

Introduction to the Symposium on Matthew Kramer's *Liberalism with Excellence*

Paul Billingham & Anthony Taylor*

Professor Matthew Kramer is one of the most wide-ranging contributors to contemporary moral, political, and legal philosophy. His work has covered, among other topics, theories of rights, the relationship between law and morality, the analysis of freedom, metaethics, the rule of law, and the ethics of torture and capital punishment. It should be no surprise, then, that in *Liberalism with Excellence* he has turned his attention to the on-going dispute between liberal neutralists and their perfectionist rivals.¹ This debate is about one of the most central questions in political philosophy: when is the exercise of political power justifiable or legitimate? Much of the contemporary debate about this question focusses on the role that claims about the components of a good or flourishing life can play in justifying state action. The liberal neutralist view holds that the state must be neutral in some sense between a number of competing conceptions of the good life, and thus that claims about the good can play a limited justificatory role at best. Advocates of this view tend to maintain that state action should be justified by distinctively political values and ideals that are in some sense acceptable to all reasonable citizens, whatever their particular conceptions of the good. The perfectionist view, by contrast, holds that claims about the good have an important justificatory role to play. Governments can promote the good—and discourage the bad—in order to facilitate citizens living flourishing, edified, and worthwhile lives. The debate between these two positions is well-worn, and is probably familiar to most readers. Nonetheless, it continues to be both active and fruitful. But few recent contributions are as important or original as Kramer's.

Two features of Kramer's contribution to this debate are particularly distinctive. The first is his position vis-à-vis liberal perfectionism and liberal neutralism. Though he situates

* Paul Billingham is Associate Professor of Political Theory, Department of Politics and International Relations, University of Oxford, and a Tutorial Fellow at Magdalen College. Email: paul.billingham@politics.ox.ac.uk. Anthony Taylor is a Postdoctoral Prize Research Fellow in Politics, Nuffield College, University of Oxford. Email: anthony.taylor@nuffield.ox.ac.uk.

¹ Matthew Kramer, *Liberalism with Excellence* (Oxford: Oxford University Press, 2017). All page references in parenthesis are to this book.

himself in the former camp—calling his view aspirational perfectionism—his relationship to classic statements of the two views is more complex than this label implies. Like other perfectionists he is critical of theories of state neutrality; however, in developing his own view he adapts a central piece of argumentation from the liberal neutralist repertoire: that governments should be concerned with providing the conditions necessary for their citizens to enjoy a robust sense of self-respect. Ultimately, his aspirational perfectionism authorises a range of policies typically associated with perfectionism on the basis of their ability to bolster the self-respect of citizens, a concern typically associated with neutralists. The second distinctive feature is the way in which Kramer’s critique of existing liberal perfectionist accounts is continuous with his prior work on the ethics of torture and capital punishment.² In that work he developed a conception of moral integrity, the aim of which is to draw our attention to morally significant properties of actions that have nothing to do with their effects on their victims. For example, certain instances of torture are wrongful, Kramer claims, in virtue of the fact that they tarnish the moral integrity of those who perpetrate them rather than in virtue of the effects they have on their victims. In *Liberalism with Excellence*, he draws on this conception of moral integrity in order to condemn existing liberal perfectionist accounts as exhibiting a ‘quidnunc mentality’—an original charge.

This symposium gathers together a set of articles discussing *Liberalism with Excellence* and the broader themes it connects up with. All of the papers were originally presented at Christ Church, University of Oxford, in June 2017. We would like to express our gratitude to all those who participated in that conference, as either speakers or attendees, and to the organisations whose generous financial support made the event possible: Christ Church; the Society for Applied Philosophy; the Cambridge Forum for Legal and Political Philosophy; The Mind Association; and the Centre for the Study of Social Justice at Oxford’s Department of Politics and International Relations.

Since the book may not yet be familiar to all readers of this symposium, we will use this introduction to outline Kramer’s position and central arguments in a little more detail. In

² Matthew Kramer, *Torture and Moral Integrity: A Philosophical Enquiry* (Oxford: Oxford University Press, 2014). Kramer himself explains this continuity in his “On Political Morality and the Conditions for Warranted Self-Respect,” *Journal of Ethics* 21(4), 335-349.

the process, we will also situate the articles in the symposium with respect to the book and the wider debate.

Kramer first focuses his critical attention on liberal neutralism. He starts by defending perfectionist policies against several objections pressed by the prominent neutralist Jonathan Quong. Quong argues that perfectionist policies, such as subsidies for the arts, are both manipulative and paternalistic, making them incompatible with core liberal values.³ Kramer responds by contending that the manipulation argument begs the question against perfectionists by assuming a normative baseline that they would reject (58-63), while the paternalism argument fails to recognise that many perfectionist policies can be construed as providing public goods, which defuses the accusation of paternalism—as Quong himself recognises (72-91).

Having defended the liberal credentials of perfectionist policies, Kramer turns on the attack. His central objection to neutralism is the familiar one that its claimed neutrality is illusory, but he develops this criticism in an unusually subtle and powerful way. Some have been tempted to conclude that neutrality is a mythical ideal because no moral or political theory can be completely neutral. However, liberal neutralists never claimed to be neutral about everything: neutrality always involves being neutral among particular things, and when neutrality is warranted it is always because there is some value or ideal that justifies it, making the theory patently non-neutral in respect of that value or ideal. This is true for familiar forms of neutrality that surely no one thinks mythical, such as the neutrality we expect from umpires and judges: umpires should be neutral between the competitors, because this serves the value of fairness. It is also true of liberal neutralism: neutralists claim that the state should be neutral among reasonable conceptions of the good, and indeed among religious and metaphysical beliefs more generally, because this serves the liberal values of freedom, equality, and fairness. Showing that this kind of neutrality is illusory must involve showing that the state cannot be neutral in this particular way. This is precisely what Kramer seeks to do. He argues that there are a host of vital political issues whereby every possible resolution presupposes answers to contested metaphysical questions. One can claim that

³ Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011), chapters 2 and 3.

government action on these issues is neutral among reasonable citizens only by stipulating that all reasonable citizens accept the answers that those actions necessarily presuppose; but this kind of neutrality is indeed an illusion. Kramer makes this case at length with respect to abortion (94-146), but also points to euthanasia, animal rights and the state's definition of marriage as other areas where this problem arises (146-152). The upshot of this is that even if the state can sometimes be neutral among comprehensive doctrines—and Kramer believes that it sometimes can, and ought to be—there are many crucial cases where this is impossible and yet the state must act nonetheless. Any thoroughgoing liberal neutralism must thus be rejected.

Two of the contributions to this symposium discuss this argument. Clare Chambers takes Kramer to be drawing our attention to a general dilemma for neutralists, which shows that in a range of cases that share certain features the state cannot act without violating neutrality. She then goes on to consider whether the question of whether routine infant circumcision ought to be legally prohibited is one that gives rise to this neutralist dilemma. Ultimately, she argues that it does not, as (contra Kramer, 85-87) the only acceptable answer to this question for neutralists is prohibition.

Cécile Laborde also focuses her contribution on this component of Kramer's view. She assents to and develops his central claim, exploring its application to another crucial issue: the rights of religious associations. This leads her to defend a more modest version of neutralist theory, which recognises the many ways in which liberalism must rest on substantive, non-neutral, normative, metaphysical and even ontological claims, and thus more tightly circumscribes the state's neutrality.⁴

Having pressed these objections against liberal neutralism, Kramer turns his fire on existing perfectionist theories, which he labels 'edificatory'. The central feature of edificatory perfectionism is that it seeks to directly promote citizens' well-being, by steering them toward ways of life that are more flourishing or wholesome and encouraging them to develop their capacities and refine their sentiments. The government should thus subsidise worthwhile activities, provide venues for arts and sports, fund public service broadcasting and museums,

⁴ Laborde develops this theory in more detail in her *Liberalism's Religion* (Cambridge, Mass.: Harvard University Press, 2017), especially chapters 3-5.

and discourage deleterious pursuits through education, taxation, or outright bans. Kramer presents two objections to edificatory perfectionism. First, he argues that edificatory perfectionists do not show a sufficient appreciation for the value of freedom, and in particular for freedom's content-independent value (193-250). Edificatory perfectionist policies have disvalue due to their freedom-restricting qualities, yet advocates of the view fail to recognise this, due to their cramped and distorted understanding of the value of freedom and autonomy. Kramer argues this point at length with regard to the views of Peter De Marneffe (207-27) and Joseph Raz (227-49), but claims that the same objection applies to all variants of edificatory perfectionism—including those endorsed by two contributors to this symposium, George Sher and Steven Wall. Kramer aligns himself with Rawlsians as he contends that edificatory perfectionism manifests disrespect toward citizens by treating them as untrustworthy in relation to their decisions about their way of life. It is thus objectionably illiberal.

While Kramer's first objection focuses on the way that edificatory perfectionist policies treat citizens, his second focuses on the mentality of the government officials who implement those policies. Kramer argues that those officials necessarily display a 'quidnunc mentality'—the mentality of an interfering busybody (251-98). This is a failure of self-restraint that tarnishes the moral integrity of the edificatory perfectionist system of governance. An edificatory perfectionist government displays both overweeningness and degrading weakness—overweeningness because it interferes in aspects of citizens' lives that ought to be beyond its purview and degrading weakness because its success or failure becomes dependent on citizens responding in particular ways to edificatory policies, and thus on private actions that are none of its business (285-9). Kramer elucidates the nature of the quidnunc mentality both through a lively discussion of Shakespeare (264-9) and by applying his account of the wrongness of torture, which he developed in earlier work (256-64, 285-7).

These objections to edificatory perfectionism are the central focus of George Sher's article. With regard to the first objection, Sher argues that Kramer overstates or misrepresents the importance of the various kinds of content-independent value that freedom possesses. To the extent that those kinds of value are genuine, however, edificatory perfectionists can

recognise them, without this undercutting the justification for perfectionist policies. Turning to the second objection, Sher insists that the motivation behind edificatory perfectionist policies and the mentality of their implementers can be understood in ways that are neither self-aggrandising nor self-abasing, but reflect a benign desire to promote others' good. Further, the features that Kramer associates with the quidnunc mentality are also displayed by unquestionably legitimate government actions, such as promoting justice and public order. Kramer's argument would thus impugn many morally unimpeachable government actions. Our own contribution also argues that Kramer's arguments against edificatory perfectionism are far from conclusive. In particular, neither objection succeeds if, as many perfectionists believe, governments have edificatory duties—duties to provide the conditions in which citizens can live worthwhile lives. If governments have such duties, then this would justify the freedom restriction involved in actions undertaken to fulfil those duties, and would mean that those actions do not display the quidnunc mentality, on Kramer's favoured moralised definition of that concept.

Even if criticisms of Kramer's objections to edificatory perfectionism hold, however, it would not take anything away from his presentation and justification of his own account. Kramer's aspirational perfectionism centres on the claim that the government ought to promote excellence within society in order to heighten the warranted self-respect of each citizen. The argument unfolds in three main steps. First, Kramer establishes the nature and importance of self-respect, by developing and defending various comments by Rawls. Kramer argues that warranted self-respect is a 'primary good'—a good that all citizens can recognise as serviceable for a wide variety of ends, whatever their particular conception of the good (299-340). Having thus established the importance of warranted self-respect within an account of the goals and limits of state action, Kramer turns to the second step, which is to argue that one important contributor to citizens' warranted level of self-respect is the excellence of their society (352-74). Living in a society that features multifarious estimable achievements bolsters each citizen's warranted self-respect. Kramer defends this claim by developing an account of vicarious pride and arguing that one important source of such pride is the achievements of one's compatriots, because how well one's life goes is partly

dependent on those achievements (352-65). This then leads to the third step in the argument: given the importance of warranted self-respect as a primary good and the contribution that societal excellence makes to that good, one crucial role for any system of governance is to promote and facilitate the realisation of self-respect-bolstering top-notch accomplishments (349-52, 365-74). Indeed, the status of warranted self-respect as a primary good means that such government action is in the service of justice—even under a (suitably amplified) liberal neutralist understanding of justice.

In his final chapter, Kramer provides an account of what aspirational perfectionism would involve in practice, by detailing the implementation of the theory (375-404). Notably, many aspirational perfectionist policies are the same as those pursued by edificatory perfectionists—the state will subsidise the arts, offer tax exemptions to groups pursuing worthwhile endeavours, provide public land for cultural and social events, operate museums and galleries, and so on. This is why it was important for Kramer to argue earlier that such policies are not in themselves manipulative or paternalistic. The aspirational and edificatory motivations and justifications for these policies are very different, however. The aspirational perfectionist aim is not to directly induce citizens to enjoy edifying experiences or to live worthwhile lives, but to promote their warranted self-respect by increasing the incidence of excellence within society. It is through recognising the role of society's excellence in partly determining how well each citizen's life goes that we find a truly liberal and non-quidnunc justification for perfectionist policies, and thus a fundamentally different kind of perfectionist liberal theory.

The development of aspirational perfectionism is undoubtedly the most important contribution of Kramer's book. It reshapes the debate, by introducing a new contender into the literature and demonstrating how insights from both neutralist and edificatory perfectionist theories can be recombined in ways that lead to this distinctive theory. This innovation will surely prompt much fruitful debate. Several contributions to this symposium begin that discussion.

Zofia Stemplowska focuses on vicarious pride and the collective grounds of self-respect, subjecting Kramer's claims to a careful and insightful analysis. She ultimately argues

that while self-respect does indeed have collective grounds, these are found within projects that one associates with or has invested in, including through one's identity. Mere membership in the same society is not enough. On this account, some of your compatriots' achievements do not bolster your self-respect, due to your lack of investment, while some achievements by foreigners do provide such bolstering, since they are within areas and projects with which you identify and in which you have invested. Incorporating this kind of account into aspirational perfectionism would radically alter its implications for government action.

Han van Wietmarschen also subjects Kramer's account of self-respect and its connection to societal excellence to critical analysis. He highlights several gaps in Kramer's argument and submits that closing those gaps would require Kramer to abandon the Rawlsian conception of self-respect and to adopt a more straightforwardly perfectionist view. We make a related point in our article, arguing that Kramer's objectivist account of warrant prevents his conception of warranted self-respect from being a primary good in Rawls's sense. Both of these arguments put pressure on Kramer's claim that aspirational perfectionism and liberal neutralism are fundamentally compatible.

van Wietmarschen also argues that Kramer's exclusive focus on warrant for self-respect leads him to ignore the importance of justification for self-respect, and the dangers that stigmatisation and marginalisation pose to this crucial aspect of the economy of esteem. He goes on to develop an alternative account of the connection between political life and self-respect, which focuses on the way that democratic decision-making enables each citizen to see herself as co-creator of the societal excellence of justice, which all reasonable citizens include among their aims. This account coheres with liberal neutralism better than Kramer's—but it also rules out the kind of perfectionist policies that are central to Kramer's argument, since it incorporates the ideal of public reason.

Sher also enters the fray here. He notes that given the great variety of things in which humans tend to take pride, it is not clear that excellence-promoting government action is needed in order to ensure that citizens enjoy a healthy sense of self-respect. Further, a normative account that insists on the necessity of societal excellence for ordinary individuals'

warranted self-respect is unattractive, since it sets the bar too high, excluding those born into unexceptional or benighted societies from enjoying this good. Finally, Kramer's focus on warrant is also problematic given that what matters for citizens is not simply having warrant for self-respect but actually having self-respect.

In the final piece in the symposium Steven Wall takes the opportunity to explore the possibility of a view that accepts the perfectionist claim that the state ought to promote the good while endorsing a subjectivist account of what the good consists in. Since liberal perfectionists are typically objectivists about the good, this theoretical space is, as Wall notes, underexplored. Wall argues that one interesting feature of a subjectivist perfectionist view is that it is well equipped to avoid the quindnunc mentality objection that Kramer presses against edificatory perfectionism. If we understand the good to be promoted in (idealised) subjectivist terms, then an impartial concern to improve the lives of citizens would still justify some typical perfectionist policies, but it would do so without riding roughshod over citizens' informed views about the good life. Given this, it is hard to see how subjectivist perfectionism could be charged with manifesting the quidnunc mentality.

As we hope is clear from these brief summaries, the articles that follow provide a penetrating analysis of Kramer's liberalism. The symposium concludes with a reply from Kramer, where he responds to many of these criticisms and lines of inquiry. It is to the great merit of *Liberalism with Excellence* that it can generate such rich debate, and we hope that the discussion continues beyond this symposium.