This is because, they think, the enforcement of such a political principle would certainly disrespect those people who reject it. No matter how the idea of respect should be construed, the above idea has a breathtaking generality: it does not only undermine moderate perfectionism, but actually any political principle, *including liberal neutrality*. This is simply because almost any political principle encounters reasonable rejection in the above sense. Perhaps some people indeed think that no political principle is justified, but in any case anarchism cannot establish the legitimacy of the neutral state. In addition, recall some of the key points I made about respect and political principles earlier (mainly in Chapters 4 and 5):

- (a) There may be two ways to construe the idea of respecting people. First, to respect people is to respect them as rational moral agents; and second, to respect people is to care about their self-esteem. These two views are compatible and complementary.
- (b) Respect for rational moral agents does not require that a political principle should be free from highly reasonable rejection in order to be morally justified. In fact, there are some good reasons to think that if a political principle is sound, then even if it is subject to highly reasonable rejection, it does not necessarily fail to respect people who are subject to it as rational moral agents.

- (c) The endorsement of almost any political principle has some negative effect on the self-esteem of those who do not accept it. However, this fact alone does not demonstrate that the principle in question is morally unjustified.
- (d) That being said, the state should avoid undermining the self-esteem of those who reasonably (though mistakenly) reject the political principle in question in a serious way. So, for example, the state has a strong reason not to treat publicly *non-violent* religious fundamentalists as irrational and unreasonable people, although it certainly has good reason to contend that religious liberty and freedom of speech are enormously important values.

The above points are also important here. Firstly, if we take the idea of respecting people as respecting people as rational moral agents, then the fact that moderate perfectionism is subject to reasonable (but mistaken) rejection does not imply that moderate perfectionism disrespects people. Secondly, it is nevertheless important for the state to be concerned about the self-respect of reasonable dissenters. The moderate perfectionist state should avoid doing anything that seriously undermines reasonable dissenters' self-respect, such as by publicly treating them as irrational and unreasonable people. The second point is important. I now turn to elaborate this point in relation to the idea of publicity and the limits of fair procedures.

(5) *Respect, reasonableness and publicity:*

I will discuss the problem of dissidents further by comparing moderate perfectionism with Rawlsian political liberalism as understood by Nussbaum and Quong. This will help to demonstrate certain special features of the moderate form of perfectionism I propose.

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

Quong's political liberalism unequivocally treats dissenters who do not accept Rawlsian public reason as unreasonable (as discussed earlier). By contrast, moderate perfectionism does not treat people who have a reasonable complaint against it as unreasonable people. I would even refer to some of these people as reasonable dissenters. Here, we should notice a serious problem with any political theory like Quong's political liberalism. In his view, "unreasonable people"—including all perfectionists and neutralists who do not endorse Rawls's public reason⁶⁷—should receive special treatment. Briefly, they do not have the same rights to engage in public political discussions as "reasonable people" have, though "unreasonable people" have all the basic civil rights as other citizens.⁶⁸ This kind of treatment is very disrespectful to those who cannot accept Rawls's public reason. It is very disrespectful to them not only because many people have good reason to reject Rawls's public reason (as argued in Chapter 3), but also because of the very fact that it would cause serious harm to their self-respect by publicly treating them as unreasonable people. Note that Rawls endorses the full publicity requirement,⁶⁹ such a requirement indicates that there should be "full justification of the public conception of justice":

"The third and last level of publicity has to do with the full justification of the public conception of justice as it would be presented in its own terms. This justification includes everything that we would say—you and I—when we set up justice as fairness and reflect why we proceed in one way rather than another. At this level I suppose this full justification also to be publicly known, or better, at least to be publicly available the full justification is present in the public culture, reflected in its

⁶⁷ So, there would be a lot of "unreasonable people" if Quong was right. See my discussion in Chapter 3.

⁶⁸ Andrew Lister has defended Quong's treatment of unreasonable citizens. See Lister (2013, pp. 127–128). But I think that Lister has not considered the worries I am expressing here and in the following.

⁶⁹ Rawls (2005, pp. 66–71). I suppose that Quong, as a defender of Rawls's political liberalism, endorse the publicity requirement.

system of law and political institutions, and in the main historical traditions of their interpretation.”⁷⁰

So, that means that Quong would agree that the state should publicly draw the distinction between “reasonable people” and “unreasonable people” as well as publicly advocate the special treatment of “unreasonable people.” This is seriously disrespectful to many people: the adjective “unreasonable” is derogatory, and the special treatment of “unreasonable people” would certainly have the effect that they will be considered by their fellow citizens as troublemakers or an inferior type of social members or both. This is very ironic for political liberals, who often stress the moral importance of *mutual respect* and *civic friendship*. In short, even if it is true *in theory* that reasonable dissenters of public reason (i.e. Quong’s “unreasonable people”) should be treated differently from other social members, it is hard to see how it could be morally justified to treat them *publicly* as *unreasonable* people. I consider that such a disrespectful treatment is morally objectionable to the degree that even fair political procedures cannot authorize it—i.e. it oversteps the limits of the authority of fair procedures.

(6) *Moderate perfectionism does not endorse full publicity:*

In Chapter 3, I mentioned Bernard Williams’ rejection of full publicity for political principles. He thinks that there is no good reason to make political principles fully explicit to the public.⁷¹ In his view, social relations and personal relations is similar in the following way: “where to hope that they do not rest on deceit and error is merely decent, but to think that their basis can be made totally explicit is idiocy.”⁷² This point is worth considering. Recall

⁷⁰ Rawls (2005, p. 67).

⁷¹ Williams (1985, pp. 101–102, 214 note 6).

⁷² Williams (1985, p. 102).

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

Nussbaum's criticism of perfectionism. She argues that perfectionist theories like Joseph Raz's and Isaiah Berlin's fail to respect people, for as soon as they are put into practice, those who cannot accept these philosophers' perfectionist views would be treated as though they are second-class citizens. However, if this is what all perfectionist philosophers should worry about, I see no reason why Nussbaum does not have to worry about her political liberalism—isn't her theory also disrespectful to people who cannot accept it? She has not expressed any concern about that though. In any case, that raises a number of important questions about political liberalism. One of them is whether the full publicity requirement is necessary for a political theory. I suspect that no political theory can withstand the dual requirement of full publicity and respect for persons. For if a political theory has a chance to be put into practice, and its details are made *fully explicit* to the public, then it would probably disrespect a lot of people who do not accept it. This is so because any political theory (that concerns with political morality) contains a lot of claims about what views are convincing, what views are implausible, who are reasonable, and who are unreasonable—notably, Rawlsian political liberalism makes all these claims. When the state makes these claims explicit to the public, it will disrespect a lot of people who do not accept the theory. Thus, I think that full publicity for political theory is undesirable.

However, I agree that political procedures and legal procedures ought to be transparent and subject to public scrutiny. This kind of publicity for procedures is commonly considered as a great value in contemporary liberal societies, and I think that moderate perfectionism should endorse this sort of publicity. Yet, it should not be confused with full publicity for political theory. In my view, moderate perfectionism should not endorse full publicity for political theory. If some countries have a chance to improve its policy-making and social environment in the way I recommend, I would suggest that it is both unnecessary and undesirable for them to make explicit to the public *all* the arguments I propose for moderate

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

perfectionism, which include my criticisms of neutrality and my discussion about reasonable dissenters. There are, of course, many supporters of neutrality. However, I see no good reason to make it entirely clear to the public in what ways they are mistaken. There are probably reasonable dissenters of moderate perfectionism holding the unfairness charge, too. Nonetheless, I see no good reason to identify clearly to the public who are reasonable dissenters and who are not. Nor do I see any good reason to make it entirely clear to the public that reasonable dissenters' complaints are reasonable but not weighty enough to refute moderate perfectionism.

Certainly, when a government endorses moderate perfectionism, it has every reason to explain *fairly clearly* to the public why moderate perfectionism is important and why its alternatives are less plausible. However, that does not mean that the government should make *totally explicit* to the public in what ways those who do not accept moderate perfectionism are mistaken. Some might then ask me: "If so, then why are you making so many arguments in your thesis? Are you not trying to show that people should accept your arguments and pursue moderate perfectionism in the way your arguments suggest?" I would reply that, in one sense, "yes": if people (especially those living in liberal capitalist societies) by and large accept the main arguments in my thesis, they should see that there is good reason to pursue moderate perfectionism. However, that does not mean that they should require their government officials or expect themselves (should they have a real political power at their disposal) to realise moderate perfectionism in the way that citizens are to be fully informed of the philosophical arguments for moderate perfectionism or to make all of these arguments publicly available. Even if publicity for political theory is an important value for all political theories for liberal politics, there is a considerable middle ground between no publicity and full publicity. There is little reason for thinking that full publicity is an absolute value to be

obtained at all costs, including its potential harm to citizens' self-respect and to civic friendship among them.

Conclusion

This completes my defense of moderate perfectionism against the criticism of paternalism and the criticism of unfairness. To recapitulate: In response to the criticism of paternalism, I argue that moderate perfectionism does not claim that each citizen should be forced to pay tax to promote *his or her own welfare*. This is because each citizen must consider the great importance of moderate perfectionism for *all citizens as a whole*. Moreover, I argue that if we endorse the point made by many neutralists, including Quong and Waldron, that there is a natural duty of justice, then we have a compelling reason to think that fair procedures are necessary for helping us to fulfill the natural duty of justice. And fair procedures, as long as there are no restrictions on decision-making imposed by public reason, can make perfectionist policies. In addition, I suggest briefly that Rawls's idea of natural duty of mutual aid can support moderate perfectionism and possibly many other forms of perfectionism. Roughly, the idea is that if there is a natural duty of mutual aid, and if people can fulfill this duty in a more effective way by providing resources to make perfectionist policies through fair procedures than by their individual uncoordinated effort, then people may have a duty to make perfectionist policies through fair procedures.

As regards the criticism of unfairness, my main response is that moderate perfectionists need not deny that perfectionist policies may be unfair to some people in the long run and that these people may have a reasonable complaint.⁷³ However, I argue that the rather limited degree of unfairness should not deprive the authority of fair procedures to make perfectionist policies. And importantly, insofar as the neutrality-perfectionism debate is concerned, the

⁷³ For simplicity, I shall not repeat my responses to the criticism of unfairness in Chapter 5.

Chapter 8: Legitimacy, Fairness, and Moderate Perfectionism

state has to choose between two scenarios nevertheless: Scenario (1): the state refuses to make any perfectionist policy (or withdraws completely its support for perfectionist policies); and Scenario (2): the state uses taxpayers' money to make a diverse range of perfectionist policies, as what every liberal state has been doing. I argue that in Scenario (1), there would be a lot of seriously discontented people and they have good reasons to be so discontented. As regards Scenario (2), which is what every liberal state has been doing, the fact is that people in liberal countries are free to express their views, but few people take pains to accuse *the whole enterprise of perfectionism* in a liberal state for violating their basic rights⁷⁴, although, surely, some people may disagree with *some perfectionist policies* (especially those coercive measures, such as heavy tobacco tax, that my version of moderate perfectionism does not support). Thus, Scenario (2) is more desirable than Scenario (1). This gives us a strong reason for thinking that moderate perfectionism should not be rejected on the fairness grounds.

⁷⁴ Violations of basic rights are no trivial matters. When they happen, there are usually some people who are willing to take pains to safeguard people's basic rights. Think about many conscientious lawyers have been doing in China: many of them were threatened, arrested, detained, beaten, and tortured from time to time, but they do not give up (a notable example is Gao Zhisheng, who has recently been tortured to mental collapse in 2014). To my knowledge, there is no opponent to liberal perfectionism who is fighting for neutrality in a remotely similar way.

Chapter 9

Conclusion

Main contributions of the research

Taking a long view of the history of Western political philosophy since Aristotle¹, perfectionism is the central view most of the time.² But in recent decades, perfectionism has been subject to serious criticisms from liberal philosophers. Liberal philosophers from John Rawls to Jeremy Waldron to Jonathan Quong have advanced sophisticated arguments against perfectionism.³ They reject perfectionism on the grounds of public reason, personal autonomy, fairness, and so on. Perfectionist philosophers, such as Joseph Raz and George Sher, have responded to some of those anti-perfectionist arguments, but they are not as active as they were before in the debate.⁴ On the other hand, the moderate form of perfectionism, which was proposed by Simon Caney and Joseph Chan more than a decade ago, has not been further developed, though it may have the potential to become a significant liberal theory.⁵

My thesis is an attempt to restart the project of moderate perfectionism. I seek to develop my theory of moderate perfectionism, and defend it against a number of influential anti-perfectionist arguments. Let me summarise the main arguments of my thesis and explain how they may contribute to the neutrality-perfectionism debate.

¹ See, mainly, Aristotle's *Politics* and *Nichomechean Ethics* (Aristotle 1995; 1999).

² Joseph Chan and Robert P. George hold a similar view. See Chan (2000, p. 5) and George (1993, pp. 19–47).

³ See Rawls (1999a; 2005), Waldron (1989), and Quong (2011). In my view, Quong's *Liberalism without Perfection* (2011) presents one of the most powerful cases for anti-perfectionism in recent decades. Obviously, a lot of arguments in my thesis are responses to Quong's anti-perfectionism. So my thesis can be treated as an indirect critique of Quong's book.

⁴ See, mainly, Raz (1986) and Sher (1997). Richard Arneson and Steven Wall are notable exceptions; they have been writing extensively to defend perfectionism. Their most recent works on perfectionism include: Arneson (2013a; 2013b; 2014a) and Wall (2013b; 2013c; 2013d; 2014).

⁵ In Chan's latest work (Chan 2014), Chan applies some of the key ideas of the moderate form of perfectionism he proposed in (Chan 2000) to his critical reconstruction of Confucian political philosophy. He has not developed or changed the basic tenets of his moderate perfectionism.

(1) Qualified perfectionist judgements

One key difference between moderate perfectionism and comprehensive perfectionism is that moderate perfectionism appeals to non-comprehensive judgements about the good life, which are not based on any comprehensive doctrine of value or any comprehensive ranking of goods.⁶ And importantly, one key difference between my version of moderate perfectionism and other versions of it, such as that proposed by Joseph Chan, is that my version appeals to *qualified* perfectionist judgements. A qualified perfectionist judgment points out what is good or bad for *most, if not all, people* (e.g. “human relationships contribute to the good life of most, if not all, people”; and “art and culture are of great value for most, if not all, people”). It differs from a *universal* perfectionist judgment, which holds that something is good or bad for *all people* (e.g. “art and culture are of great value for all people”; and “hard-drug addiction is seriously bad for all people”).

The main reason why my moderate perfectionism appeals qualified perfectionist judgments instead of universal perfectionist judgements is the following: the burden of proof is very high for universal perfectionist judgements, whereas qualified perfectionist judgments are convincing and should be beyond any reasonable doubt. Consider drug addiction. There seems to be a serious difficulty of showing that every drug addict leads an impoverished life. Some might reasonably argue that for some artists and writers, drug addiction inspires their work. Yet, as I argued, there are good reasons to think that drug addiction is bad for *most people*. Then consider art and culture. I said that there are good reasons to think that art and culture are of great importance for most people, but it seems very difficult to show that art and culture are important for all people. One might sensibly argue that some people suffer

⁶ See my discussion of this point in Chapter 1.

from a certain kind of anhedonia and thus cannot enjoy art and culture.⁷ As they cannot enjoy art and culture, it seems doubtful that art and culture are important for them.

I do not wish to deny that there may be objective perfectionist goods. However, there are often enormous difficulties in showing that a perfectionist good is valuable for all people. I argued that perfectionists can just appeal to qualified perfectionist judgements. These judgments suffice to show that many perfectionist policies are of vast importance for people. Qualified perfectionist judgements are modest and convincing. In my thesis, I only tried to justify three qualified judgements. They are: “intimate human relationships are of great importance for most, if not all, people”; “art is of great value for most, if not all, people”; and “hard-drug addiction is seriously bad for most, if not, all people.” I believe that we can give a lot more reasons for why these judgements are convincing, without appealing to any comprehensive doctrine of value. Moreover, I believe that many other qualified perfectionist judgements can be shown to be convincing. These qualified judgements may be about the value of knowledge, of sport, of recreation, of creativity, as well as about the potential serious harm of gambling, smoking, prostitution, and meaningless work. So, to demonstrate the great importance and practical relevance of moderate perfectionism, we may seek to justify as many qualified perfectionist judgements as possible, and explain clearly how these judgements may support a wide variety of perfectionist policies.

(2) Perfectionism for an unfair society

⁷ Briefly, anhedonia means the inability to experience happiness or pleasure from activities that usually considered enjoyable, such as music and sexual activities. Yet, it has been argued by many psychiatrists and psychologists that anhedonia is a characteristic of mental disorders. See, e.g., Gelder, Mayou, Geddes (2005); Klonsky (2008); Treadway and Zald (2011). If that is the case, then perhaps it may not be justified to accuse the perfectionist state for failing to improve the lives of people who suffer from anhedonia, since the problem may be with these people who need medical or psychiatric treatment. In any case, I believe that the existence of people who have anhedonia does not pose a serious challenge to my theory of moderate perfectionism, since my theory appeals to qualified perfectionist judgements rather than universal perfectionist judgements, and I have argued that even if moderate perfectionism cannot be entirely fair to all people, the problem of unfairness is not serious enough to render moderate perfectionism unjustified.

Chapter 9: Conclusion

Perfectionists are sometimes blamed for failing to demonstrate their case by real-world examples.⁸ However, I believe that giving examples, especially the real-world examples, help to show clearly why many perfectionist policies are important. I distinguished between four kinds of moderate perfectionist policies, and illustrate the importance of each kind with examples, some of which are real examples from Hong Kong. The four kinds of moderate perfectionist policies are: (a) policies for creating or maintaining ideal social and natural environments; (b) cultural and environmental preservation; (c) policies for reminding people of the risks of harmful activities; and (d) state support for scientific research about well-being.

Policies (a) (i.e. policies for creating or maintaining ideal social and natural environments) cover a lot of perfectionist policies. In fact, policies (b), (c), and (d) (i.e. cultural and environmental preservation; policies for reminding people of the risks of harmful activities; and state support for scientific research about well-being) can be treated as important for creating or maintaining ideal social and natural environments. Yet, policies (b), (c), and (d) are important in their own right, and I considered that they would be important even for a society where a fair distribution of resources (e.g. wealth and land) is realised. As for policies (a), I argued that they are extremely important for providing valuable opportunities for people to lead a good life for any actual society. I granted that even if policies (a) would be unimportant for an ideal society where distribution of resources is perfectly fair, this does mean that they are unimportant for any actual non-ideal society, where distribution of resources is seriously unfair and perfect distributive justice is simply not foreseeable. Some of policies (a) are even important and effective for alleviating certain serious problems caused by distributive injustice. To illustrate, I drew on real examples from Hong Kong. I argued that the problem of unfavourable social environment for art and culture as well as the

⁸ See Jeremy Waldron's criticism of Raz in Waldron (1989, pp. 1130–1131).

Chapter 9: Conclusion

problem of insufficient public spaces can be alleviated by the relevant kinds of perfectionist policies.

A neutralist might argue that we should just hope that a fair distribution of resources is realised, rather than considering what perfectionist policies should be made. But there are at least two problems with this claim. First, in light of the dominance of capitalism, political reality, and ordinary citizens' vested interests, a fair distribution of resources is not foreseeable. Yet, there is a great deal that moderate perfectionism can do to improve our social and natural environments, making them favourable for citizens to lead a good life. Second, I argued that policies (b), (c), and (d) (i.e. cultural and environmental preservation; policies for reminding people of the risks of harmful activities; and state support for scientific research about well-being) would nevertheless be important even if perfect distributive justice was attained.

It may be worth stressing the point that many problems concerning cultural and environmental preservation are attributable to unfair distribution of resources and unequal bargaining power. Some neutralists, like Quong, suggest that these problems may be remedied by policies for distributive justice,⁹ but I argued that it is not realistic to wait for the full realisation of distributive justice. If we are to take cultural and environmental preservation seriously, we should see that certain kinds of perfectionist policies and laws are necessary. Indeed, more research need to be done to show clearly how moderate perfectionism can improve people's welfare in an unfair society, and how perfectionist policies may alleviate many problems (such as health problems, which I have not discussed) attributable to social unfairness.¹⁰

⁹ Quong (2011, pp. 93–94).

¹⁰ The famous American activist Majora Carter has been working with the U.S. Government and the corporate sector for many years to advance environmental policies as an important way to deal with social inequality and poverty. This serves as an excellent example of how perfectionist policies may remedy and alleviate injustice. For Carter's discussion of her work, see Carter (2006).

Chapter 9: Conclusion

However, to make a good case for perfectionism, it is not necessary to argue that social justice must be construed in terms of perfectionist goods. Some perfectionists, such as Richard Arneson, believe that distributive justice is ultimately a matter of distribution of perfectionist goods and the realisation of certain perfectionist ideals.¹¹ In contrast, my moderate perfectionism pursued a middle-grounded position between the above perfectionist view of justice and the view that justice is basically about fair distribution of resources. I did not deny that either view may give the correct account of justice. And admittedly, some might reasonably argue that my middle-ground position is somewhat conservative, as it has not explained clearly the relations between moderate perfectionism and justice.

Nevertheless, my position is that even if all the four types of perfectionist policies cannot solve any fundamental problem of injustice, they are of vast importance for people's welfare, since they provide a wide array of valuable opportunities for people to lead a good life. I have also argued that these perfectionist policies should be rejected on the grounds of paternalism. This brings us to the next point of discussion.

(3) Criticisms of paternalism are unsuccessful

Perfectionism has often been dogged by criticisms of paternalism. It is often accused of forcing people to endorse a particular conception of the good and forcing people to pay tax to support perfectionist policies. In addition, perfectionism has usually been criticised for manipulating people's thoughts and decisions about what to do in their lives. I believe that perfectionist philosophers have not responded to the above charges in a satisfactory way.¹² My thesis differs from the works by other perfectionists as it tries to demonstrate several things.

¹¹ See Arneson (2000; 2013a).

¹² See C. L. Ten's criticisms of George Sher's perfectionism in Ten (2001, pp. 561–562). In addition, see John Christman criticisms of Wall's perfectionism in Christman (2000, pp. 606–607). In my view, these criticisms by Ten and Christman are challenging, and perfectionists have not addressed them in a satisfactory way.

Chapter 9: Conclusion

First, the moderate form of perfectionism I defend appeals to many different qualified perfectionist judgments, and promotes a wide variety of goods and values. Thus, it should not be criticised for coercing people to endorse any particular conception of the good or way of life. Second, I argued that each of the four types of moderate perfectionist policies should not be rejected on the grounds of paternalism. Perfectionists usually do not distinguish between different kinds of perfectionist policies in explaining why perfectionism should not be rejected on the grounds of paternalism. In contrast, I distinguished between four types of perfectionist policies, and explained why each type of policies is not wrongfully paternalistic. My general idea is that all of the four kinds of policies are intended to provide valuable opportunities for people to lead a good life. So, these policies are not based on the wrongfully paternalistic assumption that without the state's assistance, people cannot live well. More clearly, my focus is *not* on people's inherent abilities to pursue the good life; rather, my focus is on the enormous importance of ideal social and natural environment for people's welfare. But indeed, that is one important exception: I argued that reminders of harm, which inform people of the risks of harmful activities, are important mostly because of the fact that *some* people might make imprudent decisions about performing harmful activities. So, reminders of harm are intended to help people—not necessarily any particular person—to make prudential and responsible decisions. In this regard, I said that reminders of harm assume a special kind of soft paternalism, which, in my view, is justifiable.

In addition, many perfectionists are not clear about whether coercive perfectionist measures should be adopted when they can effectively promote people's welfare. Indeed, as many perfectionists have pointed out, coercive perfectionist measures often backfire.¹³ For example, it would not be a good idea to suggest that adult citizens should be coerced to receive compulsory education to learn to appreciate art and culture. However, coercive

¹³ See Chan 2000 (p. 15) and Wall (1998, pp. 220–221; 2013d, p. 470).

Chapter 9: Conclusion

measures can be very effective to prevent people from harming themselves. These measures may include legal prohibition on recreational use of drugs and heavy sales tax on tobacco. Perfectionists seldom explain clearly whether coercive measures like those are justified. I believe that mostly because of the fact that people can have very different tastes, interests, and reasons for action, coercive perfectionist measures are extremely hard to justify. To illustrate my view, I examined Sarah Conly's recent arguments for coercive paternalism. I argued that her arguments are unpersuasive, and the way they are unpersuasive helped to show that unlike coercive paternalist measures, reminders of harm are morally justifiable.

Some perfectionists might argue that reminders of harm can never be as effective as coercive measures in discouraging or disallowing people from performing harmful activities. My response would be that adult citizens, after all, must be responsible for their own lives. If a person already understands quite well the risks of a certain activity (thanks to reminders of harm), this person should make responsible decisions for herself about whether or not she chooses to perform the activity. Here, I think that Ronald Dworkin is right to claim that leading a good life is basically about how to meet different challenges in one's life and to make responsible decisions for oneself.¹⁴ So, more research can be done on how the justification of reminders of harm may have to do with a plausible conception of the good life.

Further, I explored some important issues of political authority. Unlike some perfectionists, I did not argue that the state has the right to tax people for supporting perfectionist policies just because the state can promote each person's welfare better than each person can do without state intervention. Instead, I argued that if there is a natural duty of justice and thus people should pay tax to support the operation of fair political procedures, then the question should be "can the state use taxpayers' money to make perfectionist policies?" rather than "can the state tax people to improve promote good life?" I explained that these two questions

¹⁴ R. Dworkin (2002, pp. 250–276; 2011, pp. 195–214).

are not the same, and argued that there is good reason to use tax revenues to pursue moderate perfectionism, since it is important for the welfare of citizens as a whole, rather than that it provides a good “service” for each citizen. In my view, this line of argument is not vulnerable to criticisms of paternalism.

Surely, neutralists might argue that even if using tax money to pursue perfectionism is not paternalistic, it is nevertheless unjustified because it is unfair to some people and it violates public reason. This brings us to another two points of discussion concerning the problem of fairness and the idea of public reason.

(4) Perfectionism should not be rejected on fairness grounds

Perfectionists seldom address the powerful criticism that perfectionism cannot be fair to all people.¹⁵ The roots of the criticism can be traced back to J.S. Mill’s discussion of the tyranny of majority: the majority people of a society tend to impose their views on others, forcing them to accept the mainstream social norms and preferences. In his words, social tyranny is “more formidable than many kinds of political oppression,” because “it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself.”¹⁶ Mill’s argument does not target perfectionism in particular, but in a similar vein, contemporary critics of perfectionism, including Thaddeus Metz, Alan Patten, and Jeremy Waldron have argued that perfectionism cannot be fair. My response to the charge was twofold.

First, I argued that moderate perfectionism need not be unfair to any particular group of people. To recapitulate, my argument is that: (a) moderate perfectionism does not advocate any comprehensive doctrine of value, nor does it affirm any particular way of life; rather, it

¹⁵ But as I said earlier, some perfectionists have addressed the criticism of unfairness briefly. See, for example, Caney (1998, pp. 30–32), Chan (2000, pp. 33–34), and Wall (2013c, pp. 98–100).

¹⁶ Mill (2006, pp. 10–11).

Chapter 9: Conclusion

appeals to many different qualified perfectionist judgements and thus promotes a wide plurality of goods and values; (b) it can, in fact, provide opportunities to promote valuable things that do not belong to the mainstream; (c) if it, in practice, is likely to be seriously unfair to cultural minorities and low-income groups, then the state has a strong reason to give tax cut to them, and that is feasible; (d) when there is a serious disagreement about what things should or should not be promoted, people are advised to deal with the problem on the basis of qualified perfectionist judgments and the related perfectionist considerations, and be reminded that moderate perfectionism is a long-term project, which is subject to constant review and changes; (e) as mentioned, some perfectionist policies are, in fact, can alleviate some of the serious problems attributable to distributive injustice and unfairness; and (f) since moderate perfectionism promotes a wide range of goods and alleviates some of the problems caused by distributive injustice, it is very hard to say who will benefit more in the long run and who will benefit less.

Second, I had a special response to the charge of unfairness, which, to my knowledge, has not been made by any perfectionist philosopher. I admitted that perfectionism cannot *ensure* that it will be fair to all people, and that there would probably be some people (though there should not be many of them) who can reasonably complain that moderate perfectionism is not fair to them even in the long run. However, I argued that these problems are not so threatening that we must reject moderate perfectionism. First, as we can observe from reality, while people in contemporary liberal societies have many disagreements about some perfectionist policies (such as anti-smoking policies, which my moderate perfectionism does not recommend), people seldom complain seriously (e.g. in the form of demonstrations or acts of civil disobedience) that all perfectionist policies should be rejected on the grounds of fairness. This is so, although in contemporary liberal societies, people enjoy a very high degree of freedom of speech that people at Mill's time did not have. Seen in this light,

although some degree of moral cost would probably be involved in the practice of moderate perfectionism since it is not entirely fair to some people, the moral cost is not so threatening that it outweighs the great importance of moderate perfectionism for people as a whole. Moreover, we must bear in mind that when thinking about whether the state should endorse neutrality or moderate perfectionism, there are opponents of neutrality, not just opponents of moderate perfectionism. I argued that there are good reasons to believe that opponents of neutrality would have much more serious complaints and dissatisfaction if the state chose to embrace a blanket rejection of perfectionist policies. Thus, comparing two different scenarios of practicing neutrality or moderate perfectionism, the state has more moral reason to endorse moderate perfectionism.

Nevertheless, considering that the perfectionist state may be unfair to some people and that it always uses tax revenues to operate, I suggested that the pursuit of perfectionist goals should rely more and more on civil society and citizens' voluntary effort in the long run. The related topics are important for any liberal perfectionist theory, though they have not received much attention from perfectionist philosophers.

(5) Public reason liberalism is implausible

Many liberal philosophers are public reason liberals, who believe that state coercion must be publicly justified in order to be morally justified. Yet, some philosophers have criticised public reason for being self-defeating. To my knowledge, Steven Wall is the first philosopher who argued clearly that public reason cannot pass its own requirement and thus it is a self-defeating ideal. In response, many public reason liberals, such as David Estlund and Quong, maintain that public reason can satisfy its own requirement, while some other public reason liberals, notably Gerald Gaus, claim that public reason need not meet its own test.

Chapter 9: Conclusion

I sought to explain clearly why public reason should satisfy its own requirement if it is a by and large convincing ideal. Unlike most philosophers in the debate, I looked into how public reason as a political ideal may be realised in actual politics, rather than arguing somewhat vaguely (as some public reason liberals do) that because public reason applies to political principles and itself is a political principle, it has to meet its own test.¹⁷ I argued that if the ideal of public reason is to be realised in actual politics, then it should be realised through state intervention in many different ways, ranging from constitutional reforms to officials' advocacy. This raises the question whether using state power to that end is publicly justified, and therefore, we are led back to the question whether public reason can pass its own test.

Then I argued that public reason is the object of reasonable rejection so it cannot meet its own requirement. Estlund, Quong, and other public reason liberals have tried to show that public reason cannot be reasonably rejected. Yet, I argued that public reason is bound to be the object of reasonable rejection. Thus, I concluded that public reason as a political ideal cannot be realised in a publicly justified way, even though it is supposed to be a response to persistent reasonable disagreement in actual politics. In this specific sense, public reason is an incoherent ideal. Further, contrary to the positions of most public reason liberals, I argued that respect for persons is not a reliable basis for public reason. Therefore, we have a strong reason to reject public reason liberalism.

So, perfectionists need not make their case for perfectionism to be compatible with public reason. Some perfectionists, such as Joseph Chan, have argued that moderate perfectionism can satisfy Rawlsian public reason, because the state may appeal to perfectionist judgements

¹⁷ For example, without much discussion, Quong endorses Estlund's idea that (in Quong's words) "[a]fter all, RAN [i.e. Rawls's public reason requirement] proposes a test that is meant to apply to all political principles and RAN is itself a political principle. There would be something inconsistent or incoherent if reasonable people did not all accept RAN" (Quong 2011, p. 235). Yet, this does not explain clearly why public reason should pass its own test, since, as Gaus has argued, public reason may only be a meta-claim about the justification of state coercion, and if so, public reason need not pass its own test.

that cannot be reasonably rejected.¹⁸ However, I would suggest that perfectionists should not worry about the requirements of public reason in making their case for perfectionism, since public reason is implausible. Note that although I argued that citizens and government officials should appeal to qualified perfectionist judgements, which are rather uncontroversial, this is *not* because of the need to satisfy any public reason requirement. As I argued, citizens and officials should appeal to qualified perfectionist judgements in political justification because of various considerations of political reality, of people's self-esteem, and of people's rational agency.¹⁹

Some future research projects

My discussion above already points to several future research projects. They are: (a) providing justifications for a wide range of qualified perfectionist judgements; (b) showing clearly how perfectionist policies may alleviate or remedy some of the problems caused by distributive injustice; (c) explaining clearly the relations between moderate perfectionism and social justice; (d) demonstrating clearly how the state may assist citizens to make responsible decisions about doing or not doing harmful activities without violating personal autonomy; and (e) investigating how civil society may become self-reliant in pursuing moderate perfectionist ideals.

In addition, I think that there are two research projects that are worth pursuing if moderate perfectionism is to become a rigorous political theory. The first project has to do with political authority. I argued that *if* there is a natural duty of justice to create and maintain fair procedures, then these procedures, without the restrictions imposed by public reason, can

¹⁸ See Chan (2000, pp. 11–18). In an earlier work of mine (Mang 2013), I also argued that moderate perfectionism is compatible with Rawlsian public reason. I now think that perfectionism should be free from different kinds of restrictions imposed by different forms of public reason, as I think that public reason liberalism is implausible.

¹⁹ See my discussion in Chapter 4 and my final remark below.

make the moderate perfectionist policies I recommend. However, I have not demonstrated that there is a natural duty of justice to create and maintain fair procedures. Certainly, the appeal to natural duty of justice is not free from criticisms. One important criticism is from philosophical anarchists, such as A.J. Simmons, who think that most people do not have political obligation of obedience, and that even if a person has such an obligation, there may well be competing moral claims requiring that person not to discharge that particular obligation.²⁰ Future research should provide a fully developed account of political authority for moderate perfectionism, or else one could argue that while the problem of political authority is hard to resolve, there is more reason to endorse moderate perfectionism than not to endorse it.

Second, my case for moderate perfectionism is, to a large extent, based on the intuitive idea that there is a strong moral reason for the state and each citizen to provide all citizens valuable opportunities of flourishing. While many perfectionists would agree with this idea, I have not argued for it. I agree with Thomas Nagel that if something is good, then there is a *prima facie* reason to think that that thing has to be realised; and if something is bad, there is a *prima facie* reason to think that that thing has to be avoided or eliminated.²¹ I believe that this idea supports all sorts of state perfectionism, and I have suggested briefly that Rawls's notion of natural duty of mutual aid can justify perfectionism.²² However, more work needs to be done if we want to show that these ideas form the basis of moderate perfectionism.

Two remarks: (a) Moderate perfectionism is *not* comprehensive perfectionism

Some might be wondering whether moderate perfectionism would become a comprehensive doctrine when its constituent ideas are articulated more clearly. Indeed, a few philosophers

²⁰ See Simmons (1981; 2001).

²¹ See Nagel (1986, pp. 138–163) for his explication of this idea.

²² See my discussion of the natural duty of mutual aid in Chapter 8.

Chapter 9: Conclusion

have argued that comprehensive moral theory cannot be avoided. Recall Ronald Dworkin's criticisms of Rawls's political liberalism.²³ Dworkin argues that political liberalism is based on a particular interpretation of modern liberal culture. He points out that when Rawls is pressed to justify his particular interpretation of modern liberal culture, Rawls would have to offer a background moral theory, which is, unavoidably, a comprehensive theory of value or morality. What about moderate perfectionism? Should we think, in the spirit of Dworkin's remarks, that moderate perfectionists cannot avoid endorsing a comprehensive theory of value or morality? If they must endorse such a theory, is moderate perfectionism not just another version of comprehensive perfectionism?²⁴

I agree that when *the constituent ideas of moderate perfectionism* are fully articulated, it would become *a comprehensive political theory of some sort*. However, *moderate perfectionism per se* is not comprehensive perfectionism, and should not be rejected for that reason. Let me explain. First, when the constituent ideas of moderate perfectionism are fully articulated in some ways, it would consist of numerous arguments about morality, value, and politics. These arguments may include those that explain why moral agents deserve respect, why value scepticism is rejected, why it is desirable that people have more opportunities of flourishing, why there is a natural duty of justice, why fair procedures is of fundamental importance for political authority, and so on. When moderate perfectionism addresses these problems carefully, it will become a comprehensive theory of some sort. It may turn out to be no less complicated than Dworkin's comprehensive theory of value (i.e. Dworkin's "justice for hedgehogs").²⁵

²³ R. Dworkin (2006, pp. 241–261; 2011, pp. 63–66, 267–269).

²⁴ Chan has not tackled such a challenge in his latest book (Chan 2014), where he espouses a Confucian version of political perfectionism. But he has pointed out that, for civility reasons among others, Confucian perfectionism should not be promoted in the form of a comprehensive doctrine (Chan 2014, pp. 199–204).

²⁵ R. Dworkin (2011).

Chapter 9: Conclusion

But even in that case, moderate perfectionism *per se* is not comprehensive perfectionism. Comprehensive perfectionism holds that citizens may or should appeal to a particular comprehensive doctrine of value in political justification. By contrast, moderate perfectionism holds that there are good reasons for citizens not to appeal to any particular comprehensive doctrine of value in political justification.²⁶ This important point still holds even if moderate perfectionism cannot avoid becoming a comprehensive political theory of some sort. First, although a full-fledged version of moderate perfectionism is most likely comprehensive in some sense, it nevertheless does *not* rely on any *comprehensive doctrine of value*. This point is significant. For as long as people appeal only to qualified judgments about the good life (which are modest, convincing, and rather uncontroversial) in political justification, moderate perfectionism remains compatible with a wide range of comprehensive doctrines. Thus, moderate perfectionist policies, which are based on qualified judgments about the good life, can attract widespread support in actual politics.

Second, even if moderate perfectionism cannot avoid becoming a comprehensive political theory of some sort, it is *not* necessary for any citizen to require others to accept the whole of such a comprehensive theory *in political justification*. For one, under normal circumstances, citizens do not do that in political justification. After all, actual political discussions and decision-making are different from philosophical debates, as you do not need to argue publicly as much as possible to persuade your audience.²⁷ As long as there are enough people willing to appeal to qualified and non-comprehensive perfectionist judgements in political justification, moderate perfectionism has a good prospect. In addition, I think that the arguments for various kinds of moderate perfectionist policies in Chapters 5 through 7 can be employed by citizens in public discussions *in a flexible manner*; it is not necessary to urge the citizens to accept the whole theory of moderate perfectionism once and for all. Actually, in

²⁶ See my discussion in Chapter 5.

²⁷ For a similar view, see Williams (1985, pp. 101–102, 214 note 6).

most cases, due to persistent and deep disagreement, it would be very disrespectful to people's self-esteem by requiring them to accept a political theory in its entirety. Needless to say, that is often counter-productive.

So, there are two main reasons for why moderate perfectionism should not be rejected even though it might become a comprehensive political theory: First, moderate perfectionism, after all, does not require people to invoke any comprehensive doctrine of value in political justification. It holds that people have good reasons to appeal to qualified and non-comprehensive perfectionist judgements in political justification. Second, citizens do not have to present any full-fledged version of moderate perfectionism in political justification. They are advised not to require other citizens to accept any such theory in political debates and decision-making.

Two remarks: (b) Moderate perfectionism is *not merely* being defended in a strategic way

Some perfectionists might argue that my version of moderate perfectionism is just being defended in a strategic way to meet some common objections to robust (or non-moderate) versions of perfectionism, such as Raz's version of perfectionism. More clearly, perfectionists who favour a robust version of perfectionism can argue that my version of moderate perfectionism has two important features: (a) it endorses qualified perfectionist judgements; and (b) it aims to steer a middle ground between the resourcist view of justice (i.e. the view that justice is basically about a fair distribution of resources including wealth, income, and social opportunities) and perfectionist justice (i.e. the view that the metric of distributive justice is welfare or perfectionist ideals). They might argue I have not shown that any robust version of perfectionism, which endorses perfectionist justice (rather than my middle-ground approach) and a comprehensive doctrine of value (rather than qualified

Chapter 9: Conclusion

perfectionist judgements), is unconvincing or less convincing than my version of moderate perfectionism.²⁸

My response to the above challenge is two-fold. First, the middle-ground approach was proposed partly because of strategic reasons, and the main target of this approach is neutralists who endorse resourcism rather than any perfectionist. Second, my appeal to qualified perfectionist judgements is *not* based on strategic reasons; my version of moderate perfectionism takes seriously civility as an important value, and it aims to propose a convincing and workable model of political justification in actual politics.

Let me begin with the first point. As I argued in Chapters 6 and 7, even if the resourcist view of justice is true, that is, even if justice is fundamentally a matter of a fair distribution of resources, it is not foreseeable that a fair distribution of resources will be fully realised in the future. For this reason, I argued that the state should make a wide range of perfectionist policies to improve social and natural environments so that people can have more valuable opportunities of flourishing. I also pointed out that certain kinds of perfectionist policies (e.g. the provision of public space for leisure and sports) can alleviate some of the problems resulted from the unequal distribution of resources (e.g. the unequal distribution of land and wealth, which is a serious problem in some places such as Hong Kong).

Here, some perfectionists might argue that the above argument does not show that any robust version of perfectionism is mistaken. I agree.²⁹ The middle-ground approach is mainly targeted at neutralists who hold the resourcist view. As I said, the state should make a wide variety of perfectionist policies to improve people's well-being rather than just looking forward to a full realisation of a fair distribution of resources. By arguing that, I do not deny that some robust version of perfectionist justice may strengthen my version of moderate perfectionism; I am certainly open to this possibility. However, to defend the importance of a

²⁸ I am grateful to Steven Wall for raising this challenge to my version of perfectionism.

²⁹ I thank Simon Caney and Steven Wall for pressing me on this point.

Chapter 9: Conclusion

wide range of perfectionist policies, we need not insist that the metric of justice should be construed *only* in terms of welfare and perfectionist ideals. A perfectionist, in my view, can accept the general resourcist view that justice is basically a matter of a fair distribution of resources, but he or she should insist that the state should make many different perfectionist policies to promote the good life.

Some proponents of robust versions of perfectionism might then argue that perfectionist justice does not only hold that the metric of justice is welfare or perfectionist ideals, but also that there should be a comprehensive doctrine of value that guides citizens how to pursue justice. I have not denied such claim. However, I would say that in actual political justification, it would be better for citizens to appeal to qualified perfectionist judgements rather than to any comprehensive doctrine. This brings us to a further discussion of my appeal to qualified perfectionist judgments.

My appeal to qualified perfectionist judgements is based on several reasons. First, as I pointed out in Chapter 5, I have some reservations about the universality of many perfectionist judgements, such as “human relationships are of great value for *all people*” and “hard-drug addiction is seriously bad for *all people*.” In my view, it is very hard to show convincingly that every perfectionist value applies to every person, because human nature is very diverse. If so, it would also be very hard to show that any comprehensive doctrine of value, which usually consists of a broad range of moral and ethical judgements and organises these judgements in a systematic manner, applies to every person. Nevertheless, I think that the above problems do not make state perfectionism an implausible ideal. So, I argued in Chapter 5 that every perfectionist judgement can be qualified in a particular way. A qualified perfectionist judgement states that a certain perfectionist value (e.g. the value of human relationships) or a certain activity (e.g. the recreational use of hard drugs) is of great importance or is seriously bad for *most, if not, all people*. Once perfectionist judgements are

Chapter 9: Conclusion

qualified in such a way, they become so convincing that they cannot be reasonably rejected. So, I think that qualified perfectionist judgements are more plausible than universal perfectionist judgements (this is not surprising, as the burden of proof for the former is lighter). And in fact, most perfectionists can accept qualified perfectionist judgements, because in most cases, a qualified perfectionist judgement does not imply a denial of its non-qualified counterpart (e.g. the qualified judgement that “art is of great value for most, if not all, people” does not imply a denial of the non-qualified judgment that “art is of great value for all people”).

In addition, there are two main reasons for *not* appealing to any comprehensive doctrine of value in actual political justification. They are—as I said in the first important remark: (i) insistence on the truth of any comprehensive doctrine in political justification would be disrespectful to the self-esteem of people who do not endorse it; and (ii) appealing to any comprehensive doctrine can hardly receive widespread political support in actual politics. Some perfectionists might ask: are these considerations merely strategic ones in my defense of moderate perfectionism? My answer is “no.” Consider (i) first. What is at issue here is the value of civility. Although in political justification, we would not disrespect any person *as a rational agent* by expecting her to endorse a sound comprehensive doctrine, we would nevertheless be disrespectful to her self-esteem by doing so if she finds little or no reason to endorse this doctrine from her perspective. Surely, we can argue that her perspective is flawed, but the problem here is that we have a good reason (which is not an all-things-considered reason though) to be concerned about her self-esteem.

In politics, civility is partly about whether citizens care for each other’s self-esteem. If a large number of citizens insist on what they believe to be the whole truth of value or morality, there will almost certainly be bitter and irresolvable disagreements among them, and hence civility will be seriously undermined. In contrast, if most citizens confine themselves to

Chapter 9: Conclusion

appeal to political views and value judgements that can be widely shared (such as qualified perfectionist judgements), then this will not undermine civility.

What about my idea that qualified perfectionist judgements can receive widespread support in actual political justification, whereas any comprehensive doctrine can hardly receive widespread support in actual political justification? Some perfectionists might argue that that is just a strategic thing to consider. My response is this: the moderate version of perfectionism that I propose is intended to provide a convincing *and* workable model of political justification for citizens in actual politics. I can agree that in theory there may be a sound comprehensive doctrine and that it may be a good thing if all citizens appeal to it in political justification. However, as a matter of fact, that will not happen—Rawls is correct to claim that disagreements over comprehensive doctrines are persistent and cannot be eliminated in a liberal society that respects freedom of thought and expression. Since that will not happen, I consider it would be good—though I would not say that *it is necessary*—for some perfectionist philosophers to think about what sort of perfectionist judgements (if not any comprehensive doctrine of value) citizens may appeal to in actual political justification. My proposal, as I have tried to make clear, is that citizens may appeal to qualified perfectionist judgements in actual political justification, because these judgements are convincing and largely uncontroversial. I do not deny that there may be some other kinds of perfectionist judgements that citizens may appeal to for justifying the use of political power. However, I believe that there is no comprehensive doctrine that can serve such a role.

My version of moderate perfectionism seeks to understand certain aspects of social reality and utilise what might be called the pluralistic and flexible potential of liberal perfectionism. I believe that moderate perfectionism can have much to offer to liberal theory and to our far-from-ideal liberal societies.

Bibliography

- Ackerman, Bruce. 1980. *Social Justice in the Liberal State*. New Haven: Yale University Press.
- Almond, Gabriel. 1991. "Capitalism and Democracy." *Political Science & Politics* XXIV (3): 467–74.
- Altman, Irwin. 1975. *Environment and Social Behavior: Personal Space, Privacy, Crowding and Territory*. Monterey, CA: Brooks Cole.
- Arendt, Hannah. 1967. "Truth and Politics." In *Philosophy, Politics and Society*, edited by Peter Laslett and W. G. Runciman, 104–33. Oxford: Blackwell.
- Aristotle. 1995. *Politics*. Translated by Ernest Barker; edited by Richard Stalley. Oxford: Oxford University Press.
- . 1999. *Nichomechean Ethics*. Translated and Edited by T.H. Irwin. Second ed. Indianapolis: Hackett Publishing.
- Arneson, Richard. 1999. "Human Flourishing Versus Desire Satisfaction." *Social Philosophy and Policy* 16 (1): 113–42.
- . 2000a. "Perfectionism and Politics." *Ethics* 111 (1): 37–63.
- . 2000b. "Welfare Should Be the Currency of Justice." *Canadian Journal of Philosophy* 30 (4): 497–524.
- . 2003. "Liberal Neutrality on the Good: An Autopsy." In *Perfection and Neutrality: Essays in Liberal Theory*, edited by Steven Wall and George Klosko, 137–65. Lanham, MD: Rowman & Littlefield.
- . 2004. "Cracked Foundations of Liberal Equality." In *Dworkin and His Critics: With Replies by Dworkin*, edited by Ronald Dworkin and Justine Burley, 79–98. Blackwell Publishing.
- . 2005a. "Joel Feinberg and the Justification of Hard Paternalism." *Legal Theory* 11: 259–84.
- . 2005b. "Distributive Justice and Basic Capability Equality: 'Good Enough' Is Not Good Enough." In *Capabilities Equality: Basic Issues and Problems*, edited by Alexander Kaufman, 17–43. London: Routledge.
- . 2010a. "Two Cheers for Capabilities." In *Measuring Justice: Primary Goods and Capability*, edited by Harry Brighouse and Ingrid Robeyns, 101–27. Cambridge: Cambridge University Press.

Bibliography

- . 2010b. “Meaningful Work and Market Socialism Revisited.” *Analyse & Kritik* 31 (1): 139–51.
- . 2013a. “From Primary Goods to Capabilities to Well-Being.” *Critical Review of International Social and Political Philosophy* 16: 179–95.
- . 2013b. “The Enforcement of Morals Revisited.” *Criminal Law and Philosophy* 7 (3): 435–54.
- . 2014a. “Neutrality and Political Liberalism.” In *Political Neutrality: A Reevaluation*, edited by Daniel Weinstock and Roberto Merrill, 25–43. England: Palgrave Macmillan.
- . 2014b. “Rejecting the Order of Public Reason.” *Philosophical Studies* 170 (3): 537–44.
- Barnett, Elizabeth and Casper, Michele. 2001. “A Definition of ‘Social Environment.’” *American Journal of Public Health* 91 (3): 465.
- Barry, Brian. 1995. *Justice as Impartiality*. Oxford: Clarendon Press.
- Barry, Christian, and Southwood, Nicholas. 2011. “What Is Special About Human Rights?” *Ethics and International Affairs* 25 (3): 369–83.
- Bauman, Zygmunt. 2009. *Does Ethics Have a Chance in a World of Consumers?* Harvard University Press.
- Bird, Colin. 2014. “Coercion and Public Justification.” *Politics, Philosophy & Economics* 13 (3): 189–214.
- Boettcher, James W. 2012. “The Moral Status of Public Reason.” *Journal of Political Philosophy* 20 (2): 156–77.
- Bognar, Greg. 2005. “The Concept of Quality of Life.” *Social Theory and Practice* 31 (4): 561–80.
- Bonotti, Matteo. 2015. “Political Liberalism, Free Speech and Public Reason.” *European Journal of Political Theory* 14 (2): 180–208.
- Brewer, Talbot. 2005. “Virtues We Can Share: Friendship and Aristotelian Ethical Theory.” *Ethics* 115 (4): 721–58.
- Brighouse, Harry. 1995. “Neutrality, Publicity, and State Funding of the Arts.” *Philosophy and Public Affairs* 24 (1): 35–63.
- Bullock, Emma. 2015. “A Normatively Neutral Definition of Paternalism.” *Philosophical Quarterly* 65 (258): 1–21.
- Caney, Simon. 1991. “Consequentialist Defences of Liberal Neutrality.” *Philosophical Quarterly* 41 (165): 457–77.

Bibliography

- . 1992. "Thomas Nagel's Defence of Liberal Neutrality." *Analysis* 52 (1): 41–45.
- . 1995. "Anti-Perfectionism and Rawlsian Liberalism." *Political Studies* 43: 248–64.
- . 1996. "Impartiality and Liberal Neutrality." *Utilitas* 8 (3): 273–93.
- . 1998. "Liberal Legitimacy, Reasonable Disagreement and Justice." *Critical Review of International Social and Political Philosophy* 1 (3): 19–36.
- . 2005. *Justice Beyond Borders*. Oxford: Oxford University Press.
- Carr, Alan. 2004. *Positive Psychology: The Science of Happiness and Human Strengths*. London: Routledge.
- Carter, Majora. (2006, February). Greeting the Ghetto. [Video file]. Retrieved from https://www.ted.com/talks/majora_carter_s_tale_of_urban_renewal
- Chan, Elaine, and Joseph Chan. 2007. "The First Ten Years of the HKSAR: Civil Society Comes of Age." *Asia Pacific Journal of Public Administration* 29 (1): 77–99.
- Chan, Joseph. 2000. "Legitimacy, Unanimity, and Perfectionism." *Philosophy & Public Affairs*, 29: 5–42.
- . 2012. "Political Authority and Perfectionism: A Response to Quong." *Philosophy and Public Issues* 2 (1): 31–41.
- . 2014. *Confucian Perfectionism: A Political Philosophy for Modern Times*. Princeton: Princeton University Press.
- Christiano, Thomas. 2008. *The Constitution of Equality: Democratic Authority and Its Limits*. Oxford: Oxford University Press.
- Cohen, Joshua. 2009. "Truth and Public Reason." *Philosophy and Public Affairs* 37 (1): 2–42.
- Cohen, Gerald Allen. 1995. *Self-Ownership, Freedom, and Equality*. Cambridge, MA: Cambridge University Press.
- Colburn, Ben. 2012. "In Defence of Comprehensive Liberalism." *Philosophy and Public Issues* 2 (2): 17–29.
- Collier, Paul, and David Dollar. 2002. *Globalization, Growth, and Poverty: Building an Inclusive World Economy*. New York: Oxford University Press.
- D'Agostino, Fred. 2013. "The Orders of Public Reason." *Analytic Philosophy* 54: 129–55.
- D'Agostino, Fred, and Gerald Gaus. 1998. "Public Reason: Why, What and Can (and Should) It Be?" In *Public Reason*, edited by Fred D'Agostino and Gerald Gaus, xi–xxiii. Aldershot: Dartmouth.

Bibliography

- Dagger, Richard. 1998. "Review: Beyond Neutrality: Perfectionism and Politics." *The American Political Science Review* 92 (2): 450–51.
- Danto, Arthur. 2013. *What Art Is*. Yale University Press.
- De Marneffe, Peter. 2006. "Avoiding Paternalism." *Philosophy and Public Affairs* 34 (1): 68–94.
- Diener, Ed, Daniel Kahneman, and John Helliwell. 2010. *International Differences in Well-Being*. USA: Oxford University Press.
- Diener, Ed, Richard Lucas, Ulrich Schimmack, and John Helliwell. 2009. *Well-Being for Public Policy*. Oxford University Press.
- Dworkin, Gerald. 1988. *The Theory and Practice of Autonomy*. Cambridge: Cambridge University Press.
- . 2013. "Defining Paternalism." In *Paternalism: Theory and Practice*, edited by Christian Coons and Michael Weber, 25–39. Cambridge: Cambridge University Press.
- . 2014. "Paternalism." *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2014/entries/paternalism/>>.
- Dworkin, Ronald. 1978. "Liberalism." In *Public and Private Morality*, edited by Stuart Hampshire, 113–43. Cambridge: Cambridge University Press.
- . 1985. *A Matter of Principle*. Cambridge, MA: Harvard University Press.
- . 2002. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press.
- . 2006. *Justice in Robes*. Harvard University Press.
- . 2011. *Justice for Hedgehogs*. Harvard University Press.
- Edmundson, William. 1998. "Legitimate Authority without Political Obligation." *Law and Philosophy* 17 17: 43–60.
- Ekman, Paul. 2007. *Emotions Revealed, Recognizing Faces and Feelings to Improve Communication and Emotional Life*. Henry Holt and Company.
- . 2013. *Emotion in the Human Face*. Reprinted. Malor Books.
- Enoch, David. 2005. "Why Idealize?" *Ethics* 115 (4): 759–87.
- . 2013. "The Disorder of Public Reason." *Ethics* 124 (1): 141–76.

Bibliography

- . 2015. “Against Public Reason.” In *Oxford Studies in Political Philosophy (Volume 1)*, edited by David Sobel, Peter Vallentyne, and Steven Wall, 112–42. Oxford University Press.
- Estlund, David. 1998. “The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth.” *Ethics* 108 (2): 252–75.
- . 2008. *Democratic Authority: A Philosophical Framework*. Princeton, N.J.: Princeton University Press.
- Feinberg, Joel. 1986. *Harm to Self*. Oxford: Oxford University Press.
- Fong, DKC, HN Fong, and SZ Li. 2011. “The Social Cost of Gambling in Macao: Before and after the Liberalisation of the Gaming Industry.” *International Gambling Studies* 11 (1): 43–56.
- Friedman, Milton, and Rose Friedman. 1990. *Free to Choose: A Personal Statement*. Harvest Books.
- Fromm, Erich. 1976. *To Have or to Be?* London/New York: Continuum.
- Galston, William. 1991. *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*. Cambridge: Cambridge University Press.
- Gaus, Gerald. 2003. “Liberal Neutrality: A Compelling and Radical Principle.” In *Perfection and Neutrality: Essays in Liberal Theory*, edited by George Klosko and Steven Wall, 137–65. Lanham, MD: Rowman & Littlefield.
- . 2009. “The Moral Foundations of Liberal Neutrality.” In *Contemporary Debates in Political Philosophy*, edited by Thomas Christiano and John Christman, 79–98. U.K.; Malden, MA: Wiley-Blackwell.
- . 2010. “On Two Critics of Justificatory Liberalism: A Response to Wall and Lister.” *Politics, Philosophy & Economics* 9 (2): 177–212.
- . 2011. *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. Cambridge University Press.
- . 2012. “Sectarianism without Perfection? Quong’s Political Liberalism.” *Philosophy and Public Issues* 2 (1): 7–15.
- Gaus, Gerald, and Kevin Vallier. 2009. “The Roles of Religious Conviction in a Publicly Justified Polity: The Implications of Convergence, Asymmetry and Political Institutions.” *Philosophy & Social Criticism*, 35: 51–76.
- Gelder, Michael, Richard Mayou, and John. Geddes. 2005. *Psychiatry*. Third. Oxford University Press.
- Gilbert, Daniel. 2007. *Stumbling on Happiness*. Vintage.

Bibliography

- . (2010, December 21). The Psychology of Your Future Self. [Video file]. Retrieved from http://www.ted.com/talks/dan_gilbert_you_are_always_changing?language=en
- Goodin, Robert. 1989. *No Smoking: Ethical Issues*. University of Chicago Press.
- Green, Leslie. 1989. "Law, Legitimacy, and Consent." *Southern California Law Review* 62: 795–825.
- Green, T. H. 1986. *Lectures on the Principles of Political Obligation and Other Writings*. Edited by P. Harris and J. Morrow. Cambridge: Cambridge University Press.
- Groll, Daniel. 2013. "Paternalism, Respect, and the Will." *Ethics* 122 (4): 692–720.
- Habermas, Jürgen. 1990. *Moral Consciousness and Communicative Action*. Translated by Shierry Weber Nicholse and Christian Lenhardt. Cambridge, MA: MIT Press.
- Hamlin, Alan, and Zofia Stemplowska. 2012. "Theory, Ideal Theory and the Theory of Ideals." *Political Studies Review* 10 (1): 48–62.
- Harms, J. and D. Kellner. 1990. 'Toward A Critical Theory of Advertising,' Illuminations: the critical theory website: URL (consulted March 2014): <http://www.uta.edu/huma/illuminations/kell6.htm>
- Harvey, David. 2005. *A Brief History of Neoliberalism*. Oxford: Oxford University Press.
- . 2015. *Seventeen Contradictions and the End of Capitalism*. Oxford University Press.
- Hershovitz, Scott. 2003. "Legitimacy, Democracy, and Razian Authority." *Legal Theory* 9: 201–20.
- Himma, Kenneth Einar. 2007. "Just 'Cause You're Smarter than Me Doesn't Give You a Right to Tell Me What to Do: Legitimate Authority and the Normal Justification Thesis." *Oxford Journal of Legal Studies* 27 (1): 121–50.
- Hurka, Thomas. 1993. *Perfectionism*. Oxford University Press.
- . 2011. *The Best Things in Life: A Guide to What Really Matters*. Oxford University Press.
- Husak, Douglas, and Peter de Marneffe. 2005. *The Legalization of Drugs: For & Against*. Cambridge University Press.
- IARC. 2004. *IARC (International Agency for Research on Cancer) Monographs on the Evaluation of Carcinogenic Risks to Humans: Volume 83: Tobacco Smoke and Involuntary Smoking*. IARC (International Agency for Research on Cancer).
- The Independent Editorial. 2014. "Editorial Sunday 17 August 2014: Money Madness: Income Inequality Has Reached Outrageous Levels." Independent Print Limited.

Bibliography

- Irving, Helen. 1991. "Little Elves and Mind Control: Advertising and Its Critics." *Continuum: Journal of Media & Cultural Studies* 4 (2): 98–111.
- Jha, P. 2009. "Avoidable Global Cancer Deaths and Total Deaths from Smoking." *Nature Reviews Cancer* 9 (9): 655–64.
- Kahneman, Daniel. 2011. *Thinking, Fast and Slow*. Farrar, Straus and Giroux.
- Kelly, Thomas. 2005. "The Epistemic Significance of Disagreement." In *Oxford Studies in Epistemology*, edited by Tamar Szabó Gendler and John Hawthorne, 167–96. Oxford: Oxford University Press.
- Klonsky, ED. 2008. "What Is Emptiness? Clarifying the 7th Criterion for Borderline Personality Disorder." *Journal of Personality Disorders* 22 (4): 418–26.
- Kraut, Richard. 1999. "Politics, Neutrality, and the Good." *Social Philosophy and Policy* 16 (1): 315–32.
- Kymlicka, Will. 1989. *Liberalism, Community, and Culture*. Oxford: Clarendon Press.
- . 2002. *Contemporary Political Philosophy*. Oxford University Press.
- Lam, Bick Har. 2008. "The Issue of Diversity in the Hong Kong School Curriculum: Student Communities in a Mainstream School." *Schools: Studies in Education (University of Chicago Press)* 5 (12): 118–40.
- Larmore, Charles. 1987. *Patterns of Moral Complexity*. Cambridge: Cambridge University Press.
- . 1992. "The Limits of Aristotelian Ethics." In *Nomos 34: Virtue (Yearbook of the American Society for Political and Legal Philosophy)*, 185–96. New York University Press.
- . 1996. *The Morals of Modernity*. Cambridge: Cambridge University Press.
- . 1999. "The Moral Basis of Political Liberalism." *Journal of Philosophy* 96 (12): 599–625.
- Lecce, Steven. 2003. "Contractualism and Liberal Neutrality: A Defence." *Political Studies* 51: 524–41.
- Lee, Wai-choi Eddy. 2014. *The Urge of Capital: The Root Cause of the World's Deep Contradictions - A Chinese Perspective*. Edited and translated by Michael Lai. Kindle version (English edition); Hong Kong Economic Times (Chinese edition).
- Lee, EWY, Chan, JCW, Lam, DWF, et al. 2010. *Serving Alone: The Social Service Sector in Hong Kong: Annual Report on the Civil Society in Hong Kong 2009*.

Bibliography

- Leiter, Brian, "Nietzsche's Moral and Political Philosophy." *The Stanford Encyclopedia of Philosophy* (Spring 2015 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/spr2015/entries/nietzsche-moral-political/>>.
- Leung, Charles Ka Yui, and Edward Chi Ho Tang. 2014. *Availability, Affordability and Volatility: The Case of Hong Kong Housing Market*. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2524685.
- Lister, Andrew. 2011. "Public Justification and the Limits of State Action." *Politics, Philosophy and Economics* 9 (2): 151–75.
- . 2013. *Public Reason and Political Community*. London: Bloomsbury.
- Lopez, Shane J., and C. R. Snyder, eds. 2011. *The Oxford Handbook of Positive Psychology (Oxford Library of Psychology)*. Second ed. Oxford University Press.
- Lukes, Steven. 2001. "Liberalism for the Liberals, Cannibalism for the Cannibals." *Critical Review of International Social and Political Philosophy* 4 (4): 35–54.
- Mang, Franz. 2013. "Liberal Neutrality and Moderate Perfectionism." *Res Publica* 19(4): 297–315.
- Marcuse, Herbert. 1964. *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society*. Boston: Beacon.
- Marmor, Andrei. 2011. "An Institutional Conception of Authority." *Philosophy and Public Affairs* 39 (3): 238–61.
- Metz, Thaddeus. 2001. "Respect for Persons and Perfectionist Politics." *Philosophy and Public Affairs* 30 (4): 417–42.
- Mill, J. S. 2007. *On Liberty and the Subjection of Women (Penguin Classics)*. Edited by Alan Ryan. Revised ed. Penguin Classics.
- Miller, David. 1989. *Market, State, and Community: Theoretical Foundations of Market Socialism*. Oxford : Clarendon Press.
- . 2004. "Justice, Democracy and Public Goods." In *Justice and Democracy: Essays for Brian Barry*, edited by Keith M. Dowding, Robert E. Goodin, and Carole Pateman, 127–49. Cambridge University Press.
- . 2007. *National Responsibility and Global Justice*. Oxford University Press.
- . 2013. *Justice for Earthlings: Essays in Political Philosophy*. Cambridge University Press.
- Mitchell, Gregory. 2005. "Libertarian Paternalism Is an Oxymoron." *Northwestern University Law Review* 99: 1245–77.

Bibliography

- Nakken, Craig. 1996. *The Addictive Personality: Understanding the Addictive Process and Compulsive Behavior*. Hazelden Foundation.
- Nagel, Thomas. 1986. *The View from Nowhere*. New York ; Oxford : Oxford University Press.
- . 1987. "Moral Conflict and Political Legitimacy." *Philosophy & Public Affairs* 16 (3): 215–40.
- . 1991. *Equality and Partiality*. New York: Oxford University Press.
- Nietzsche, Friedrich. 1965. *Schopenhauer as Educator*. Translated by James W. Hillesheim and Malcolm R. Simpson. South Bend, Ind.: Gateway Editions.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York : Basic Books.
- Nussbaum, Martha C. 2000. *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge University Press.
- . 2011. "Perfectionist Liberalism and Political Liberalism." *Philosophy and Public Affairs* 39 (1): 3–45.
- Otsuka, Michael. 2003. *Libertarianism without Inequality*. Oxford: Oxford University Press.
- Ø verland, Gerhard and Barry, Christian. 2011. "Do Democratic Societies Have a Right to Do Wrong?" *Journal of Social Philosophy* 42 (2): 111–31.
- Patten, Alan. 2012. "Liberal Neutrality: A Reinterpretation and Defense." *Journal of Political Philosophy* 20 (3): 249–72.
- Pogge, Thomas. 2002. "Can the Capability Approach Be Justified?" *Philosophical Topics* 30 (2): 167–228.
- . 2002. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. Cambridge: Polity Press.
- Poon, Alice. 2005. *Land and the Ruling Class in Hong Kong*. Singapore : Enrich Professional Publishing.
- Quong, Jonathan. 2011. *Liberalism Without Perfection*. Oxford University Press.
- . 2013. "On the Idea of Public Reason." In *A Companion to Rawls*, edited by David Reidy and Jon Mandle, 265–280. Oxford: Wiley-Blackwell.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge, MA: Harvard University Press.
- . 1999a. *The Law of Peoples*. Cambridge: Harvard University Press.
- . 1999b. *A Theory of Justice*. Revised ed. Cambridge, MA: Harvard University Press.

Bibliography

- . 2001. *Justice as Fairness: A Restatement*. Edited by Erin Kelly. Cambridge, MA: Harvard University Press.
- . 2005. *Political Liberalism*. New York: Columbia University Press.
- Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Clarendon Press.
- . 1988. "Autonomy, Toleration and the Harm Principle." In *Justifying Toleration: Conceptual and Historical Perspectives*, edited by Susan Mendus (Ed.), 155–77. Cambridge University Press.
- . 1989. "Facing Up: A Reply." *Southern California L.R.*, 62: 1153–1235.
- . 1994. *Ethics in the Public Domain: Essays in the Morality of Law and Politics*. Oxford: Clarendon Press.
- . 1998. "Disagreement in Politics." *The American Journal of Jurisprudence* 43 (1): 25–42.
- . 2004. "The Role of Well-Being." *Philosophical Perspectives* 18 (1): 269–94.
- . 2006. "The Problem of Authority: Revisiting the Service Conception." *Minnesota Law Review* 90: 1003–44.
- Riesman, David, Nathan Glazer, and Reuel Denney. 2001. *The Lonely Crowd: A Study of the Changing American Character*. Revised ed. Yale University Press.
- Ross, Robert J. S., and Kent C. Trachte. 1990. *Global Capitalism: The New Leviathan*. State University of New York.
- Russell, Bertrand. 1968. *The Autobiography of Bertrand Russell (Volume III)*. London, Readers Union, George Allen and Unwin.
- Sasco, A.J. Secretan, M.B. Straif, K. 2004. "Tobacco Smoking and Cancer: A Brief Review of Recent Epidemiological Evidence." *Lung Cancer* 45: S3–S9.
- Schwartzman, Micah. 2011. "The Sincerity of Public Reason." *Journal of Political Philosophy* 19 (4): 375–98.
- Schwarzenbach, Sibyl A. 2009. *On Civic Friendship : Including Women in the State*. New York : Columbia University Press.
- Seligman, Martin E. P., and Mihaly Csikszentmihalyi. 2000. "Positive Psychology: An Introduction." *American Psychologist* 55 (1): 5–14.
- Sen, Amartya. 2009. *The Idea of Justice*. Harvard University Press.
- Sheng, L and Tsui, Y. 2009. "A General Equilibrium Approach to Tourism and Welfare: The Case of Macao." *Habitat International* 33 (4): 419–24.

Bibliography

- Sher, George. 1997. *Beyond Neutrality: Perfectionism and Politics*. New York: Cambridge University Press.
- Simmons, A. J. 2001. *Justification and Legitimacy: Essays on Rights and Obligations*. Cambridge: Cambridge University Press.
- . “Ideal and Nonideal Theory.” *Philosophy and Public Affairs* 38 (1): 5–36.
- Singer, Peter. 1975. *Animal Liberation: A New Ethics for Our Treatment of Animals*. HarperCollins.
- Solum, Lawrence B. 1993. “Constructing an Ideal of Public Reason.” *San Diego Law Review* 30: 729–62.
- Staals, Peter. 2007. *Drug Abuse and Division: A Practice Guide for Clinicians*. London: McGraw-Hill.
- Stears, Marc, and Mathew Humphrey. 2012. “Public Reason and Political Action: Justifying Citizen Behavior in Actually Existing Democracies.” *The Review of Politics* 74: 285–306.
- Steinhoff, Uwe. 2014. “Against Equal Respect and Concern, Equal Rights, and Egalitarian Impartiality.” In *Do All Persons Have Equal Moral Worth? On “Basic Equality” and Equal Respect and Concern*, edited by Uwe Steinhoff, 143–72. Oxford University Press.
- Stemplowska, Zofia. 2008. “What’s Ideal About Ideal Theory?” *Social Theory and Practice* 34 (3): 319–40.
- Sypnowich, Christine. 2014. “A New Approach to Equality.” In *Political Neutrality: A Re-Evaluation*, edited by Roberto Merrill and Daniel Weinstock, 178–209. New York, NY: Palgrave Macmillan.
- Ten, C. L. 2001. “Book review: Beyond neutrality: Perfectionism and politics by George Sher.” *Mind* 110 (438):558-562.
- Tomasi, John. 2012. *Free Market Fairness*. Princeton: Princeton University Press.
- Too, Wing-tak. 2007. “A Study of Private/Public Space in Hong Kong (PhD Thesis).” University of Hong Kong.
- Treadyway, MT, and DH Zald. 2011. “Reconsidering Anhedonia in Depression: Lessons from Translational Neuroscience.” *Neuroscience & Biobehavioral Reviews* 35 (3): 537–55.
- Tsai, George. 2014. “Rational Persuasion as Paternalism.” *Philosophy & Public Affairs* 42 (1): 78–112.
- Usborne, David. 2015. “In America, Closing the Wealth Gap Will Be the Issue of 2016.” *The Independent*.

Bibliography

- Vallier, Kevin. 2011. "Convergence and Consensus in Public Reason." *Public Affairs Quarterly* 25 (4).
- . 2014a. *Liberal Politics and Public Faith: A Philosophical Reconciliation*. Routledge.
- . 2014b. "On Jonathan Quong's Sectarian Political Liberalism (online first)." *Criminal Law and Philosophy*: 1–20.
- . (forthcoming). "Public Reason Is Not Self-Defeating (manuscript)." *American Philosophical Quarterly*: 1–21.
- Vallier, Kevin, and Fred D'Agostino. 2014. "Public Justification." *The Stanford Encyclopedia of Philosophy (Spring 2014 Edition)*, Edward N. Zalta (ed.), URL =<<http://plato.stanford.edu/archives/spr2014/entries/justification-public/>>.
- Veetil, Vipin P. 2011. "Libertarian Paternalism Is an Oxymoron: An Essay in Defence of Liberty." *European Journal of Law and Economics* 31 (3): 321–34.
- Waldren, Matt Sensat. 2013. "Why Liberal Neutralists Should Accept Educational Neutrality." *Ethical Theory and Moral Practice* 16 (1): 71–83.
- Waldron, Jeremy. 1989. "Autonomy and Perfectionism in Raz's Morality of Freedom." *Southern California Law Review*, 62: 1097–1152.
- . 1993. "Special Ties and Natural Duties." *Philosophy & Public Affairs* 22 (1): 3–30.
- . 1999. *Law and Disagreement*. Oxford: Clarendon Press.
- . 2013. "Political Political Theory: An Inaugural Lecture." *Journal of Political Philosophy* 21 (1): 1–23.
- Wall, Steven. 1998. *Liberalism, Perfectionism, and Restraint*. Cambridge University Press.
- . 2001. "Neutrality and Responsibility." *The Journal of Philosophy* 98 (8): 389–410.
- . 2002. "Is Public Justification Self-Defeating?" *American Philosophical Quarterly* 39 (4): 385–94.
- . 2003. "The Structure of Perfectionist Toleration." In *Perfectionism and Neutrality: Essays in Liberal Theory*, edited by Steven Wall and George Klosko, 231–56. Lanham, MD: Rowman and Littlefield.
- . 2005. "Perfectionism, Public Reason and Religious Accommodation." *Social Theory and Practice* 31 (2): 281–304.
- . 2009. "Perfectionism in Politics: A Defense." In *Contemporary Debates in Political Philosophy*, edited by Thomas Christiano and John Christman, 99–117. U.K.; Malden, MA: Wiley-Blackwell.

Bibliography

- . 2010. "Neutralism for Perfectionists: The Case of Restricted State Neutrality." *Ethics* 120 (2): 232–56.
- . 2013a. "Public Reason and Moral Authoritarianism." *Philosophical Quarterly* 63 (250): 160–69.
- . 2013b. "Rawlsian Perfectionism." *Journal of Moral Philosophy* 10: 573–97.
- . 2013c. "Moral Environmentalism." In *Paternalism: Theory and Practice*, 93–114. Cambridge University Press.
- . 2013d. "Enforcing Morality." *Criminal Law and Philosophy* 7: 455–71.
- . 2014. "Perfectionism, Reasonableness, and Respect." *Political Theory* 42: 468–89.
- . 2015. "Political Authority and the Authority of Tradition (online first)." *Journal of Political Philosophy*: 1–20.
- Walzer, Michael. 2007. *Thinking Politically: Essays in Political Theory*. Edited by David Miller. Yale University Press.
- Warburto, David M. 1992. *Addiction Controversies*. CRC Press.
- Wellman, Christopher Heath. 1996. "Liberalism, Samaritanism, and Political Legitimacy." *Philosophy and Public Affairs* 25 (3): 211–37.
- Williams, Bernard. 1985. *Ethics and the Limits of Philosophy*. London: Fontana.
- . 2005. *In the Beginning Was the Deed: Realism and Moralism in Political Argument*. Edited by Geoffrey Hawthorn. Princeton: Princeton University Press.
- Yalom, Irvin. 2011. *Staring At The Sun: Being at Peace with Your Own Mortality: Overcoming the Terror of Death*. London: Piatkus.
- . 2012. *Love's Executioner and Other Tales of Psychotherapy*. Second ed. Basic Books.