**Conceptions of the good, rivalry, and liberal neutrality**

Liberal neutrality is assumed to pertain to rival conceptions of the good. The nature of the rivalry between conceptions of the good is pivotal to the coherence, scope and realisation of liberal neutrality. Yet liberal theorists have said very little about rivalry. This paper attempts to fill this gap by reviewing three conceptions of rivalry: *incompatibility* *rivalry*, *intra-domain rivalry*, and *state power rivalry*. I argue that *state power rivalry* is the morally relevant conception of rivalry, and that it has significant implications for the scope and realisation of liberal neutrality. I conclude that in the light of *state power rivalry*, the only feasible liberal neutral state is a very minimal one.

**Keywords:** neutrality; political liberalism; conceptions of the good; rivalry; minimal state

**I. Introduction**

Many liberals subscribe to a principle of state neutrality. The principle broadly holds that in the light of the fact of reasonable pluralism within contemporary societies, the state should be neutral between the conceptions of the good subscribed to by its citizens (Jones 1989, p. 9). Liberal theorists have cashed out the principle in various ways; the neutrality of political decisions can pertain to their aims, justification, inputs, or outcomes. What is common to all versions of liberal neutrality, however, is that neutrality is to be struck between *rival* conceptions of the good.[[1]](#footnote-1)

The concept of rivalry is pivotal to liberal neutrality. Rivalry arises where there is a contest between two or more agents. Instances of rivalry give rise to questions of neutrality where another agent who stands – or could stand – outside of the contest and can either be neutral or non-neutral *vis-à-vis* what the other parties are rivals over. As Jeremy Waldron (1989, p. 63) states, without a contest between two or more agents, questions of neutrality simply do not arise since, *ipso facto*, there is nothing to be neutral about. Waldron’s ensuing analysis, however, focuses on the outside agent – the state – rather than on the nature of the contest between the rivals. This is symptomatic of proponents of liberal neutrality; yet, as we will see, what *kind* ofcontest the state should be neutral about is crucial to a coherent theory of liberal neutrality.

 As I outline below, proponents and critics of liberal neutrality have given the content of conceptions of the good some attention, particularly the conceptual parameters for what counts as a conception of the good *per se*, and the normative parameters of what counts as a *reasonable* conception of the good. Yet little attention, if any, has been paid to the *rivalry* between conceptions of the good. This paper is an attempt to fill this gap. To that end, I advance three interrelated claims. First, our understanding of rivalry vis-à-vis liberal neutrality is in need of conceptual clarification. Second, liberal neutralists have missed the morally relevant kind of rivalry. Third, the morally relevant kind of rivalry has significant implications for the plausibility of liberal neutrality, particularly in relation to its scope.

The paper proceeds as follows. In section II I set out the prevailing definition of the term, ‘conception of the good’. This is instrumental in identifying the appropriate range of goods to which rivalry applies. In section III I outline the conceptual differences between what I call *incompatibility* *rivalry (r1)*, *intra-domain rivalry (r2)*, and *state power rivalry (r3)*. In section IV I defend the claim that liberal neutralists erroneously assume *r1* and/or *r2.* According to basic premises of liberal neutrality, neutralists instead should endorse *r3.* In section V I lay out some general implications for the scope and realisation of liberal neutrality, and then in sections VI and VII, I evaluate how a neutral state could plausibly arbitrate this sort of rivalry in relation to two versions of liberal neutrality: *neutrality of justification* (Dworkin 1985, Larmore 1987, Nagel 1991, Barry 1995, Rawls 2005, Lecce 2008, Quong 2010) and *neutrality of treatment* (Patten 2010)respectively.[[2]](#footnote-2) Finally, in section VIII I conclude the paper by briefly outlining the overall upshot of *r3* for theories of liberal neutrality, which is that the only plausible liberal neutral state is a ‘negative’ or ‘minimal’ one.

**II. Conceptions of the good**

Despite being central to the principle of liberal neutrality, proponents are not always explicit about what is meant by the term, ‘conception of the good’. Typically, the term is used to refer to moral, religious and philosophical belief systems – or ‘comprehensive doctrines’. Indeed, some usages imply the term is simply a synonym for such doctrines (Wall and Klosko 2003, p. 8). Yet as Joseph Chan (2000, pp. 10-11) points out, liberal neutralists often use the term interchangeably with a broad range of terms such as ‘the good life’, ‘way of life’, ‘convictions’, ‘cultural values’, and ‘ideas’, amongst others. In addition, when proponents or critics give concrete examples to explain or critique liberal neutrality respectively, the examples are not straightforwardly comprehensive doctrines. Two common examples in this respect are the arts and sports. Though the arts or sport may reflect or inspire comprehensive doctrines, such as Aristotelian virtues in sport or Divinity in art, their relation to such doctrines is not taken to be necessary for them to carry moral weight under a neutral state. Rather, the arts and sport are themselves taken as part of one’s conception of the good. This suggests the notion of a ‘conception of the good’ is broader than just lofty doctrines about morality, religion or philosophy; it also encompasses ‘mundane’ or ‘everyday’ goods like those concerning the arts, sport, hobbies, relationships, careers and so on.

So what do ‘comprehensive’ and ‘everyday’ goods share such that they can both be said to contribute to one’s conception of the good? At its most basic level, a conception of the good is what gives value or meaning to one’s life, in the sense that it is a standard by which we can evaluate the quality and direction of our own lives, defining what counts as a setback or enjoyment in our lives (Dworkin 1985, pp. 191-2, Waldron 1989, pp. 76-7, Rawls 2005, pp. 19-20). It is plain how comprehensive doctrines perform such a function; indeed, one could say it is the primary purpose of comprehensive doctrines to do so. But everyday goods too provide meaning and value. Though their scope over one’s life is by definition less expansive than comprehensive doctrines, the arts and so on that fulfil one’s time are sources of meaning and value. We can imagine looking back on our lives and evaluating not only how we lived according to our moral, religious or philosophical doctrine, but also our everyday ideas and activities, such as the art we enjoyed or created, the careers we pursued, and so on. The value and meaning provided by such everyday goods may well be socially constructed, but how they come to hold value and meaning is not a concern here any more than, say, the theological or historical origins of Judaism for it to function as a good. The point is that everyday goods *do* provide value and meaning for people, and they can do so independently of comprehensive doctrines.

There appears to be a consensus between neutralists that this broad understanding of ‘conception of the good’ is the right one. Ronald Dworkin (1985, p. 191) explicitly defends it when he writes that ‘the scholar who values a life of contemplation has such a conception; so does the television-watching, beer-drinking citizen who is fond of saying “this is the life”’. Affirming this passage from Dworkin, Peter Jones (1989, pp. 12-3) too includes everyday views on ‘cycling, Beethoven, pizzas etc.’, adding that it is in fact ‘easier to be sure of what the notion of a conception of the good should be taken to include at this more mundane level than when one enters the higher reaches of beliefs, ideals and commitments’.[[3]](#footnote-3) Though comprehensive doctrines are of central importance to Rawls, he (1999, pp. 291-2) too gives examples like the opera and theatre. And in his distinction between political and comprehensive moral conceptions, Rawls (2005, p. 13) states that the distinction is partly one of scope where conceptions become comprehensive when, *inter alia*, they include views related to ‘ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct’.[[4]](#footnote-4) In other words, a conception is comprehensive when it entails a sufficiently large scope of goods that give meaning and purpose to our lives, but conceptions that do no have this scope are no less conceptions of the good, they are simply less than fully comprehensive.

The consensus on the broad understanding of ‘conceptions of the good’ can also be found in the stream of liberal political thought that directly competes with neutralism, namely, perfectionism. Though perfectionists of course disagree about the controversy of judgments about the good, and how the state may act on those judgments, many affirm a broad understanding of what is entailed by the term ‘conception of the good’ (Raz 1986, pp. 200-1, Hurka 1993, pp. 159-60, Sher 1997, p. 43).[[5]](#footnote-5) Chan is one liberal perfectionist that is particularly illuminating in this respect. Following his critique of neutralists’ use of ‘conception of the good’, he divides a conception into various different kinds of goods. Drawing from Aristotle and others, Chan (2000, p. 11) says a conception of the good may consist of three types of goods – ‘agency’, ‘prudential’, and ‘a way of life’. Though ‘agency goods’ entail lofty ideas of virtues such as courage, temperance and integrity, and ‘a way of life’ is the rational ranking and pursuit of other goods, ‘prudential goods’ entail the concrete, everyday goods that I have already mentioned. Chan’s examples here include music, human relationships, amusement, and play.

There is a danger to construing conceptions of the good too broadly. A distinction ought to be drawn, as Richard Sinopoli (1993) argues, between conceptions of the good and ‘raw preferences’. For Sinopoli, before one’s supposed conception of the good should feature in the neutral decision-making, one should demonstrate that it is as such. If ‘conception of the good’ were ‘merely a dressed-up way of referring to raw preferences’ then the state would have to be neutral between absurd claims (Sinopoli 1993, pp. 653-4). Sinopoli is correct that there is no reason toassume that every preference or desire could be articulated as forming part of a conception of the good, but there is also no reason to assume that any cannot. I cannot provide a full account here of the proper articulation for a preference or desire to be considered part of a conception of the good, but context must surely be an important consideration. Take preferences for certain colours, for example. Presumably most people would see demands for state neutrality on colours to be absurd. But we can imagine different colours being bound up in different conceptions of the good within society, as is in fact the case with certain religions. The colours are not loosely associated with those conceptions, but are embedded in them given their historical, cultural or theological importance. As such, the inclusion or at least dominance of a certain colour in, say, state symbols could reasonably be construed as an important consideration for a neutral state.

Liberal neutralists have been attentive to the distinction between conceptions of the good and preferences. Rawls (1975, p. 537) too argues that conceptions of the good do not in general include ‘mere preferences and tastes’. Waldron (1989, pp. 76-7) allows for tastes and lifestyles featuring in one’s conception of the good but he discusses at length why under a conception of the good, they are not ‘mere afflictions’. For Waldron, a conception of the good is the product of a reflective process in which we can distance ourselves from our actual desires, and ask ourselves if they are the sort of desires we want to be motivated by. And Barry (1995, p. 87) too rules out raw preferences, though he does not explain what differentiates them from conceptions of the good, instead appealing to a common sense view based on whether one can plausibly say one’s life is ‘blighted’ if prevented from doing something. For the purposes of discussing rivalry however, we only need to indicate that conceptions of the good are sufficiently broad to encompass religious, moral and philosophical doctrines as well as everyday goods, but not so broad that it encompasses every mere preference or affliction we happen to have. It is within that range that the neutral state ought to be concerned about rivalry, which is the topic of the next section.

**III. Three kinds of rivalry**

A survey of the literature reveals that liberal neutralists implicitly assume one, or both, of two kinds of rivalry. I shall call them:

*r1: incompatibility rivalry – arises where there is incompatibility between the content of two or more goods.*

*r2: intra-domain rivalry – arises where there is a plurality of goods within the same domain of life.*

To unpack these conceptions of rivalry, assume that the state is in some sense affirming, promoting or facilitating a particular good or set of goods. Under different versions of liberal neutrality, different kinds of state interaction with goods are under scrutiny, from the affirmation of their intrinsic value, to the facilitation of their realisation. So for the sake of brevity let us call this ‘advantaging’ goods as this neatly captures the basic non-neutral character of affirming, promoting or facilitating certain goods but not others. Whether or not the advantaging in question amounts to a violation of neutrality will depend on one’s preferred version of liberal neutrality and the moral foundations of that version, be it fairness, equality, or whatever. I explore such issues in sections VI and VII. For now, we are unpacking the *possible* violations of liberal neutrality in general *vis-à-vis* each kind of rivalry.

Under *r1*,the state would be non-neutral if it advantaged a particular conception since that conception excludes other conceptions subscribed to by its citizens. A paradigmatic case of *r1* is the incompatibility between religious conceptions of the good. One cannot logically be both Christian and Muslim, or Hindu and Jewish, as religions make mutually exclusive claims about god or gods, the afterlife, worship and so on. In short, there can only be one – if any – *true* religion. Thus, if the state affirms the superiority of one religion, or otherwise advantages it, it might be argued that the state negates the claims made for other religions by some citizens. A conceptual strength of *r1*, then, is that it captures obvious cases of non-neutrality, such as the state's advantaging, *ceteris paribus*, one religion and not others. As such, *r1* is often assumed – particularly between religions –as *the* morally relevant kind of rivalry.[[6]](#footnote-6)

With regard to *r2*, ‘domain’ refers to particular areas, spheres or themes in life that as a matter of common sense we see being distinct to one another in some relevant sense. The arts or sport, for example, can be seen as forming independent domains of goods. The rivalry within such domains stands apart from *r1* since goods are rivals not because they are mutually exclusive to one another, but because they occupy the same domain in which different people value different goods. For instance, valuing opera and valuing punk rock are not mutually exclusive. Though it is perhaps empirically uncommon given that their aesthetics and ethic are antagonistic towards one another, we would not consider someone that valued both types of music to be illogical. Under *r2* then, the source of rivalry is not incompatibility, but competition for allegiance amongst a simple plurality of goods.

To see the importance of *intra-domain rivalry* to liberal neutrality we must be aware that conceptions of the good are not themselves moral claimants. It is citizens as *bearers* of conceptions of the good that are the moral claimants under liberal neutrality. Thus, neutrality towards conceptions of the good is an upshot of being neutral towards individuals (Rawls 1975, p. 554, Jones 1989, pp. 11-12). Since citizens come to judge different goods as deserving their commitment, it prompts questions of neutrality if the state substitutes its own judgment on the relative merits of intra-domain rivals for the plurality of judgments made by its citizens. In other words, under conditions of reasonable pluralism not every citizen will value the same good or set of goods within any particular domain. Under *r2* then, the state could be seen as non-neutral if it advantages the goods valued by some citizens and not others. Proponents – and critics – of liberal neutrality invariably draw upon this kind of rivalry when providing concrete policy examples.[[7]](#footnote-7)

It should be noted that *r1* and *r2* are not mutually exclusive. Indeed, in many instances, incompatible conceptions fall within the same domain, such as religious doctrines. Therefore, *r1* will often entail *r2*. This is not always the case, however, as incompatibility can cross domains. For instance, one’s moral or religious views may entail a strict code of non-violence, so that contact sports would be incompatible with one’s conception of the good. Or, one’s religious views may be incompatible with certain movements or pieces of art. Catholics, for example, have historically censured many pieces of music and literature for their blasphemous and/or supposed morally corrupting nature. Thus we can invoke *r1* without also invoking *r2*. Arneson (2003, p. 203) can be seen to use *r1* in this way when he discusses the incompatibility between a ‘monastic’ life and one ‘devoted to politics’. Other examples might include animal welfare and religious slaughter methods, or business and sabbatarian views.

That *r1* and/or *r2* can capture paradigmatic instances of non-neutrality, does not mean they are conceptually exhaustive of the rivalry between goods. But more problematic is that these two prevailing conceptions of rivalry do not capture the normative relevance of rivalry for liberal neutrality. There is a wider sense in which goods are rivals that pertains directly to the basic moral problems that motivate liberal neutrality. This takes us to third kind of rivalry:

*r3: state power rivalry – arises where there is conflict over the use of state power between two or more goods.*

By the ‘use of state power’, I refer to the influence exerted by the state over the relative standing of rival conceptions. This can be manifested in numerous ways, including (dis)incentives, subsidies, public endorsement, and so on. Some liberal neutralists identify the *coercive* power of the state as prompting issues of neutrality, since they hold that the state must justify its use of coercive power to the citizens it uses it over. It cannot do so if that power is exercised on grounds that are not neutral between the plurality of conceptions of the good subscribed to by its citizens (Larmore 1987, Nagel 1991, Rawls 2005). For this reason, the principles of neutrality and public justification often converge in liberal political thought (Wall and Klosko 2003, p. 8). However, in the light of perfectionist objections from Joseph Raz that a liberal state need not resort to coercive measures to promote goods and values, some liberal neutralists such as Jonathon Quong (2010, esp. ch. 3, also see Ogien 2014) have defended grounds for liberal neutrality that are not dependent on the use of *coercive* power. Hence, the term ‘coercion’ is omitted from *r3* in order to be inclusive of the widest set of theories.[[8]](#footnote-8)

What sets *r3* apart from the other kinds of rivalry is that it is not restricted to conceptions that are incompatible with one another, nor ones that share the same domain of life. Instead, *r3* simply says that rivalry arises where the state may use its power to influence the standing of a good relative to another good. In this sense, each good is in rivalry with every other good, and so the state must be neutral between *all* thegoods subscribed to by its citizens, which are not precluded for conceptual or normative reasons, such as being a mere preference or illiberal respectively. I will address this caveat in more detail below.

Before defending the claim that liberal neutralists ought to endorse *r3* rather than just *r1* and/or *r2*,I should make clear that with *r3* I am not asserting that the mere fact of pluralism of goods necessitates a neutral state. After all, liberal perfectionists have not denied the fact of pluralism, but argue that the state is permitted – obligated even – to sift through the plurality, identify the valuable and valueless options, and encourage or discourage them accordingly. So I am not advancing a justificatory basis for a neutral state, rather, assuming the state ought to be neutral, I ask which is the morally relevant kind of rivalry the state should be neutral towards.

**IV. Why state power rivalry?**

To begin the defence of *r3* over *r1* and/or *r2*, let us explore a thought experiment. Suppose the state advantages Christianity by building several churches. In this scenario, a foreseeable upshot is that there is no space available for skate parks for me and my fellow skateboarders to carry out our good of skateboarding. Yet we would not ordinarily think of skateboarding and religion as falling within the same domain of life, and the content of the goods of Christianity and skateboarding are not necessarily incompatible.[[9]](#footnote-9) As such, rivalry can arise where content is compatible (contra-*r1*) *and* across different domains (contra-*r2*). Now, we can substitute Christianity and/or skateboarding for *any* good in this thought experiment and the same rivalry could arise over the state’s power to use finite land for particular uses. Thus when we consider that every good from skateboarding to opera to gardening could be affected by the building of churches, we realise that in relation to the use of state power, *all* conceptions of the good are rivals to one another.

Now suppose that the state builds facilities on an equal basis for *all* conceptions within the domain of religion, including atheism and so on. The state still does not build any skate parks, but imagine it also does not build any facilities for goods that fall within the same domain as skateboarding. As a result, liberal neutrality is upheld withineach domain, that is, in accordance with *r2*. Notice there is not neutrality betweenall goods since the religious conceptions are advantaged over the sporting ones. If viewed through the lens of *r3* then, the state is not neutral after all. But why should the liberal neutralist care about *r3* in the above scenario? If the state is neutral between all the goods within the different domains of everyone’s lives, where is the problem? My religious conception is advantaged like all other religious conceptions, as is my sporting conception like all other sporting conceptions. In other words, is *r2* not sufficient to capture the morally relevant questions of neutrality?

The problem with this line of reasoning is that it depends on an over-simplified view of people’s conceptions of the good. It assumes that each of us does in fact subscribe to a conception in every domain. But not all citizens subscribe to a conception, for example, on the good of religion. Many are simply indifferent to it. Such citizens are not areligious or agnostic, which surely too fall under the domain of religion, instead such citizens are *non*religious. The same can be said for virtually all domains: one may have no interest in the arts, sport, animals, architecture, the natural landscape and so on. Thus, even when the state is perfectly neutral withindomains, questions of neutrality can still arise, and so *r2* is not sufficient for capturing the morally relevant questions of liberal neutrality.

But what if we assume that everyone must have at least an *unarticulated* position on each domain of life – including religion – is *r2* now sufficient? If we all have a view about religion, the arts, sport and so on, then it is not sufficient for the state to be neutral simply within each domain? Again, this line of reasoning entails an over-simplified view of people’s conceptions of the good. Even if we assume everyone has at least an unarticulated conception within each domain, the importance or value we attribute to goods across domains varies. So, even if I must have some view on religion, it may form a relatively minor role in my conception of the good compared to views on goods from other domains. As such, ensuring neutrality within domains does not lead to ensuring neutrality between individuals’ conceptions of the good.[[10]](#footnote-10)

To summarise so far: if liberals care about being neutral towards individuals’ conceptions of the good, then they ought to be attentive to the fact that people’s conceptions – at least their sufficiently comprehensive conceptions – are made up of different sets of domains, some which may be absent or more important across different people’s conceptions. As *r3* identifies neutrality to be struck between *all* goods, it is not vulnerable to those erroneous assumptions about the make-up of individuals’ conceptions of the good.

A powerful objection at this juncture is that *r3* reaches too far. In demanding neutrality between *all* goods, *r3* is insensitive to the intuitive idea that some domains are more important than others in people’s lives.One may, for instance, think that religion is plainly a more important domain than hobbies or sport. Religion, it might be argued, is more important because of the profound influence it has on the value and meaning of people’s lives. It regulates so many aspects of one’s life from moral doctrine to dress code, and it concerns fundamental questions of one’s existence and purpose in life. Assuming that some domains are more important than others, *r3* would be misguided in supposing that all goods should be treated as if they were, or could be, of equal significance. Instead, judging the state’s neutrality towards the goods subscribed to by citizens should be moderated by the relative importance of domains. In this respect, *r2* might be relevant after all. Given that *r2* conceptually discriminates between domains, we need only add the normative discrimination between domains.

The judgment that religion, for example, is more important than other domains seems a considered one, but is it consistent with liberal neutrality? To address this, let us put the considered judgment under some scrutiny. One avenue is to question whether other domains really are so far from religion in terms of their profound effect on people’s lives. Perhaps we are too quick to dismiss the importance of music or sport, for example, in people’s lives. If so, the rivalry is a genuine one and the need to maintain neutrality between them is a serious one. For instance, one common view is that football is ‘like a religion’. The analogy is not that it determines some moral doctrine nor that it has a profound effect on existential questions. I think some serious similarities can be drawn between the two, however. Many football supporters do believe they have a strong obligation to support a given team, such that it becomes virtually ritualistic, and in spite of constraints from work, family and so on. Further, football clubs provide a fulcrum for many communities, shaping social relationships and organisation. Or consider the budding marathon runner, pianist, or carpenter. On what basis can we say their dedication to their chosen good is any less important that the church-going Christian? Perhaps it is because religion so directly and comprehensively seeks to answer the most fundamental questions of living a good life. However, as I have tried to make clear in the previous sections, religion does not have a monopoly here; all manner of goods can address fundamental questions like one’s purpose in life.

I am sure that many will remain unconvinced by the possibility of recognising sport or other domains as being as important as religion. But the fact that there can be disagreement is also crucial in the context of liberal neutrality. To show why this is so – at least for *neutrality of justification* – I need only show that there is reasonable disagreement about the relative importance of domains such as religion, the arts or sport. And it seems that conscientious persons, subject to the burdens of judgment, can disagree about the relative importance of domains just as they do about particular goods. The latter is taken for granted by liberal neutralists, but by the same reasoning, so too should the former. As Waldron (1989, p. 78) argues (against the background of Locke’s exclusion of atheists in *A Letter Concerning Toleration*), ‘[a]ny attempt to say what is important or unimportant in a human life counts as a conception of the good; it does not matter particularly what the source of that view may be’. Note, however, that given the distinction between conceptions of the good and mere preferences in section II, this inclusive account of domains will be subject to similar conditions of ‘articulation’, but there is not the space here to properly articulate those conditions.

There is, however, a less troublesome version of the objection that *r3* reaches too far, which draws from the logical structure of *r1* concerning incompatibility between certain types of the good, rather than normative judgments about the standing of entire domains, or particular goods for that matter. This objection says that what is morally relevant is not that *someone else’s* good has been advantaged and not *your* good, but whether the advantage negates the standing of your good. In other words, liberal neutrality should not be reduced to a simple ‘envy test’ as it were, but whether the state is affirming or negating the value of particular goods. Negating the value of the good that some citizens have chosen for themselves is plainly a moral problem under liberal neutrality. However, where there is no incompatibility between goods, but simply indifference towards the goods chosen by others, then such negation may not occur. For example, advantaging a particular religion negates – at the very least, symbolically – the claims made for other religions by some citizens, whereas advantaging a particular sport does not negate the truth or value of other sports. Thus, perhaps we should really only care about *r1* when judging possible circumstances of non-neutrality.

Once the distinction between incompatibility and indifference is fully clarified, however, we see that the objection to *r3* loses much of its force. In the case of indifference, we are dealing with a personal attitude. Where goods are not incompatible with our own good, it is plausible that we might give little – if any – attention to other goods. One can happily enjoy tennis, without giving a thought to football, opera, or knitting, for example. Now let us suppose that the state advantages a good which non-proponents view with indifference. Is the state’s action legitimate under liberal neutrality? I would argue no. Though some may be indifferent to other conceptions, citizens are not indifferent – at least as is assumed in liberal political thought – to the use of state power. Depending on the moral foundations of the liberal neutralist account in question, this can be explained in terms of fairness, equality, autonomy and so on. It is possible to explain *r3* according to these values, but neither *r1* nor *r2* captures the values for they are concerned with the relation between goods, rather than the relation between bearers of different goods, andthe state. Perhaps devaluing or apparently refuting particular conceptions does the most violence to liberal neutrality, but a liberal neutral state proper should not stop at *r1*.

**V. Scope and implementation**

Before examining the implications of *r3* for particular versions of liberal neutrality, let us first consider some general matters of scope and implementation. The discussion of scope has been dominated by the debate between *narrow* and *comprehensive* neutrality. The narrow version restricts neutrality to the ‘basic structure’ or ‘constitutional essentials’, whereas the comprehensive version extends neutrality to legislation and public policy. Yet in the light of the conceptual distinctions of rivalry, we see that the scope of liberal neutrality is not determined solely by what is considered the appropriate level of political decision-making. The scope narrows and widens according to what is considered the appropriate kind of rivalry too. If the state should be neutral between rival conceptions in terms of *r1* or *r2* the scope of its neutrality is narrower that if it were in terms of *r3.* This is because *r1* and *r2* place restrictions on the scope of rivalry itself, whereas *r3* encompasses allconceptions of the good.

Notice too that rivalry affects the scope of liberal neutrality independently of whether it is restricted to constitutional essentials. So we can have different combinations of rivalry and levels of political decision-making that make for narrower or wider scopes overall. For example, a constitutionally neutral state between only *r1* rivals has a narrower scope than a constitutionally neutral state between *r3* rivals. Further, a state that is constitutionally neutral between *r3* rivals could have a wider scope than a state that is neutral between *r1* rivals at all levels of decision-making. Thus, given that I argue *r3* to be the relevant rivalry to liberal neutrality, its scope is very wide even if restricted to decisions at only the constitutional level.

I suspect many liberal neutralists would hesitate to accept *r3* because of the enormous burden it places on the state to be neutral between *all* conceptions of the good. The scope of liberal neutrality would simply be unmanageable, and so its implementation virtually impossible. Yet on reflection we will see that *r3* is not much more burdensome that *r1* or *r2*. In section III, I already outlined how a conception of the good can be incompatible with an extensive range of other goods, unconstrained by the idea of domains of life. Consider, for example, the plethora of goods incompatible with a fundamentalist, puritanical view of the good life. Under *r1* then, we should not assume that it is simply a case of establishing neutrality between different religious or moral doctrines and those doctrines alone.

Now consider the actual demarcation of domains of life under *r2*. In reality, domains are of course not as simplistic as I have made out thus far. For instance, some domains can be subdivided into ever smaller sub-domains. Take the arts, where music is one sub-domain that can be further broken down into genres, and further still into sub-genres. The same can be said for denominations of religious faiths. As a conceptual claim about the structure of domains and sub-domains it is uncontroversial, but the upshot is that *r2* is much harder to arbitrate than may first appear. Does *r2* require the state to be neutral between every art form, and then between every type of dance, and then between every type of variation on that dance? Very quickly *r2* does not look so different from *r3*. Further, some domains could be subsumed by larger domains. For instance, on many issues religion and science are rivals. This might prompt us to think that there exists some larger domain concerning, say, ontology and/or epistemology that encompasses religion and science. Now moving in the opposite conceptual direction as sub-domains, the notion of larger, subsuming domains also means that the number of goods that ought to feature in neutral decision-making is increased.

If I am right about the extent to which *r3* is comparatively burdensome, then it does not generate a convincing reason to endorse *r1* or *r2* instead. If anything, it brings to light the parsimony of *r3* given that it dispenses with trying to demarcate domains. Instead, the enormity of trying to be neutral between allconceptions of the good might actually give us reason to abandon liberal neutrality *altogether*. The objection runs as follows: my analysis shows that a coherent account of liberal neutrality entails the state must be neutral between *all* conceptions of the good. Yet this is surely an impossible task. Thus, liberal neutrality proper is utopian. In this respect, *r3* actually serves as a *reductio ad absurdum*.

Many liberal neutralists may be unmoved by this objection since the normative grounds for state neutrality may be such that they outweigh the practical difficulties in obtaining the ideal of liberal neutrality. They may concede the utopian nature of liberal neutrality – properly understood with *r3* – but this gives us no reason to not obtain the ideal as far as possible.[[11]](#footnote-11) This normative path is already very well trodden in the debate between neutralists and perfectionists, so, rather than retread it I will highlight a point that bears on the task of implementing liberal neutrality.

Even under *r3*,the scope of liberal neutrality is constrained in four important respects. The first was described in section II on what counts as a conception of the good *per se*. There I outlined how a conception of the good life can be made up of various goods from various domains, but not include every mere preference or affliction. The second constraint refers to what counts as a *reasonable* conception of the good. Where *liberal* neutrality is in question – rather than, say, simple state neutrality – there are normative grounds for excluding certain things, even when those things meet the conceptual test in the first constraint. Of course it is contentious what constitutes ‘reasonable’ and whether such circumscription can be coherent with a principle of neutrality, but obvious candidates would include racist, sexist or homophobic conceptions of the good life. The third constraint is that neutrality need only be struck between conceptions of the good actually held by citizens rather than the implausible case of every imaginable conception of the good (Larmore 1987, p. 67, Jones 1989, p. 14). The fourth and final constraint is that the state is not required to be neutral on the internal incompatibility of individuals’ conceptions of the good. To explain, suppose my conception of the good includes living in a tropical climate, and working in London. Beyond radically altering the climate of London somehow (which could be non-neutral towards those who value a temperate climate), it is impossible for the state to be neutral between those two constituent parts of my conception of the good. The incompatibility is such that it must be one or other. Thus, I cannot claim that the state has acted in a non-neutral way if I cannot pursue both the goods simultaneously.

The strength of the four constraints is underdetermined at this point; what conceptions are actually held by citizens, for example, is a contingent fact that varies between societies and over time. Nevertheless, together the four constraints make the implementation of liberal neutrality between allconceptions of the good easier than may first appear since the ‘all’ is significantly conditional.

**VI. Neutrality of justification**

Let us finally turn to examining the implications of *r3* for particular versions of liberal neutrality, starting with *neutrality of justification*. In short, this version holds that political decisions should not be predicated on the intrinsic value of any particular conception of the good. To do so would be to invoke controversial or objectionable claims about the good, that is, claims that some citizens may reasonably reject (Larmore 1987, Scanlon 1998, Rawls 2005). As alluded to above, underpinning theories of *neutrality of justification* is the moral impetus to legitimise the use of state power to all citizens, which aligns with the state power focus of *r3*.

There is, however, some significant asymmetry between *neutrality of justification* and *r3*. Under *neutrality of justification*, it may be permissible for the state to advantage one conception of the good over another, provided that a neutral reason for doing so is established. A neutral reason may amount to one where no reasonable rejection obtains, or where there is unanimous support for the advantaged conception of the good.[[12]](#footnote-12) In any case, the very fact that there are different levels of advantage between all conceptions of the good is not sufficient grounds for it being non-neutral; we must also look to the justifications, if any, for the relative levels of advantage. For example, imagine the state subsidises swimming but not any other good. This is not being done on the basis that swimming is an intrinsically better good than all others (i.e., the state is not swimming-tarian). Instead, health is thought to be a neutral good, and swimming is fairly measured as the most efficient way to facilitate that good. Though swimming and other goods are rivals for state subsidies as per *r3*, if we assume the reasoning along the lines of health and efficiency is neutral, under *neutrality of justification*, the advantaging of swimming over other goods is permissible.

So, *neutrality of justification* is able to avoid the impression that *r3* entails absolute equality of advantages between *all* conceptions of the good. However, *r3*, does constrain *neutrality of justification* in one important, unique way: justifications cannot appeal to the intrinsic worth of an entire domain. As was argued in section IV, this is a source of controversy under *neutrality of justification*. For example, the claim ‘art is valuable in and of itself’ may not be a controversial basis for the advancement of the arts because it does not single out a particular art form which is the site of citizens’ reasonable disagreement (thus avoiding violations of the kind related to *r2*).

Indeed, some justificatory neutralists such as Dworkin (1985, pp. 221-36) have tried to make this claim about the arts *in general* to get any subsidisation of the arts off the ground. In the light of *r3*, however, we certainly cannot take that claim for granted and not only could reasonable citizens disagree about whether the arts are of intrinsic value, but the very delineation of ‘the arts’ is up for reasonable debate. If general claims about the arts are controversial in the relevant sense, then the state could ‘level-up’ by affirming that all domains (and the conceptions therein) have intrinsic worth, or ‘level-down’ by making no judgment about any domain. Levelling-up will lead to the illogical scenario of the state affirming certain conceptions that are incompatible with one another. But more importantly, *neutrality of justification* is not a doctrine of free-for-all judgments about the good, but a doctrine of restraint on judgments about the good. Levelling-down then appears to be the most coherent approach. The upshot, however, is that *r3* requires scrutiny of the claims made about the worth of entire domains not just particular conceptions. Dworkin’s defence of art subsidies does not make it the principal goal of the state; it is one of many that must be balanced against competing claims. Here Dworkin (1985, p. 232) gives the example of military defence and social justice. On my analysis, the claim for art subsidies should also be balanced against the competing claims of all domains of life, not just necessary public goods and the basic duties of the state.

**VII. Neutrality of treatment**

Let us finally turn to *neutrality of treatment*, a version of liberal neutrality recently proposed by Alan Patten (2010). Put negatively, the state violates *neutrality of treatment* ‘when its policies are more accommodating, or less accommodating, of some conceptions of the good than they are of others’. To maintain neutrality, ‘the state must adopt an equivalent policy for rival conceptions of the good’ so that it is ‘equally accommodating of rival conceptions of the good’ (Patten 2010, p. 257). Accommodation is measured by the *inputs* to political decisions, rather than the *outputs*. To demonstrate the conceptual difference, Patten gives the example of a philanthropist allocating resources between two worthy causes. She could allocate each an amount that is expected to bring about equal levels of success, or simply allocate each equal amounts. The first allocation equalises outputs, whereas the second allocation equalises inputs (Patten 2010, p. 258).

In the context of *r3* ­–and in contrast to *neutrality of justification* ­– it is crucial to recognise the *distributive* dimension of *neutrality of treatment*. Here we are not concerned with the reasons grounding the political decision, but the equal distribution of accommodating policies between different conceptions of the good. So, if swimming is accommodated in the distribution of subsidies, then rival conceptions of the good should be ‘equally accommodated’. However, contrary to Patten’s implicit *r2* assumption, the ‘rival conceptions’ that should be equally accommodated ought to be understood as *all* other conceptions of the good. As such, *neutrality of treatment* appears to be far more vulnerable than *neutrality of justification* to the immense burden of establishing absolute equality between every single conception of the good.

Moving towards that absolute equality, however, is more or less feasible depending on which strategy one takes. Patten offers three different strategies for realising *neutrality of treatment*: ‘privatisation’, ‘generic entanglement’ and ‘even-handedness’. Patten (2010, p. 259 fn. 21) indicates that other versions of liberal neutrality, such as *neutrality of outcome*, could help decide which strategy is the best for the liberal neutral state to pursue. I believe our understanding of rivalry too has a significant place in deciding between the strategies.

Taking them in reverse order, ‘even-handedness’ entails ‘positively accommodating all [conceptions of the good] in an equal fashion, each in their own way’. So if the state provides one kind of recreational facility, which is valued by some, ‘then it does its best to provide a range of different kinds of comparable facilities…that are valued by others’ (Patten 2010, pp. 260-1). Here Patten clearly states that the facilities are for other recreational goods, using swimming, skateboarding, and squash as his examples of rivals. Since even-handedness entails the *positive* distribution of advantages to conceptions of the good, the strategy is naturally more burdensome if the state were to provide no advantages whatsoever. Crucially, in keeping with *r3* we must understand the even-handedness strategy as extending to all conceptions of the good regardless of whether they are, say, recreational or not. This surely makes even-handedness implausible; it is plainly difficult to provide facilities to all the different recreational goods valued by citizens, let alone *all* goods in general.

The basic idea of ‘generic entanglement’ is that the state provides goods and services that figure in, or are ‘entangled’ with, all conceptions of the good. As such, ‘no special form of assistance or hindrance is being extended to or imposed on some conceptions of the good but not others’. To take Patten’s (2010, p. 260) example, if the fire service assists a synagogue, there is no violation of *neutrality of treatment* for it provides the same service to the facilities of all conceptions of the good. This strategy is plainly morein line with *r3* than ‘even-handedness’, as the nature of generic entanglement is such that it will be available to literally *all* conceptions of the good. Indeed, generic entanglement can map on to what we consider to be public services, and it is a necessary condition of them being *public* that they be available for *any* conception of the good.

The scope of this strategy, however, is quite limited, for they are services or provisions that could be advantageous to the pursuit of all conceptions of the good. It is notable then that Patten (2010, p. 260) only provides two other examples here – education and healthcare – which he rightly points out are ‘less pure examples of the same logic’, presumably because they unavoidably encounter debates about the good. So, while ‘generic entanglement’ lends itself to *r3*, its role in realising liberal neutrality is significantly limited.

Finally, in the 'privatisation' strategy the state limits as far as possible the regulation of provisions for the pursuit of conceptions of the good and ‘otherwise extends no assistance to, and imposes no hindrance on, any goods or activities that might be involved in such conceptions’ (Patten 2010, p. 259). It merely sets out general rules that apply uniformly to the goods and services for the pursuit of conceptions of the good. In a sense then ‘privatisation’ is the reverse of ‘even-handedness’, that is, it takes a negative view of distribution. For that reason, it is more plausible in relative terms, or in other words, it is easier for the state to not implement any, or revoke all, legislation, policies, programs, services, and so on, than ensure that all these uses of state power equally advantage all conceptions of the good. In absolute terms, the plausibility of ‘privatisation’ is of course tempered by the extent to which the state can realistically remove its assistance or hindrance to any conception of the good especially where it is unintended.

**VIII. Concluding remarks**

I wish to conclude with what I think is a crucial upshot arising from the last two sections for theories of liberal neutrality in general. Simply put, for a liberal neutral state to be plausible, it must be a minimal one that adopts a negative strategy towards advantaging conceptions of the good.

As Jones points out, the liberal neutral state lies on a continuum between negative and positive neutrality. For Jones (1989, p. 20), whether the state should take a negative or positive strategy is likely to vary from context to context. Through the lens of *r3* we can see that in the context of public services, a positive strategy may be plausible. However, in all other contexts it seems that the negative, ‘privatisation’ strategy is *prima facie* the most plausible strategy. This is true of both *neutrality of treatment* and *neutrality of justification*, since we can understand the restraining nature of *neutrality of justification* as one of privatisation too, which is to say that judgments about the good are privatised to individual citizens. Patten (2010, p. 259 fn. 21) claims that the ‘privatisation’ strategy is the ‘purest’ one for realising liberal neutrality. If I am correct about the precedence of *r3*, I would argue that, with the exception of the provision of a small set of public services, it is also the only plausible strategy for realising liberal neutrality.

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1. Liberal neutralists often use the terms ‘competing’, ‘conflicting’ and ‘incompatible’ interchangeably with ‘rival’, yet as I hope to make clear in this paper, there are important conceptual differences to be made between these different interactions between conceptions of the good. I have chosen to use ‘rivalry’ as it serves as an umbrella term that is inclusive of these different types of interaction. [↑](#footnote-ref-1)
2. The former is certainly the most prominent version of liberal neutrality in the literature, and the latter is a distinct but under-scrutinised version. I believe it is not worth considering further versions of liberal neutrality here such as *neutrality of aim* and *neutrality of outcome* given that they are almost universally rejected in the literature. *Neutrality of aim* is generally ignored in the literature since *neutrality of justification* is considered its proper *liberal* interpretation (Wall and Klosko 2003, pp. 7-8, Lecce 2008, p. 237). *Neutrality of outcome* (Montefiore, 1975) is almost universally rejected in liberal political thought (Jones 1989, pp. 16-17, Kymlicka 1989, pp. 884–5, Waldron 1989, p. 67, Arneson 2003, pp. 193-4, Wall and Klosko 2003, p. 8, Lecce 2008, p. 236). [↑](#footnote-ref-2)
3. Lecce (2008, p. 234 fn. 9) also affirms Dworkin’s broad view. [↑](#footnote-ref-3)
4. Barry (1995, pp. 29-30) affirms Rawls’s broad view. Similarly, Patten (2010, p. 270) defines conceptions of the good as entailing ‘special commitments’, which he says arise in wide array of what I call domains of life. [↑](#footnote-ref-4)
5. Sher (1997. Pp. 37-43) highlights several difficulties with pinning down a definition of ‘conception of the good’ that can account for all our intuitions about the term. For our purposes though, Sher’s argument is not incompatible with allowing for everyday things being included in one’s conception of the good. His criticism is directed at the supposed controversy about views on the good, and their overlap with views on the right, rather than whether things are sufficiently moral, political or religious. [↑](#footnote-ref-5)
6. For example, Larmore (1987, p. 51) describes ‘ideals clashing’. Nagel (1991, p. 164) describes ‘radical disagreement because of incompatible values’. Jones (1989, pp. 13-4) appeals to *r1* when discussing the mutual frustration of people’s competing conceptions of the good. Waldron (1989, pp. 66-7) affirms *r1* on the conflict between Christianity, Humanism, and Hedonism. Barry (1995, pp. 26-7) affirms *r1* when discussing ‘mutually inconsistent ends’. Barry (1995, pp. 37-8, p. 69, p. 82, pp. 163-5, and pp. 169-72) frequently discusses ‘rival religions’ too. Rawls (2005, p. xvi) sets out the ‘serious problem’ for modern democratic societies as being the plurality of ‘incompatible yet reasonable comprehensive doctrines’. Lecce (2008, pp. 3-4 and p. 8) traces the trajectory of religious toleration to state neutrality in liberal political thought, and appears to affirm *r1* in his use of ‘mutually exclusive’ beliefs about the good. Horton (2012, p. 441) uses religious conflict. And like the term, ‘conception of the good’, this understanding of rivalry is shared with liberal perfectionists (e.g. Raz 1986, p. 133). [↑](#footnote-ref-6)
7. For example, Barry (1995, p. 99) discusses the equitable distribution *between* sports. Harry Brighouse (1995, p. 38) directly compares different sports. Arneson (2003, p. 198) compares support for opera in comparison to ‘other forms of entertainment’. arry Brighouse (1995, p. 38) compares different sports too. . ementt rivalry. This paper attempts to fill this gap by reviewingPatten (2010) relies on the rivalry between sports throughout his analysis. And Horton (2012, p. 435 and p. 443) compares the subsidisation of different arts. [↑](#footnote-ref-7)
8. It is possible that neutrality only applies to the state’s use of coercive power (however that might be defined), and so the state may be non-neutral in its use of non-coercive power. If so, this does not affect the substance of my analysis, only its scope. [↑](#footnote-ref-8)
9. Some fundamentalist Christians could claim that skateboarding is incompatible with their conception of the good because skateboarding does nothing to contribute to the ‘glory of god’. Hence, I say they are not *necessarily* incompatible. The point remains that rivalry *can* arise without incompatibility. [↑](#footnote-ref-9)
10. Here we might also consider a fourth kind of rivalry, namely, *inter-domain rivalry*, but this is implausible given rivalry *within* domains. A state could not be neutral where the domains of religion and sports are advantaged equally by advantaging one religion and one sport equally. Here we could say that the state is neutral between domains on some kind of macro level, but of course it remains the case that a particular religion is advantaged over other religions, and a particular sport over other sports. Note also that it logically follows that if the state is neutral between *all* conceptions of the good, then it is neutral also within domains. Thus, the paradigmatic instances of non-neutrality between domain rivals remain accounted for in *r3*. [↑](#footnote-ref-10)
11. Jones (2012, p. 503) gives a response along these lines in the context of the fact that there are some matters to which the state cannot practically be neutral, such as language. He writes, ‘if we accept that a society cannot be, or should not be, impartial about *everything*, it does not follow that it cannot be, or should not be, impartial about *anything*’. [↑](#footnote-ref-11)
12. For a critique of supposed ‘neutral reasons’ or ‘neutral justifications’, see Raz (1986, p. 116), and Patten (2010, p. 255-6). [↑](#footnote-ref-12)