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# On Liberalism and Neutrality

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## *Introductory Remarks*

Central to liberalism is an emphasis on the individual seen as an autonomous being, characterized by individual freedom. I take individual freedom to be a combination of two major claims – freedom from coercion and moral self-determination. The former aspect will not be the subject of this essay as the scope of it does not include such considerations, while restrictions of this paper make it an almost prohibitive topic. My focus will be on the second aspect of the definition provided. Thus, the latter claim, namely moral self-determination, is based on a right to the pursuit of individual happiness. Given a pluralist vision of society the necessary condition that stems from achieving this aim under the liberal umbrella is a commitment to neutrality between different conceptions of what happiness and the good life entail.

The discussion of neutrality comes about when approaching the issue of pluralism within societies. Neutrality is the liberal response to pluralism and the way in which liberals seek to reach agreement given the plurality and diversity of different conceptions of the good. For the most part I will discuss the conception of John Rawls of neutrality and public reason since his oeuvre has had an unquestionably profound influence on the work of many philosophers.

There are three questions that I am interested in pursuing. The first: does neutrality succeed in addressing the claims of minority groups? The second: within the Rawlsian framework, what constitutes as reasonable when it comes to comprehensive doctrines? The third: how can minorities make appeal to the public political domain concerning matters that are specific to their culture and affect it directly and exclusively whilst maintaining the Rawlsian dichotomy of political and comprehensive views?

I will argue that Rawls's vision of neutrality is in need of refinement if it wants to accommodate the specificity of claims for cultural recognition by minority groups. In the following I propose a concise but pertinent general discussion on liberalism and neutrality, followed by a criticism of John Rawls' seminal work in the realm of liberal theory, with a focus on neutrality as promoted by the author.

## *General Discussion*

Throughout the course of this paper I shall make references to the case of minority groups and I believe that given the complexity of the concept a working definition is needed if this project is to be successful. For a proper definition of minority groups I will rely on probably the most influential vision, that of Will Kymlicka,

who has made a vital contribution to minority rights theories and whose work has become essential reading for political scientists interested in the subject area.

According to the definition provided by Kymlicka a national minority is "a historical society, with its own language and institutions, whose territory has been incorporated (often involuntarily, as in the case with Québec) into a larger country"[1]. The national minority could have achieved its status either involuntarily, through conquest, colonization, or expansion, or through a voluntary agreement of entering a federation with another or more nations or cultures.

Minorities' rights seem best protected by liberal theories that advocate for the primacy of toleration. However, liberalism is not without its vulnerabilities even from this pluralistic account of political thought. The most prevalent criticism of liberalism has been one that challenges precisely the idea that toleration should be given primacy. The argument goes as follows – if toleration is the most valued concept for liberals then tolerating non-toleration seems an impossible task. The main problem regards the interaction between liberal and non-liberal societies. Although toleration for non-liberal societies seems an easy answer, the problem arises when considering the ever hot topic of human rights. This is the moment when liberal neutrality seems to lose its at first glance understandable appeal.

Much of the liberal foundation rests on the work of Immanuel Kant. The liberalism I choose to discuss is a deontological liberalism that has as core values justice, fairness and individual rights. For deontological liberalism justice is prior to all other moral or political ideals. The heart of this essay can be stated in the following – in a pluralist society, persons will have different goals, desires and conceptions of the good. This particular society will function best if it is ruled by principles which do not in themselves presuppose one conception of the good over another.

The primacy of justice as more than morals but the "determining ground" of moral law is best described by the words of Kant:

> "The concept of good and evil is not defined prior to the moral law, to which, it would seem, the former would have to serve as foundation; rather the concept of good and evil must be defined after and by means of the law"[2].

From the Kantian perspective, two conceptions follow: the right is prior to the good and justice is an end in itself.

Deontology opposes consequentialism from a moral sense – certain categorical duties and prohibitions stemming from a first-order ethic take unqualified precedence over other moral and practical matters. Also, deontology opposes teleology from a foundational sense – justification comes from principles that are independent from human goals or ends or any conception of the good[3].

The Kantian view stands in opposition to the kind of liberalism that John Stuart Mill purports. From Mill's utilitarian conception principles of justice are not prior, but there is the possibility that "some other social duty is so important as to

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[1] Will KYMLICKA, *Finding Our Way: Rethinking Ethnocultural Relations in Canada. Toronto*, Oxford University Press, Oxford, 1998, p. 2.

[2] Immanuel KANT, *The Critique of Practical Reason*, ed. and transl. L. White Beck, 3rd ed, Maxwell Macmillan International, 1993 p. 65.

[3] Michael SANDEL, *Liberalism and The Limits of Justice*, Cambridge University Press, Cambridge, 1988, p. 3.

overrule any one of the general maxims of justice". This perception comes from Mill's belief in happiness as the ultimate end and desire of individuals[1].

Kant's criticism of Mill stems from this very notion of happiness as the ultimate goal of persons. He asserts that people will have diverse opinions about what happiness consists of and any attempt at making one specific conception of happiness the rule would be a violation of peoples' freedom. Ultimately, justice will suffer due to the coerciveness and unfair nature of such a conception:

> "Men have different views on the empirical end of happiness and what it consists of, so that as far as happiness is concerned, their will cannot be brought under any common principle nor thus under any external law harmonizing with the freedom of everyone"[2].

The Kantian claim that the right is prior to the good is further completed by the notion that the subject is prior to its ends:

> "It is nothing else than personality, i.e., the freedom and independence from the mechanisms of nature regarded as a capacity of a being which is subject to special laws (pure practical laws given by its own reason)"[3].

John Rawls is, like Kant, a deontological liberalist and takes justice as the primary virtue:

> "Justice is the first virtue of social institutions, as truth is of systems of thought", he wrote. "A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Being first virtues of human activities, truth and justice are uncompromising"[4].

The change proposed by Rawls comes from a reformulation of the subject, which is in his case detached from "transcendental idealism" which was one of the major criticisms of Kant's work from an empirical perception.

Setting aside for now this subject matter, whether a Kantian metaphysical one or one based on more empirical grounds would be better suited for a theory of justice, it is important to note that this approach of liberalism with a contractarian sub-base is rooted not only in the work of John Rawls, but Brian Barry and Charles Larmore to name a few. Under the umbrella of pluralism and in a brief assessment these theorists propose that given different meanings and beliefs about the good and potential disagreement about the concept of good, the liberal approach for principles of justice is a neutral conception.

Moral disagreement entails some sort of an action by the state. There is an outlined taxonomy of possible responses, which granted, are in no way exhaustive, but are available to the state: institutional response, cultural response or avoidance[5].

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[1] John Stuart MILL, *Utilitarianism*, Liberal Arts Press, New York, 1948, p. 469.

[2] Immanuel KANT, *Political Writings*, transl. by H.B. Nisbet, Cambridge University Press, Cambridge, 1992, pp. 73-74.

[3] IDEM, *The Critique of Practical Reason*, 3rd ed, ed. and transl. L. White Beck, Maxwell Macmillan International, 1993 p. 65.

[4] John RAWLS, *A Theory of Justice*, Belknap Press, New York, 1971, pp. 3-4.

[5] Simon CANEY, "Liberal Legitimacy, Reasonable Disagreement and Justice", in Richard BELLAMI, Martin HOLLIS (eds.), *Pluralism and Liberal Neutrality*, F. Cass Press, London, 1999, p. 20.

Obviously the latter response is the one that liberals are mostly concerned with and the one I choose to discuss further. However, I will briefly go through the first two for clarification.

The institutional response entails a procedural approach that requires the design of institutions for accommodating moral disagreement in order for all parties to be given respect and consideration so that the stability of the state doesn't suffer. Examples of state action from this perspective range from consociational arrangements, federalization of the state up to the most severe – secession, but regardless they all entail the institutional and procedural means of dealing with moral conflict in a fair style.

The second reaction of the state – the cultural response entails a certain type of behavior that presupposes character traits akin to decency. Respect for the other party with whom there is disagreement requires a political dialogue free of contemptuous or insulting language[1].

Finally, the liberal response promotes neutrality and gives preference to no vision of the good more so than another. Will Kymlicka presents neutrality as the view that

> "the state should not reward or penalize particular conceptions of the good life but, rather, should provide a neutral framework within which different and potentially conflicting conceptions of the good can be pursued"[2].

Brian Barry's *Justice and Impartiality* and Andrew Mason's, *Explaining Political Disagreement* make for good sources for drawing liberal principles that seem to be encompassing for liberal thought. The argument that both Barry and Mason make goes, in a nutshell, along these lines – reasonable people have different conceptions of the good and since principles of justice should be justified to all reasonable people then principles of justice should refrain from passing judgments about different conceptions of the good and remain neutral.

From this particular vision two principles of liberal political thought emerge: P1: Principles of justice may only be based on a reasoning approach which cannot be reasonably rejected by anyone. P2: Reasonable persons do not necessarily agree in their estimation of the worth of different principles of the good. The conclusion of these two principles can be summed up in: C: Principles of justice should not be based upon assessments of the worth of different conceptions of the good[3].

John Rawls's claims in *Political Liberalism* are similar to the two principles stated above. Further, Rawls asserts that principles of justice should be free-standing and he defends this claim by deferring to "reasonable pluralism" meaning that principles should be independent of controversies, be embedded in political culture and appeal to public reason. Charles Larmore and Brian Barry make similar claims, so the two principles above hold largely the same core position as they do for Rawls[4]. Further, the appeal to public reason will be the focus of my criticism of Rawls in the section to follow.

The above serves as an introductory look and the conceptual background which any discussion of liberal neutrality must entail. The discussion will become

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[1] *Ibidem*.

[2] Will KYMLICKA, "Liberal Individualism and Liberal Neutrality", *Ethics*, vol. 99, no. 4, July 1989, p. 883.

[3] Simon CANEY, "Liberal Legitimacy…cit.", p. 21.

[4] *Ibidem*.

narrower in the sections to follow. I will attempt to show that the concept of neutrality is in need of refinement if it is to properly incorporate in its workings a pluralistic view of society.

## *A Critique of Liberal Neutrality*

Given the fact of pluralism, neutrality is a crucial feature of any liberal framework. In the following I will focus on Rawls's conception of neutrality and public reason. Within the Rawlsian construction, pluralism is understood as a plurality of conceptions of the good. Neutrality aims to reconcile the consensus needed for the legitimacy of the state and moral disagreements about what constitutes a worthwhile life[1]. However, many authors have argued against the concept of neutrality and its implications in pluralist societies. For example, Derick van Heerden holds that applying neutral liberal principles in deeply pluralistic societies such as South Africa would result in the homogenization of culture. This is coupled with Van Heerden's claim that cultural uniformity of this sort leads to conflict if minorities attempt to resist and demand protection of their particular cultures[2].

Monique Deveaux in *Cultural Pluralism and Dilemmas of Justice* pursues a line of argument similar to Van Heerden's. She questions whether Rawls's ideas regarding principles of justice are universal, particularly in pluralistic societies[3]. Deveaux holds that neutrality in political life combined with a stark division between public and private spheres creates social tensions in pluralistic societies. She wonders if a cultural minority group should be marginalized in politics simply because its public practices and political styles do not conform to the terms of neutral justification[4]. A large part of her argument focuses on Rawls's admission that liberalism can tend to marginalize particular groups whilst benefiting particular ways of life more than others. That being said, Rawls pursued the matter no further and completed his vision with an ungrounded statement:

> "No society can include within itself all forms of life. We may indeed lament the limited space, as it were, of social worlds [. . .] and we may regret some of the inevitable effects of our culture and social structure"[5].

In spite of this weak defense, Rawls is an adamant proponent of neutrality. His advocacy rests on the claim that neutrality would be a principle that rational agents would choose under ideal circumstances. Rawls makes a case for what he calls the "overlapping consensus", which can be briefly stated as the means by which "a consensus of reasonable (as opposed to unreasonable or irrational) comprehensive doctrines" can be achieved. To reveal such a consensus, the conception of justice

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[1] John RAWLS, "The Domain of the Political and Overlapping Consensus", *New York University Law Review*, vol. 64, no. 2, 1989, pp. 233-255.

[2] Derick VAN HEERDEN, "Liberal Neutrality and Cultural Pluralism", *South African Journal of Philosophy*, vol. 13, no. 2, 1994, p. 97.

[3] Monique DEVEAUX, *Cultural Pluralism and Dilemmas of Justice*, Cornell University Press, Ithaca, 2000, p. 98.

[4] *Ibidem*.

[5] John RAWLS, "The Priority of the Right and Ideas of the Good", *Philosophy and Public Affairs*, vol. 17. no. 4, 1988, p. 265.

that regulates society "should be, as far as possible, independent of the opposing and conflicting religious and philosophical doctrines that citizens affirm"[1].

Such consensus is joined by a commitment to justifying the political principles of society to every individual: "Only a political conception of justice that all citizens might be reasonably expected to endorse can serve as basis of public reason and justification"[2]. Underlying this conception of justice lays an appeal to the reasonableness of individuals. Two conceptions of neutrality follow. The two conceptions are – neutrality of aim and neutrality of procedure. The latter category refers to those procedures that must be justified without appeal to moral values, or in any case justified by appealing to neutral values such as impartiality or equality of opportunity for persons presenting their claims[3].

Rawls opts for the first category – neutrality of aim. This is different from neutrality of procedure because at its core is a vision of institutions and policies that are "neutral in the sense that they can be endorsed by citizens generally as within the scope of a public political conception"[4]. Neutrality of the public domain is the logical consequence of neutrality of aim, which is in essence a way that reasonable pluralism can be accommodated. Rawls believes that justifying "reasonable, comprehensive doctrines" and accommodating the fact that justifications must be addressed to others, requires a basis of "shared, fundamental ideas implicit in the public political culture"[5].

Although Rawls does not offer many details, a shared public political culture presupposes practical constraints aimed at achieving the neutrality of the public domain. Rawls finds such constraints a necessary component of his vision of justice as fairness in pluralist societies to work. It is important to notice that when discussing the public political realm, Rawls is very careful about making one clear division; namely, that "the public vs. nonpublic distinction is not the distinction between public and private". He avoids making this separation in public-private terms because of the individualistic, non-associational connotations of the word "private". He maintains, "There is no such thing as private reason"[6]. Rawls settles on the term nonpublic because it best represents the various forms of association, often referred to as "social unions", without importing the connotations of "private".

This particular provision has been made by Rawls in order to address various criticisms, especially from supporters of feminism. In this regard, and after these newly added characteristics, family as well as all kinds of voluntary associations in civil society, such as clubs, churches, and universities were included[7].

Rawls makes a crucial division between public and nonpublic "uses of reason". The nonpublic uses include the "social", the "familial", and the "individual"[8]. In clear opposition to nonpublic reason, public reason is a normative ideal. The judiciary system, political officials, the executive branch, and also the citizens who "engage in political advocacy in the public forum" and vote on issues that

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[1] John RAWLS, *Political Liberalism*, Columbia University Press, New York, 1996, p. 9.
[2] *Ibidem*, pp. 137-144.
[3] *Ibidem*, p. 191.
[4] John RAWLS, "The Priority of the Right...cit.", p. 262.
[5] IDEM, *Political Liberalism*, cit., p. 100.
[6] *Ibidem*, p. 220.
[7] *Ibidem*, pp. 520-529.
[8] *Ibidem*, p. 220.

relate to "constitutional essentials and matters of basic justice" are the main target of neutrality of the public domain.

More specifically, neutrality in the public sphere demands that moral, religious, philosophical views "are not in general to be introduced into political discussion of constitutional essentials and the basic questions of justice"[1]. Determining whether views are comprehensive in the aforementioned ways is a test for whether they are to be a part of public reason (i.e., if they can justify political decisions and principles). The test is a device by which disagreement on moral issues may be addressed. However, moral diversity becomes restricted under a position where certain comprehensive views are to be left out of the political (especially when considering that the relation between them can be fairly direct).

For the case of national minorities specifically, the constraints of neutrality in the political domain can be to the detriment of minority groups claiming recognition of their culture. With its stark division between non-political and political spheres, and with the clausal constraint that political views cannot originate from deeply rooted religious beliefs, the test of public reason can prove to be insurmountable. One must consider here what is at stake. Since the stakes are very high for minorities when it comes to the recognition of their cultures, making appeal to more than what is held to be common shared fundamental ideas does not seem to be an exaggerated claim. In theory, liberalism supports the diversity of distinct ways of life but frowns upon allowing minorities to express their claims for recognition in ways that reflect their beliefs and their own style of deliberation.

The rationale that underlies the liberal position described above is the commitment to a policy of avoidance discussed in a previous section as one possibility of state action. In this case those that must be avoided are political arguments, which have the potential of leading to confrontation and disagreement. However, is this not in fact a disservice or more drastically a severe limitation to democratic procedures? I will comment more on this issue later in this paper.

Nonetheless, it is fair to say that on the issue of disallowing comprehensive views in the political sphere, Rawls did make some revisions later on in *Political Liberalism*. In an attempt at answering criticism, he allows for reasonable comprehensive doctrines to

> "be introduced into public reason at any time, provided that in due course public reasons, given by a reasonable political conception are presented sufficient to support whatever the comprehensive doctrines are introduced to support"[2].

This is not a major accommodation for minorities inasmuch as reasonable comprehensive views are those in tune with the public reason. Nevertheless, there is a persistent question regarding how to determine what is a reasonable comprehensive view, and how this is to be decided prior to reaching agreement.

Two matters are unclear at this point under the liberal framework. Firstly, determining what is reasonable when it comes to comprehensive doctrines. Secondly, how can minorities make appeal to the public political domain concerning matters specific to their culture and affect it directly and exclusively? I will proceed in discussing these two aspects of liberal neutrality in the following.

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[1] John RAWLS, *Political Liberalism*, cit., pp. 215-216.
[2] *Ibidem*, "Introduction".

The concept of reasonable comprehensive doctrines is based on the assumption that "citizens have two views, a comprehensive and a political view". It is, at least for me, very difficult to imagine how people with very strong religious or moral beliefs could even be able to make this distinction. The two concepts seem intimately tied. The allowance of comprehensive views requires of people the use of a specific language and an appeal to widely believed set of norms and convictions if it is to enter the political domain and fulfill the conditions of reasonableness. The general aim is the reach of consensus and agreement between different views about the good but lies on the assumption that people will firstly agree on the standards of liberal neutrality. The sacrifices of meeting the conditions imposed by the concept of neutrality seems to tip the balance of power in favor of those whose beliefs are either widely spread or completely absent.

This can arguably be seen as some sort of a "punishment" for either believing in something else, or believing in different norms than the majority in society. However, this perspective runs counter to any claims of commitment to a diversity of beliefs which liberals allegedly profess. Some may say that the sacrifice neutrality requires isn't very great but if that sacrifice is required only from a specific group then the outlook changes. Further, in all likelihood the group in question may already be faced with battling discriminating behaviors. Therefore, it is not unreasonable to deduce that the system perpetuates the kind of discrimination that purportedly it should be fighting against.

For the sake of the argument let's imagine that for decades a group of people was prohibited from practicing its religious beliefs. The group may be allowed to do so now, although the very usage of the term of allowance or toleration seems to me quite derisive and filled with negative connotations, but it requires an alteration of their claims so as to meet the general view on religion. Under this scenario the consequences of following the liberal conditions so as to maintain neutrality may have consequences that distort the perspectives of the minority group. This distortion seems in need of justification. However, the justification is not required from the part of those who impose the norms; in fact quite the opposite of that is true.

The reason for this situation follows the same rationale that liberals appeal to when they try to justify their reliance on shared sets of beliefs (i.e. a preliminary agreement between individuals), namely for the sake of reaching a general consensus. However, fear of disagreement, controversy, debate, and argumentative stands may have the negative effect of transforming the political scene into a force of oppression, and without trying to sound too drastic, basically a chopping board for what Rawls calls comprehensive views. In turn, this may potentially lead to either political apathy among the minority groups in question or a sense of being wronged once more.

For liberals such as Rawls some views are either not fit to enter political debate or they have been settled upon and thus have no place on the deliberative political scene. Rawls provides an example in support of this claim, which leaves outside of the public arena certain subject matters – his example is slavery. However, it is useful to remember that at one historical moment slavery was considered a relevant topic on the political agenda. In fact, Michael Sandel uses the same example in order to counter the minimalist liberal argument asserting that the neutrality of the state not only benefits but is a necessity if social cooperation is to be achieved.

Sandel's argument stems from the interpretation of John Rawls's theory of political liberalism as in line with the minimalist argument. He comes to the conclusion

that from a Rawlsian viewpoint in a plural society people's moral and religious beliefs differ, therefore the reasonable way of reaching agreement is from a neutral framework of principles of justice.

Sandel uses the debate between Stephen Douglas and Abraham Lincoln on slavery as an example of a situation where moral views outweigh such considerations as social cooperation. Furthermore, Lincoln's opposition to slavery contained substantive moral judgment. Sandel is arguing, for example, that Lincoln's political stand against slavery developed from a moral and religious position. Lincoln's argument stemmed from the belief that slavery is violating God's purposes of making all men equal. Further, Lincoln's arguments sustained that the government should treat slavery as a moral wrong and proscribe its expansion. Hence, Sandel presents a case, in fact the same as Rawls, where a comprehensive conception was appropriately used within a political debate in order to oppose slavery[1].

On this note, Sandel describes Rawls's vision of liberal toleration as "non-judgmental" and argues against it in favor of judgmental toleration[2]. In Sandel's view, non-judgmental toleration allows different practices without considering the moral value of the practice. According to Sandel, Rawls's theory of justice presents a good example of this notion of toleration because Rawls argues that principles of justice should not be justified in terms of any particular substantive moral or religious viewpoint.

Michael Sandel disagrees with two arguments of liberal toleration, one being the minimal argument presented above and the other the voluntarist argument. According to the voluntarist claim, the law should be neutral among substantive moral and religious views in order to respect persons as free and independent selves, capable of choosing their ends for themselves[3]. Sandel argues that voluntarism doesn't achieve a high level of toleration inasmuch as its aims are not geared towards weakening or even challenging the public perception on different practices that are tolerated. The objection to the voluntarist argument has two components. To begin with, the first objection states roughly that the voluntarist principle entails the right to autonomy and the appeal to autonomy is insufficient in maintaining social cooperation without some agreement on the moral permissibility of the practice to be tolerated. Moreover, Sandel believes that the voluntarist argument can only deliver a very weak form of toleration, inasmuch as it does not seek to undermine the unfavorable view of the practices tolerated.

The example he provides the reader with is that of homosexual relationships. Within the liberal framework, homosexual practices are protected but not on the grounds that they achieve some human good, but because they articulate the preference of autonomous persons. This fine distinction has substantial consequences inasmuch as it leads to a form of weak toleration. Furthermore, Sandel points out that arguments stemming from comprehensive religious or moral conceptions should be used in political debates because it would be detrimental for all participating parties not to do so. As a consequence, the Rawlsian formulation of public reason is damaging overall because it prohibits arguments in favor of the moral validation of homosexuality and viewpoints that oppose such arguments.

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[1] Michael SANDEL, *Liberalism*...cit., p. 200.

[2] IDEM, "Judgmental Toleration", in Robert GEORGE (ed.), *Natural Law, Liberalism, and Morality*, Clarendon Press, Oxford, 1996, pp. 107-112.

[3] IDEM, "Democracy's Discontent: America in Search of a Public Philosophy", *Stanford Law Review*, vol. 49, no. 5, May 1997, pp. 1271-1291.

The two examples used by Sandel are very compelling and Rawls has made some alterations to his original viewpoint in order to answer these types of possible objections. However, to what degree he was successful is at best unclear. In *The Limits of Public Reason,* Rawls distinguishes within his conception of public reason between an exclusive and an inclusive view. The exclusive view prohibits the introduction within public reason of arguments that rely on comprehensive doctrines. The inclusive view allows for introducing comprehensive doctrines within the political so long as they are used to reinforce the very idea of the public reason itself. Further, Rawls claims that:

> "Under different political and social conditions with different families of doctrine and practice, the ideal must surely be advanced and fulfilled in different ways, sometimes by what may look as the exclusive view, at others by what may look like the inclusive view"[1].

The provisions made by Rawls so as to further the advancement of comprehensive views as political values are insufficient inasmuch as they only amount to an *instrumentalization* of comprehensive beliefs to further the ideal of public reason. The actual value, moral worth and most importantly the role that they might play in political debates remains unaddressed.

For the specific situation of national minorities this point is crucial. Without making appeal to comprehensive views, arguments for cultural recognition would be stripped out of most of their substantive content (i.e., out of the particularity of minority claims and of the reasons that justify them). The liberal rationale, which underlies Rawls's claims, is that the ideal of public reason aims at creating a common ground and a universalizing and justificatory scheme of political debate. Further, by limiting itself to values that are exclusively political, the theory provides a satisfactory foundation of legitimization for citizens in pluralist societies. But, how limiting are the limitations of public reason and neutrality?

For the case of national minorities the answer differs on a case-by-case basis but it can result in negative consequences by exercising a limiting force on the pool of reasons and justificatory mechanisms that the minorities have access to. Moreover, the limitations put forth under the framework of public reason and neutrality can result in obstructing channels of communication between minorities and the general public, namely society at large. Further, separation from comprehensive views may result in two extremes: either alienation from the political life for those minorities who find their views to be deemed unfit for public debate, a possibility which explains the political apathy of many minority groups, or extreme frustration with the political realm which can lead to conflict or protest.

The appeal to public reason requires a consideration of justifications that all individuals might accept. However, this is not the same as considering what each individual might accept. Further, although the goal is to reach consensus based on shared, common beliefs the commonality of the beliefs that liberals appeal to is not outside of being questionable. For instance, the liberal rationale of separating the political from the comprehensive may not be aimed at removing all controversy from the public political sphere, but at securing basic liberties.

However, Rawls doesn't seem to consider that many such basic liberties, which he considers as settled, are in fact highly controversial – freedom of speech

[1] John RAWLS, *Political Liberalism*, cit., p. 248.

is a good example with debates about pornography and defamatory language still being at the root of much deliberation and disagreement[1]. Thus, the universality of Rawls's conception is challenged to the extent that his assumptions concerning individuals' shared vision of basic liberties is less than homogenous.

The principle of neutrality may cause tensioned relations amongst people with strong cultural views or religious beliefs because of the stark division between the public and the private that neutrality entails[2]. In the context of political debates the purposefulness of avoiding "private" issues in order to avoid antagonism might have precisely that effect. This is especially true for national or ethnic minorities trying to make claims regarding the recognition of their culture and/or religion. Further, it is unclear why views that are not unreasonable (I doubt that there would be voices saying that all views which differ from that of the majority are unreasonable or dangerous) would have to necessarily be avoided or ignored within political debates. For example, if the difference between the minority group and the majority lies in a dissimilarity of political styles or public practices then the liberal justification for marginalizing those groups seems to be at a loss for explanations[3] To put it more simply – the liberal "punishment" doesn't seem to fit the "crime" of the minorities' claims – and there is no crime to begin with.

Rawls admits to the fact that liberalism might marginalize some groups while advantaging others but firstly he doesn't treat the problem with much consideration and secondly he claims that any advantage or disadvantage is incidental. It is strange for a theory that claims to profess a commitment of securing justice for all and every individual to leave concerns for national, ethnic, cultural or religious minorities at the margins, while encouraging other or prevalent ways of life[4]. In this regard Rawls writes:

> "The principles of any reasonable political conceptions must impose restrictions on permissible comprehensive views and the basic institutions those principles require inevitably encourage some ways of life and discourage others, or even exclude them altogether [...] Now, the encouraging or discouraging of comprehensive doctrines comes about in at least two ways: those doctrines may be in direct conflict with the principles of justice; or else they may be admissible but fail to gain adherents under the political and social conditions of a just constitutional regime [...] Examples of the second case may be certain forms of religion"[5].

A possible solution or at least a refinement of this liberal theory would seek to incorporate the moral and political concerns of citizens and thus achieve a higher level of attunement with people's actual sentiments and beliefs. In line with this argument lies the theory proposed by Amy Gutmann and Dennis Thompson, who argue for more moral disagreement in politics than liberals allow at present[6]. They propose so-called "principles of accommodation" as opposed to "principles

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[1] Monique DEVEAUX, *Cultural Pluralism*...cit., p. 98.
[2] *Ibidem*.
[3] *Ibidem*.
[4] *Ibidem*, pp. 99-100.
[5] John RAWLS, "The Priority of the Right...cit.", pp. 264-265.
[6] Amy GUTMANN, Dennis THOMPSON, *Moral Conflict and Political Consensus*, *Ethics*, vol. 101, issue 1, October 1990, pp. 64-65.

of preclusion" that would allow for the institutionalization of more diverse conceptions, viewpoints, and political styles. As a result these principles of accommodation would allow for the inclusion of a greater range of cultural communities[1].

An interesting point raised by Monique Deveaux questions the way in which people come into politics. She argues that sometimes citizens may enter the realm of politics precisely as representatives of cultural, gender, linguistic or ethnic groups rather than as individuals supporting neutrally justified policies. If the aim of these individuals is to counter politics of marginalization of the group they are members of then their less than neutral position should be justifiable. However, this is not the case within liberal politics centered on the principle of neutrality.

Minorities may be granted a formal inclusion through constitutional means but associating that formal inclusion with the public blindness that neutrality and the idea of public reason purports makes the actual inclusion of national minorities a far away concept. This follows Amartya Sen's definition of inclusion as both a capability and an acquisition, meaning it is not enough to have a right to legal rights but also the capability of making use of those rights as opportunities and resources[2]. Granting a national minority status with the rights associated is a necessary but not a sufficient condition. Further, asking from the part of the national minority group to set aside more comprehensive views is a requirement that not only is hard to justify for the reasons presented above but also it is very difficult. Much of the groups' identity is strongly connected with these views and they cannot be dismissed easily.

Furthermore, and on a more general note, having to keep what is an essential part of a persons' identity aside from the public arena seems to perpetuate the kind of discrimination that minorities have suffered from throughout history. It is perpetuating the feeling that one should hide their true beliefs and conceptions about what it means to lead a worthy life. It adds insult to injury inasmuch as many minority groups have experienced years of oppression and discrimination. It harms people by requiring them to hide their true beliefs and thus creating a feeling of having to feel ashamed and of being humiliated. Finally, stripping away from the individual his or her status of a member within a minority group reinforces the feeling of being discriminating against since much of a groups' history of discrimination has precisely nothing to do with the individual as such but with him or her being a part of that minority. And yet, formal inclusion is based solely on individual rights.

Granted, I do not mean to say that this is the case for all national minorities; rather I am simply suggesting that there are groups which either fit into the above description from an empirical standpoint or theoretically a situation fitting these profile may hypothetically be constructed. What can be said with more precision is that Rawls doesn't seek to make incorporate or explicitly include minorities into political life nor does he support a deliberative approach of accommodating differences stemming from comprehensive views, whether be religious, moral or cultural, within politics which is important for properly addressing pluralism[3].

Further, by adopting this view, Rawls becomes an advocate for the *status quo* which is meant in this case as supporting those values which have already been

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[1] Monique DEVEAUX, *Cultural Pluralism*...cit., p. 105.

[2] Amartya SEN, "Well-being, Agency and Freedom: The Dewey Lectures: 1984", *Journal of Philosophy*, vol. 82, no. 4, 1985, p. 199.

[3] Monique DEVEAUX, *Cultural Pluralism*...cit., p. 105.

deemed as "fitting" or have already been chosen by the large public. This in turn has the effect of an extrapolation of the idea of public blindness to blindness towards other means of addressing issues on the political agenda or the possibility of choosing different inputs for debating so that different outcomes may result as possible solutions for reaching agreement. Thus, a limitation of both inputs and outcomes can be experienced by following Rawlsian lines which is neither for the benefit of the minority groups nor the majority within pluralist societies.

The criticism of neutrality that I proposed does in no way suggest that the principle of neutrality should not be used as a feature of political deliberation, rather that its core position inside liberal political debates should be polished so as to provide for an accommodation of the needs of national minorities groups. Further, although it may be argued that neutrality is a necessary condition for the advancement of consensus among different conceptions of the good it is not a sufficient condition, especially when considering the case of minority groups.

## *Concluding Remarks*

Although unsure about the success of my argument I am at least sure about opening a line of discussion and possible assessment of some of liberalism's professed commitments. The concluding remarks of this essay follow the link between neutrality and the situation of minority groups. Inasmuch as liberal political theory professes to protect peoples' rights generally and minorities specifically, it might seem to be fertile ground for addressing minority claims. However, neutrality is vulnerable to many objections particularly from the standpoint of claims of cultural recognition by minority groups. Further, an important aspect of politics of neutrality – political deliberation – seems limited under Rawls's framework and especially under his concept of public reason. Regarding this aspect, the Rawlsian theory is in need of change if it is to incorporate the particular needs of minority groups.

Thus, I tried to illustrate that liberal neutrality may not be the best suited model to provide the proper framework in accommodating the needs of minority groups. The conclusion stemming from this served the purpose of challenging the legitimacy of the liberal state by assessing liberalism from the perspective of minority groups. It is from this vantage point, a minority one that the dominance and popularity of liberalism must continue to be confronted if freedom for all is to be attained.

The above serves as the starting point of a research project aimed at discovering and examining the potential conflicts which arise within political theory, and more pertinently within liberal theory with regards to minority rights issues.