

Toward a More Perfect Union:
A Critique of John Rawls on the Moral Person and Liberal Neutrality

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In his book, *A Theory of Justice*,¹ and his article, “Kantian Constructivism in Moral Theory,”² John Rawls presents an account of what he calls the “moral person”³ and uses it to support his liberal theory of justice. In this paper, I will present Rawls’s depiction of the moral person, argue why this depiction is flawed, and present my own alternative account of the moral person using the metaphor of Neurath’s boat. I will also present Rawls’s related argument for why the liberal state should be neutral in regards to citizens’ conceptions of the good, argue why liberal neutrality is a false neutrality, and present my own alternative argument for a perfectionist liberal state.

Rawls reasons from his conception of the person to the principles of justice. Rawls explains that this method, called “Kantian constructivism,”⁴ “specifies a particular conception of the person as an element in a reasonable procedure of construction, the outcome of which determines the content of the first principles of justice.”⁵ He uses the original position as a construct “to establish the connection between the model-conception of a moral person and the principles of justice.”⁶ The parties in the original position are “rational and mutually disinterested”⁷ and “do not know their conceptions of the good.”⁸ He defines rational in the instrumental sense, that is, “taking the most effective means to given ends.”⁹ He explains that “it is necessary to rely on some notion of goodness, for we need assumptions about the parties’ motives in the original position.”¹⁰ For this reason, Rawls adopts what he calls a “thin theory”¹¹

¹ John Rawls, *A Theory of Justice: Revised Edition*, (Harvard University Press, 1999).

² John Rawls, “Kantian Constructivism in Moral Theory,” *The Journal of Philosophy* 77, no. 9 (1980).

³ *Ibid.*, 521.

⁴ *Ibid.*, 515.

⁵ *Ibid.*, 516.

⁶ *Ibid.*, 520.

⁷ Rawls, *A Theory*, 12.

⁸ *Ibid.*, 11.

⁹ *Ibid.*, 12.

¹⁰ *Ibid.*, 348.

¹¹ *Ibid.*, 348.

of the good in which there are certain “primary goods, that is, things that every rational man is presumed to want.”¹² He defines these primary goods as “social conditions and all-purpose means to enable human beings to realize and exercise their moral powers.”¹³ Rawls explains that the primary goods include things like “rights, liberties, and opportunities, and income and wealth.”¹⁴

In his description of the moral person, Rawls explains that “the self is prior to the ends which are affirmed by it.”¹⁵ In other words, one’s moral personhood is not attached to one’s ends. He asserts that moral persons have “two moral powers” and “two corresponding highest-order interests in realizing and exercising these powers.”¹⁶ The first moral power is a “capacity for an effective sense of justice,” and the second moral power is “the capacity to form, to revise, and rationally to pursue a conception of the good.”¹⁷ Rawls also holds that moral persons have a subordinate “higher-order interest in protecting and advancing their conception of the good,”¹⁸ regardless of what it may be. Because primary goods equip moral persons to exercise their moral powers, they help to fulfill their highest and higher-order interests.

Rawls defines “deliberative rationality”¹⁹ as the capacity to choose between life plans. Moral persons are “capable of revising and changing [their] ends on reasonable and rational grounds.”²⁰ Rawls asserts that moral persons’ choice in life plans has “no standard of correctness beyond that of deliberative rationality.”²¹ He argues that people are “lucid”²² in framing their life

¹² Ibid., 54.

¹³ Rawls, “Kantian Constructivism,” 526.

¹⁴ Rawls, *A Theory*, 79.

¹⁵ Ibid., 491.

¹⁶ Rawls, “Kantian Constructivism,” 525.

¹⁷ Ibid., 525.

¹⁸ Ibid., 525.

¹⁹ Rawls, *A Theory*, 372.

²⁰ Rawls, “Kantian Constructivism,” 521.

²¹ Rawls, *A Theory*, 494.

²² Ibid., 481.

plans and conceptions of the good. While Rawls concedes that people “might regard it as unthinkable for them to view themselves without certain religious and philosophical convictions and commitments,”²³ he nonetheless holds that moral persons “can stand above and critically survey their own final ends by reference to a notion of the Reasonable and the Rational.”²⁴

In many ways, Rawls’s description of the moral person feels intuitive. One’s moral personhood does not seem constitutively attached to a particular set of ends. People can and do choose to revise their conceptions of the good all of the time. Even if Bradley converts to a new religion, Camille changes her career aspirations, or Carlos changes his political party, they all still retain their moral personhood. As Alasdair MacIntyre puts it, “from the standpoint of individualism I am what I myself choose to be.”²⁵ But in another way, Rawls’s description of the moral person feels alien to people’s everyday experience. As Michael Sandel writes, Rawls’s moral person is “radically disembodied,”²⁶ without a clear sense of identity. Rawls also does not provide a clear account of the standards by which people might choose their conceptions of the good. According to Sandel, “on the deontological view, deliberation about ends can only be an exercise in arbitrariness.”²⁷ Michael Walzer concurs, writing that “we have no criteria to govern our choices except our own wayward understanding of our wayward interests and desires.”²⁸ As Will Kymlicka explains, “the demand to be freely self-determining is indeterminate.”²⁹ Rational deliberation, on Rawls’s account, seems to be what Rawls calls a “radical choice,” which is “a choice not based on reasons, a choice that simply fixes, by sheer fiat, as it were, the scheme of

²³ Ibid., 545.

²⁴ Ibid., 549.

²⁵ Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory*, Thirded, Notre Dame, (Indiana: University of Notre Dame Press, 2007), 220.

²⁶ Michael J. Sandel, *Liberalism and the Limits of Justice* (version 2nd ed.), 2nd ed, Cambridge, (UK: Cambridge University Press, 1998), 21.

²⁷ Ibid., 179-80.

²⁸ Michael Walzer, “The Communitarian Critique of Liberalism,” *Political Theory* 18, no. 1, (1990), 9.

²⁹ Will Kymlicka, *Liberalism, Community, and Culture*, Clarendon Paperbacks, (Oxford England: Clarendon Press, 1991), 47.

reasons.”³⁰ As Allan Bloom points out, Rawls never addresses Nietzsche’s question of “how one creates a ‘life-plan’ or horizon when there is no objective good.”³¹ Bloom also contends that it is unclear how Rawls’s purely instrumental definition of reason allows for the establishment of ends.³² Bloom argues that for Rawls, everything comes down to “desires, tastes, preferences, [and] values.”³³ Rawls himself admits as much, writing that “we eventually reach a point... where we just have to decide which plan we most *prefer* without further guidance from principle.”³⁴ Rawls never explains whence these preferences come³⁵ or whether they can change. Either these preferences are fixed or people can alter their preferences. If these preferences are fixed, they would seem to be no different than an unchanging conception of the good, in which case people’s highest-order interest would simply be the satisfaction of their unchanging preferences. If people can alter their preferences, people would need to do so using a set of criteria, which would either be fixed or can be altered, raising the problem of infinite regress. Either outcome raises problems for Rawls conception of the moral person. Thus, Rawls fails to provide a compelling account of how a radically disembodied moral person decides between conceptions of the good.

The communitarians present alternate accounts of the moral person that have their own issues. MacIntyre argues that the self is unified by a narrative.³⁶ He argues that one’s quest for the good takes place in a cultural context and that a person’s conception of the good should depend on what is good for someone who inhabits his or her social roles.³⁷ Sandel suggests that

³⁰ Rawls, *A Theory*, 568.

³¹ Bloom, Allan. “John Rawls Vs. The Tradition of Political Philosophy.” *The American Political Science Review* 69, no. 2, (1975), 655.

³² *Ibid.*, 652.

³³ *Ibid.*, 657.

³⁴ Rawls, *A Theory*, 483, emphasis added.

³⁵ Bloom, 655-7.

³⁶ MacIntyre, 205.

³⁷ *Ibid.*, 220.

we should discover rather than choose our ends and reframe moral decisions as questions of self-knowledge.³⁸ He proposes that we act out of “enduring qualities of character” in order to “prevent the lapse into arbitrariness which the deontological self is unable to avoid.”³⁹ Charles Taylor emphasizes the necessity of frameworks. He explains that frameworks offer “background assumptions to our moral reactions” and provide “a kind of orientation essential to our identity.”⁴⁰ Some examples of frameworks include “the space of fame in the memory and song of the tribe, or the call of God as made clear in revelation, or... the hierarchical order of being in the universe.”⁴¹ According to Taylor, “to think, feel, judge within such a framework is to function with the sense that some action, or mode of life, or mode of feeling is incomparably higher than the others which are more readily available to us.”⁴² Thus, the communitarians portray the moral person as firmly situated—whether that be in a community, an identity, or a framework.

Kymlicka rejects both the Rawlsian and communitarian conceptions of the moral person. Kymlicka opposes Rawls’s assertion that our highest-order interest is our ability to exercise our capacity to choose our conception of the good. He rejects the premise that “freedom is the most valuable thing in the world,” instead holding that “it is our projects and tasks that are the most important things in our lives.”⁴³ He writes that “our essential interest is in leading a good life, in having those things that a good life contains.”⁴⁴ He adds that the good life must be led “from the inside, according to [one’s] beliefs about value” rather than led “from the outside according to values [one] doesn’t endorse.”⁴⁵ Kymlicka rejects MacIntyre’s claim that we should consider our

³⁸ Sandel, *Liberalism*, 22.

³⁹ Ibid., 180.

⁴⁰ Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, (Cambridge, Massachusetts: Harvard University Press, 1989), 78.

⁴¹ Ibid., 16.

⁴² Ibid., 19.

⁴³ Kymlicka, 48.

⁴⁴ Ibid., 10.

⁴⁵ Ibid., 12.

good based on the good of someone in our roles because it does not account for how we can question and reject the roles that we hold at any given time.⁴⁶ Kymlicka likewise explains that since Sandel admits that the boundaries of the self are “flexible and can be redrawn,”⁴⁷ Sandel seems to concede Rawls’s point that “the *person* is prior to her ends.”⁴⁸ Kymlicka also rejects Taylor’s argument that we should treat communal values as fixed reference points, writing that “no particular cultural practice has authority that is beyond individual judgement and possible rejection.”⁴⁹ Thus, Kymlicka believes that the communitarian critiques fail to refute Rawls’ central premise that “that no end or goal is exempt from possible re-examination.”⁵⁰ Walzer likewise emphasizes how communitarians are committed to “a self capable of reflecting critically on the values that have governed its socialization,”⁵¹ thereby conceding to Rawls that the self is prior to its ends.

I will now present my own interpretation of the moral person,⁵² taking into account the communitarian critiques of Rawls as well as Kymlicka’s rejoinder that no end is beyond re-examination. I employ a metaphor known as Neurath’s boat.⁵³ Neurath’s boat is a ship that sailors must reconstruct while at sea—each part must be replaced by standing on another part of the ship. Similarly, we can only reevaluate our conception of the good by appealing to other aspects of our conception of the good. People develop their conceptions of the good from their upbringing, education, family, and community, and they incrementally re-evaluate their conceptions of the good throughout their life. Under this model, while the self cannot stand

⁴⁶ Ibid., 57.

⁴⁷ Ibid., 55.

⁴⁸ Ibid., 55.

⁴⁹ Ibid., 50.

⁵⁰ Ibid., 52.

⁵¹ Walzer, “The Communitarian Critique,” 211.

⁵² I am indebted to Desmond Mantle and Professor Paul Hurley for their assistance with the formation of this account of the moral person.

⁵³ “Neurath’s boat.” *Oxford Reference*.

<https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100229963>.

beyond its ends, it can reevaluate any particular end that it may happen to have. This model resolves the issues with Rawls's radically disembodied moral person while maintaining the ability of the self to revise its ends. Over time, our experiences may so radically change our conception of the good that Neurath's boat may become the ship of Theseus—the mythical ship in which each part of the ship has been replaced one by one. Consider the model in practice: in Mark Twain's novel *Huckleberry Finn*, Huckleberry Finn has to decide whether to turn in his friend Jim to Jim's former slaveowner Miss Watson.⁵⁴ In a deeper sense, Huck has to decide between his religious values, which are telling him to turn Jim in, and his value of friendship, which is telling him to remain loyal to Jim. Huck ultimately decides to remain loyal to Jim, saying "all right, then, I'll go to hell."⁵⁵ When making this decision, Huck does not stand beyond his conceptions of the good and evaluate them with equanimity. Instead, in the language of Neurath's boat, Huck stands on his plank of friendship to remove his religious plank from his conception of the good.

One might object that this process is no less arbitrary than Rawls's preferences. By what mechanism does Huck decide to defer to his value of friendship rather than his religious values? In other words, what steers Neurath's boat? In order to avoid the arbitrariness that plagues Rawls's account of the moral person, I argue that when deciding between conceptions of the good, the moral person taps into an objective moral order through experience. When Huck chooses his friendship over his religious values, it does not reflect his subjective belief about the good but his recognition of the objective moral goodness of friendship. Huck accesses this objective moral order through his experience. Before making his decision, Huck thinks about

⁵⁴ Mark Twain, Harriet Elinor Smith, and Walter Blair, *Adventures of Huckleberry Finn: The Authoritative Text with Original Illustrations*, Edited by Victor Fischer and Lin Salama, 1st ed, Vol. 9, (University of California Press, 2021), 270.

⁵⁵ *Ibid.*, 271.

how Jim “would always call [him] honey, and pet [him], and do everything he could think of for [him], and how *good* he always was.”⁵⁶ When Huck sees his friendship with Jim as “good,” this reflects a recognition of friendship’s objective goodness rather than a mere arbitrary preference. Huck experiences friendship as qualitatively deeper and richer than his religious values, and when they conflict, he chooses to remove religious values from his conception of the good. Thus, through experience, we develop an understanding of which experiences are qualitatively richer and objectively good. That said, our understanding can be mistaken—as Steven Wall notes, “our capacity to form, pursue and revise a conception of the good, like our capacity for a sense of justice, can lead us to mistaken conclusions.”⁵⁷ For this reason, we must develop the virtues necessary to accurately recognize the objective moral order.

This model’s recognition of an objective moral order takes us beyond Rawls moral person. Under Kantian constructivism, Rawls explains that there is no natural order,⁵⁸ moral principles,⁵⁹ or criterion of perfection⁶⁰ that govern the parties’ decision. While Rawls does not contend “that the criteria of excellence lack a rational basis from the standpoint of everyday life,”⁶¹ his exclusion of this criterion has a substantial impact on his view of justice. As Stephen Sheppard points out, “the strength of Rawls’s initial rejection of strict perfectionism rested on little more than a single assertion, that the players have no definition of excellence.”⁶² According to Joseph Raz, Rawls claims that the parties in the original position “will not even accept a doctrine of justice including an agreed process for determining which perfectionist principle

⁵⁶ Ibid., 270, emphasis added.

⁵⁷ Steven Wall, “Perfectionism in Moral and Political Philosophy”, *The Stanford Encyclopedia of Philosophy* (Fall 2021 Edition), Edward N. Zalta (ed.).

⁵⁸ Rawls, “Kantian Constructivism,” 519.

⁵⁹ Ibid., 548.

⁶⁰ Rawls, *A Theory*, 288.

⁶¹ Ibid., 288.

⁶² Stephen M. Sheppard, “The Perfectionism of John Rawls,” *Canadian Journal of Law and Jurisprudence* 11, no. 2 (1998), 383.

should be implemented in the state.”⁶³ Thus, Rawls champions state neutrality between different conceptions of the good because there is no objective moral order or criterion of perfection to which the parties can defer.

Rawls’s account of the moral person bleeds directly into his argument for why the liberal state should be neutral in regards to people’s differing conceptions of the good. He writes that “for the purposes of justice [we should] avoid any assessment of the relative value of one another’s way of life.”⁶⁴ For this reason, Rawls rejects state subsidies of particular conceptions of the good like state patronage of “universities and institutes, or opera and the theater, on the grounds that these institutions are intrinsically valuable.”⁶⁵ Supporters of state neutrality argue that neutrality promotes tolerance between members of different groups⁶⁶ and protects the fundamental interest of people to pursue their conceptions of the good.⁶⁷ As Kymlicka writes, “liberty is needed precisely to find out what is valuable in life—to question, re-examine, and revise our beliefs about value.”⁶⁸ He also writes that “if we only have access to resources that are useful for one plan of life, then we shall be unable to act on our beliefs about value should we come to believe that that one preferred conception of the good life is misguided.”⁶⁹ Thus, Rawls’s argument for liberal neutrality hinges on his account of the moral person and his belief that the self is prior to its ends.

But Rawls’s liberal neutrality encourages some conceptions of the good at the expense of others. Rawls himself explicitly acknowledges that the liberal state should not be strictly neutral between all conceptions of the good, writing that “interests requiring the violation of justice have

⁶³ Joseph Raz, *The Morality of Freedom*, Upso - Oxford University Press E-Books, (Oxford: Clarendon Press, 1986), 126.

⁶⁴ Rawls, *A Theory*, 388.

⁶⁵ *Ibid.*, 291-2.

⁶⁶ Kymlicka, 59.

⁶⁷ *Ibid.*, 60.

⁶⁸ *Ibid.*, 18.

⁶⁹ *Ibid.*, 34.

no value.”⁷⁰ Thus, conceptions of the good that violate Rawls’s principle of justice are to be discouraged. For example, if Ella’s conception of the good involved murdering Gio, this would violate Gio’s equal right to pursue his conception of the good, and Rawls would say that Ella should be prevented from enacting her conception of the good. Rawls’s liberal neutrality also tends to favor some conceptions of the good over others in a more interesting way. For instance, the liberal state tends to be biased in favor of individualistic conceptions of the good. As Thomas Nagel points out, “the refusal to rank particular conceptions of the good implies a very marked tolerance for individual inclinations.”⁷¹ Nagel explains that “the original position seems to presuppose not just a neutral theory of the good, but a liberal, individualistic conception according to which the best that can be wished for someone is the unimpeded pursuit of his own path, provided it does not interfere with the rights of others.”⁷² Sandel likewise argues that the assumption of mutual disinterest in the original position introduces an “individualistic bias.”⁷³ Sandel also contends that Rawls’s conception of primary goods tends to be focused too closely on “Western liberal bourgeois life plans.”⁷⁴ Bloom supports Sandel’s point by asking, “what is wealth for him who believes that it is easier for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of heaven?”⁷⁵ If the primary goods were truly all-purpose means, they would foster virtues like fortitude, temperance, patience, and equanimity, which are necessary for the pursuit of many religious or ascetic conceptions of the good.

The liberal state also tends to be biased against community-oriented conceptions of the good. Nagel argues that Rawls’s assumption of mutual disinterest discounts “the claim of conceptions of the good that depend heavily on the relation between one’s own position and that

⁷⁰ Rawls, *A Theory*, 28.

⁷¹ Thomas Nagel, “Rawls on Justice,” *The Philosophical Review* 82, no. 2, (1973), 227.

⁷² *Ibid.*, 228.

⁷³ Sandel, *Liberalism*, 60.

⁷⁴ *Ibid.*, 27.

⁷⁵ Bloom, 654.

of others.”⁷⁶ Sandel argues that Rawls, by stipulating that the self is prior to its ends, “rules out the possibility of any attachment... able to reach beyond our values and sentiments to engage our identity itself.”⁷⁷ Sandel suggests that Rawls’s framework also ignores the possibility that “when politics goes well, we can know a good in common that we cannot know alone.”⁷⁸ Walzer argues that the geographic, social, marital, and political mobility afforded by liberalism tends to inhibit community life.⁷⁹ For this reason, Walzer suggests that communitarian conceptions of the good may require additional state protection and sponsorship to be viable.⁸⁰ MacIntyre suggests that if the state does not inculcate certain virtues, citizens may lose the ability to pursue rich community-oriented goods. For example, MacIntyre writes that “patriotism as a virtue is in advanced societies no longer possible in the way that it once was” because citizens now live in “a society which lacks genuine moral consensus.”⁸¹ William Galston notes that conceptions of the good which require social cooperation are less likely to be actualized in a liberal society.⁸² Thus, liberalism tends to encourage individualistic conceptions of the good and discourage community-oriented conceptions of the good.

In response, a defender of Rawlsian liberalism might say a few things. First and foremost, a liberal might argue if community-oriented conceptions of the good require the coercion of their members, those conceptions of the good violate the principles of justice and therefore have no value. If Josh has to coerce Kirby to secure his conception of the good, his conception of the good violates Kirby’s equal right to pursue her own conception of the good. In response, Galston writes that “Rawls’s admission that some contending conceptions of the good may be superior to

⁷⁶ Nagel, 228.

⁷⁷ Sandel, *Liberalism*, 62.

⁷⁸ Ibid., 183.

⁷⁹ Walzer, “The Communitarian Critique,” 11-3.

⁸⁰ Ibid., 16.

⁸¹ MacIntyre,

⁸² William A. Galston, “Moral Personality and Liberal Theory: John Rawls’s ‘Dewey Lectures,’” *Political Theory* 10, no. 4, (1982), 502.

others makes it difficult to maintain without further ado that coercion is always inferior to impartiality among these conceptions.”⁸³ Kymlicka himself agrees that “some projects are more worthy than others.”⁸⁴ If Galston and Kymlicka are right that some conceptions of the good are better than others, it seems odd that the state cannot legitimately coerce—or at the very least encourage—people to pursue better conceptions of the good. If we do live under an objective moral order, it would not seem illegitimate for the state to promote conceptions of the good that better align with that order. In response, Kymlicka argues that “since lives have to be led from the inside, someone’s essential interest in leading a life that is in fact good is not advanced when society penalizes, or discriminates against, the projects that she, on reflection, believes are most valuable for her.”⁸⁵ According to Kymlicka, we have no interest in leading a life according to values that are not our own. But even if we are free to choose our values, it does not seem that those values are our own in any meaningful sense. As shown by the Neurath’s boat model of the self, our conceptions of the good are often contingent upon our experiences and the communities of which we are a part. If we are not conditioned into an accurate understanding of the objective moral order, our conception of the good will be flawed. As Rawls himself writes, “the capacity for [our conception of the good] is assumed to be realized in society.”⁸⁶ According to Rawls, in order to decide between conceptions of the good, we rely on “definite ideals and forms of life that have been developed and tested by innumerable individuals, sometimes for generations.”⁸⁷ The ideals and life examples we have available to us matter in our determination of our conception of the good. Thus, it seems reasonable that the state would promote ideals and forms

⁸³ Ibid., 501.

⁸⁴ Kymlicka, 18.

⁸⁵ Ibid., 34.

⁸⁶ Rawls, “Kantian Constructivism,” 547.

⁸⁷ Rawls, *A Theory*, 494

of life in order to help people better align their conceptions of the good with the objective moral order.

Rawls might also argue that his primary good of self-respect accounts for the importance of community.⁸⁸ Rawls defines self-respect as a secure belief in the value in one's conception of the good and a confidence in one's ability to realize that conception of the good.⁸⁹ In order to secure the value of self-respect, people join various associations that provide support and reassurance for people's conceptions of the good.⁹⁰ Churches, mosques, synagogues, labor unions, advocacy groups, and private universities are all organizations of this type. Rawls argues that the state should promote the primary good of self-respect, but refrain from promoting any particular conception of the good to do so. As he writes, "this democracy in judging one another's aims is the foundation of self-respect in a well-ordered society."⁹¹ Later on, I will discuss the limitations of self-respect as a primary good.

Additionally, state neutrality between conceptions of the good—even conceptions of the good that do not violate the principles of justice—is not desirable. Beyond that, neutrality may not even be possible. As Kymlicka points out, in order to maintain the kind of liberal political order necessary to safeguard the principles of justice, some conceptions of the good must be encouraged and others must be discouraged.⁹² For example, civic participation might need to be promoted in order to ensure a functioning liberal democracy that protects the rights and liberties of citizens, and idleness might need to be discouraged in order to secure the material conditions necessary to sustain a functioning society. Further, it seems reasonable that the state should discourage patently and verifiably false conceptions of the good. For example, imagine that Livia

⁸⁸ Ibid., 233-4.

⁸⁹ Ibid., 386.

⁹⁰ Ibid., 387.

⁹¹ Ibid., 388.

⁹² Kymlicka, 83.

and Noah believe that there is a pack of dogs in the sewers. Every day, Livia and Noah congregate at a manhole cover and pour kibble into the sewers. The state, by hearing from a sanitation worker, knows that there are in fact no dogs in the sewers. I argue that the state could legitimately inform Livia and Noah of the falsity of their conception of the good and even tax them to discourage this behavior. Further, modern liberal democratic states already promote certain conceptions of the good. Taxes on cigarettes, laws against drug use, and regulations on pornography all discourage certain conceptions of the good determined to be of lesser value. Marriage tax credits, laws that promote workers unions,⁹³ subsidies for Catholic hospitals,⁹⁴ and plant-closure laws⁹⁵ all encourage certain conceptions of the good determined to be of greater value.

Given the undesirability—and likely impossibility—of neutrality, I argue that the state must necessarily pursue some form of perfectionism. Sheppard defines perfectionism as “the doctrine according to which officials may adopt and enforce laws according to the officials’ understanding of a good life, with the intended practical effect that people governed by such laws will lead better lives.”⁹⁶ Perfectionism seeks to foster a society that is conducive to people aligning their conceptions of the good with the objective moral order. Kymlicka defines perfectionism as including “a particular view, or range of views, about what dispositions and attributes define human perfection, and it views the development of these as our essential interest.”⁹⁷ As Kymlicka and Nagel note, perfectionism is not teleological since it seeks to

⁹³ Walzer, “The Communitarian Critique,” 17.

⁹⁴ *Ibid.*, 17-8.

⁹⁵ *Ibid.*, 18.

⁹⁶ Sheppard, 383.

⁹⁷ Kymlicka, 33

equally promote everyone's good,⁹⁸ but it does differ from Rawls "over how best to define and promote people's good."⁹⁹

Rawlsian liberals might object to perfectionism on the grounds that it coercively imposes a particular conception of the good. For example, Kymlicka discusses how perfectionism, by ruling out certain conceptions of the good, inhibits our ability to revise our ends.¹⁰⁰ But, as Wall notes, perfectionism need not be coercive. After all, "governments can and do promote the good noncoercively"¹⁰¹ through subsidies and favorable state speech. According to Raz, "one alternative to anti-perfectionism is restrictions on the choice of means through which perfectionist ideals are pursued."¹⁰² For example, it might be legitimate for a government to encourage conceptions of the good through a system of taxes and subsidies but not through compulsive means or criminal penalties. Others might object that even noncoercive perfectionism, by altering the landscape in which people choose their conceptions of the good, is "inherently manipulative."¹⁰³ But all environments—even one in which the state is neutral—will inevitably have some effect on the conceptions of the good that people choose. Because our experiences are central to the formation of our conceptions of the good, the state has a responsibility to foster an environment conducive to the equal development of human perfection. As Wall points out, "every political society provides its members with an ethical environment, an environment that consists of options and pressures, some rational and some not, that affect how the options are perceived."¹⁰⁴ Thus, a state's decision to remain neutral represents a tacit endorsement of the current ethical environment. In that sense, true neutrality is impossible,

⁹⁸ Kymlicka, 35; Nagel, 226.

⁹⁹ Kymlicka, 35.

¹⁰⁰ Ibid., 34.

¹⁰¹ Wall.

¹⁰² Raz, 111.

¹⁰³ Wall.

¹⁰⁴ Ibid.

which forces the state to make difficult decisions about which conceptions of the good to promote.

Raz stresses that in many cases, “it is impossible to be neutral,”¹⁰⁵ meaning that the state cannot avoid evaluating the relative merit of conceptions of the good. Raz describes a situation in which a father refuses to intervene in a dispute between a stronger and a weaker child in the interest of “neutrality.”¹⁰⁶ As Raz writes, “this may look like a very odd form of neutrality to the weaker child.”¹⁰⁷ As Raz’s example demonstrates, neutrality between conceptions of the good may tend to promote some conceptions of the good over others. Neutrality can only be seen as beneficial to citizens if the conceptions of the good that neutrality promotes are in fact the better conceptions of the good. It may be true that state neutrality with regards to ends is the best way to promote the best conceptions of the good, but this idea is far from apodictic. The conceptions of the good that dominate in a free society may not necessarily be the ones that align with the objective moral order. As Bloom puts it, “with respect to ends, government for Rawls must *laisse faire*.”¹⁰⁸ But just as a *laisse faire* policy does not always work for markets, it might not always work for conceptions of the good.

Some argue that perfectionism inhibits people’s development of the primary good of self-respect. As Kymlicka notes, “liberals believe that self-respect is best secured by providing the conditions for freely judging and choosing our potential ends.”¹⁰⁹ A perfectionist state, by distorting this ability, prevents people from freely judging and choosing their potential ends. In response, Wall suggests that “the relevant good may be merited self-respect” rather than Rawlsian self-respect.¹¹⁰ As Kymlicka and Wall argue, our fundamental interest is in living a life

¹⁰⁵ Raz, 122.

¹⁰⁶ Ibid., 114.

¹⁰⁷ Ibid., 114.

¹⁰⁸ Bloom, 650.

¹⁰⁹ Kymlicka, 62.

¹¹⁰ Wall.

that is actually good, not merely having a secure belief in our conception of the good whatever it may happen to be.¹¹¹ After all, “we may be mistaken about the worth or value of what we are currently doing.”¹¹² Thus, the state should not take an interest in promoting the unmerited self-respect of a person whose conception of the good is fundamentally out of line with the objective moral order. For example, the state has no obligation to tell Livia and Noah that feeding the imaginary sewer dogs is an end that is worthy of respect. In fact, by noncoercively exposing the flaws in people’s conceptions of the good, the state may improve their ability to align their conceptions of the good with the objective moral order and develop merited self-respect.

Others might reasonably object that state promotion of certain conceptions of the good will likely fail. As Raz puts it, “the best intentions and the wisest council are likely to misfire if entrusted to the care of the machinery of state action.”¹¹³ This objection is compelling because the analogous example with markets is so apparent. Misguided taxes, regulations, and subsidies generate perverse incentives and produce unintended consequences. The state could also be wrong about the conception of the good it intends to promote.¹¹⁴ The state may have a completely misguided view about the objective moral order. If the state decides to promote the wrong conception of the good, it would inhibit rather than promote people’s ability to live a truly good life. For this reason, perfectionist regimes should refrain from coercive policies and maintain free expression as a failsafe so that people can criticize the government if it promotes a misguided conception of the good. While this objection to perfectionism is compelling, it does not *prima facie* rule out all perfectionist policies.

¹¹¹ Kymlicka, 10; Wall.

¹¹² Kymlicka, 10.

¹¹³ Raz, 111.

¹¹⁴ Wall.

According to Kymlicka, “individuals must have the cultural conditions conducive to acquiring an awareness of different views about the good life, and to acquiring an ability to intelligently examine and re-examine these views.”¹¹⁵ Kymlicka writes that “liberties enable us to judge what is valuable in life in the only way we can judge such things—i.e., by exploring different aspects of our collective cultural heritage.”¹¹⁶ In the absence of state promotion of certain well-founded conceptions of the good, citizens may suffer from a cultural drought. As Sheppard writes, “the need to preserve cultural values requires the diversion of primary goods to producers of excellence that might otherwise directly go to improve the lives of the worst-off citizens.”¹¹⁷ Kymlicka also rightly argues that individuals should be given the conditions appropriate to re-examining and critically evaluating their preexisting conceptions of the good.¹¹⁸ Kymlicka suggests that absolute freedom—within the bounds of the principles of justice—to determine our ends without state interference provides the best conditions appropriate to re-evaluating our conceptions of the good. I am not so sure that this is the case. Unfettered freedom can disorient people in their choice of conceptions of the good. It is far from certain that maximal freedom provides the best conditions for people to align their conceptions of the good with the objective moral order. As MacIntyre writes, there are certain “virtues required to sustain the kind of households and the kind of political communities in which men and women can seek for the good together and the virtues necessary for philosophical enquiry about the character of the good.”¹¹⁹ A state must sustain these virtues, even at the pain of promoting certain conceptions of the good. As Raz writes, “it is the goal of all political action to enable individuals to pursue valid conceptions of the good and to discourage evil or empty ones.”¹²⁰

¹¹⁵ Kymlicka, 13.

¹¹⁶ *Ibid.*, 13.

¹¹⁷ Sheppard, 396.

¹¹⁸ Kymlicka, 55.

¹¹⁹ MacIntyre, 219.

¹²⁰ Raz, 133.

In this paper, I presented Rawls's Kantian constructivist argument that reasons from an account of the moral person to the just liberal state. I demonstrated that the idea that the self is fully prior to its ends renders human decision-making entirely arbitrary. I then presented several communitarian critiques of Rawls and used Kymlicka to show how these critiques cannot establish that the self is or should be constitutively and permanently attached to any particular set of ends. I then presented my own account of the moral person using the metaphor of Neurath's boat and the example of Huckleberry Finn. I then presented Rawls's argument for state neutrality from his conception of the moral person. I argued that liberal neutrality tends to promote individualistic conceptions of the good at the expense of community-oriented conceptions of the good and considered several liberal responses. I then argued why state neutrality is neither possible nor desirable, detailing several cases in which we accept a state acting in a non-neutral manner. I finally considered and responded to several objections to perfectionism, concluding that the state has a role in promoting conceptions of the good that align with the objective moral order.

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