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**Title**: How we do things here: moral communities, integration and toleration in the Netherlands: competing interpretations of liberalism in parliamentary practice, 2000-2013  
**Issue Date**: 2015-12-02
Chapter 1

Liberalism and Moral Communities: Two Approaches
Introduction: developing two liberal approaches to culture and moral communities

In this chapter two theoretical approaches to the standing of moral communities in a liberal polity will be introduced and developed. Both approaches are recognizably liberal, yet radically different.

The first of these approaches consists of theories that attribute value to moral communities because of their role in sustaining the cultural preconditions for individual autonomy. Examples of such theories are Kymlicka’s liberal multiculturalism and Miller’s liberal nationalism.¹ For these theorists, a central argument for sustaining moral communities is that doing so is necessary for the sake of a central liberal value, namely autonomy.

The second of these approaches locates moral communities’ value especially in their close relationship to the individual conscience of their members. This approach is generally known as ‘political liberalism’. This position has been developed extensively by Rawls (in his later work), and also by Larmore.² In this thesis, Kukathas’s theory ‘of diversity and freedom’ is treated as in relevant aspects a political liberal theory as well.³ For these three theorists, the central argument for respecting the integrity and beliefs of moral communities is that not to do so would amount to a denial of their members’ freedom of conscience.

Above, I speak deliberately of approaches. For the purpose of this thesis, any theorist’s position in particular is less interesting than the general manner in which a number of liberal theorists treat culture and moral communities in roughly the same fashion. In developing an approach on the basis of observed similarities between authors’ positions, differences between them are highlighted when necessary and ignored if irrelevant to the present purpose. Finally, aspects of particular theorists’ positions that don’t fit well with that aspect of their theory that is relevant to their inclusion in a particular approach are ignored as well.

This last point is especially apparent in the treatment of Kymlicka and Miller’s liberal theories. While both theorists acknowledge the role of

³ See supra, Introduction, fn. 17.
culture and a cultural environment in stimulating individual autonomy, they do so in the context of very different theories. Kymlicka’s concern is for the wellbeing of members of minority communities in liberal society; Miller argues that liberal states need not be neutral with respect to their own cultural heritage. Nor does either theory rely exclusively on the argument that culture effects individual autonomy. For Miller, culture is also indispensable for reasons of identity and cohesion, for example, while Kymlicka not only claims that autonomy is an essential asset in leading a good life, but also that such a life should be lead ‘from the inside’.4 This can be interpreted as an argument for freedom of conscience, but dwelling on this would detract from his – for the purposes of this thesis – more significant point concerning autonomy.

The reason for rearranging authors’ positions in the above fashion ties to the use, described in the introduction, of liberal theory in this thesis. This purpose, again, is to assist the analysis of parliamentary debates for the purpose of determining the standing of moral communities in the Dutch liberal polity. Because the purpose of this thesis is diagnostic, it is helpful to rearrange the theoretical positions in such a way that emphasizes the differences between them. In effect, this means isolating the central value of each approach (autonomy and conscience respectively), and developing the approach on the basis of that value, cutting away that which is irrelevant with regard to it and leaving only that which reinforces it. In this way it is possible to take each approach to what Kukathas calls its theoretical ‘terminating point’, i.e. the position that expresses most fully and uncompromisingly what a commitment to the theory’s central value entails.5 In the sense that the approaches developed here attempt to strip a theoretical position to its essence for the sake of creating a heuristic tool, they call to mind Weber’s ideal types. They are not ideal types, however, concerning theoretical positions as they do, instead of observed reality.6

5 Kukathas, for example, presents his own ‘classical liberal conception of multiculturalism’ as the ‘terminating point of multiculturalism’: ‘the idea of multiculturalism, insofar as the term identifies a philosophical stance rather than merely a political policy, and insofar as it bespeaks a commitment to accommodating rather than suppressing cultural diversity, is an idea that pushes away from the various other attitudes toward a conception of an open society. And the classical liberal conception of multiculturalism presented here describes the terminating point of multiculturalism. And while no actual regime may be willing, or able, to reach (let alone sustain) such a form of society, it may be useful to see exactly where the theory of multiculturalism leads.’ Kukathas 2008: 42.
6 Weber’s ideal types concern ‘bestimmter Elemente der Wirklichkeit’ Weber 1968 [1922]: 190.
Nor do the two approaches developed exclude each other as neatly as should be the case with ideal types; there is some overlap between liberal culturalism and framework liberalism. The similarity with ideal types is that both liberal approaches are firmly based in existing positions, yet rearrange these positions with the purpose of aiding the analysis and hence the understanding of historical phenomena. It is, however, only a similarity and no more than that.

Below, the two contrasting interpretations of liberalism will be developed in turn. The first, which reflects a commitment to culture and moral communities that is grounded in the value of autonomy, I call ‘liberal culturalism’. The second, which reflects a commitment to culture and moral communities which is connected to the freedom of conscience, I call ‘framework liberalism’. After developing and presenting these two positions separately, the final section of this chapter will oppose the two positions, highlighting the differences and similarities between them.

**Liberal culturalism**

For liberal culturalists autonomy is of central concern. While their respective descriptions of this value differ, they are notably similar in that they reflect notions of self-authorship, critical reflection, and the capacity to change one’s conception of the good. As such the common conception of autonomy underlying the liberal culturalist position is reminiscent of that developed by Gerald Dworkin, who conceives of autonomy as:

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8 Kymlicka, especially, has used the term ‘liberal culturalism’ in reference to a position allegedly straddling liberal nationalism and liberal multiculturalism, but difficult, upon inspection, to distinguish from the latter (his favored position). This terminology has not caught on in the literature, however. See Kymlicka 2001: 22-23 and chapter 3 especially.

9 I am not the first to use the term ‘framework’ in relation to political liberalism; see, e.g., Joppke 2008: 541, where he contrasts liberalism as ‘procedural framework for toleration’ with liberalism as ‘substantive way of life’, (in reference to citizenship debates and policy in, inter alia, the Netherlands).

10 Kymlicka, for instance, posits ‘two preconditions for leading a good life’; ‘that we lead our life from the inside’ and ‘that we be free to question those beliefs’; Kymlicka 1995: 81. Miller, in describing his liberal nationalist position, maintains that it is liberal in the sense that it is ‘consistent with choosing one’s own plan of life in Mill’s sense’; Miller 1995: 47. This understanding of the importance of autonomy is not limited to liberal nationalists; Raz, a so-called liberal perfectionist, similarly emphasizes the dependence of freedom on choice, as do other liberal perfectionists; Raz 1994: 176. See, for a discussion and critique of the liberal perfectionist argument for personal autonomy Quong 2011: chapter 2.
'a second-order capacity of persons to reflect critically upon their first-order preferences, desires, wishes, and so forth and the capacity to accept or attempt to change these in light of higher-order preferences and values.'\textsuperscript{11}

What is so desirable in the exercise of autonomy that it is taken as the central value of liberal culturalism?

Miller, in describing his liberal nationalist position, maintains that it is liberal in the sense that it is 'consistent with choosing one's own plan of life in Mill's sense.'\textsuperscript{12} Kymlicka argues that an individual be free to question received beliefs, and subsequently posits the necessity of a plurality of options to choose from.\textsuperscript{13} Other liberal authors not necessarily associated with liberal culturalism, but prioritizing autonomy just the same, similarly highlight the element of choice, or describe autonomy as 'self-authorship'.\textsuperscript{14} The autonomous man valued in liberal theory, then, is defined not merely by his practical rationality and his ability to manipulate his desires and preferences, but especially by his capacity to do so in light of and for the sake of the life that he wishes to lead and regards as valuable. Investigating Miller’s reference to John Stuart Mill elucidates this capacity further.

What is Mill’s sense of choosing one’s own plan of life? Gray puts it as follows:

'According to [Mill’s theory of human nature], human beings are understood to be engaged in recurrently revising the forms of life and modes of experience which they have inherited, and by which 'human nature' is itself constituted in any given time and place. In this account of man as a creature engaged in an endless process of self-transformation, what distinguishes human beings from members of other animal species is only their powers of reflexive thought and deliberate choice.'\textsuperscript{15}

What distinguishes men from animals is that the former have powers of (reflexive) thought and deliberate choice. Moreover, for Mill, in order to be properly human, to live up to his potential, man must not only have these

\textsuperscript{11} Dworkin, G. 1988: 20.
\textsuperscript{12} Miller, 1995: 47.
\textsuperscript{13} Kymlicka 1995a: 81.
\textsuperscript{15} Gray 1983: 85. See also Lindley 1986: 55.
abilities, he must also exercise them, under pains of being no more than a ‘fool satisfied’.\textsuperscript{16} For Kymlicka, this is a ‘precondition for leading a good life’:\textsuperscript{17}

‘Since we can be wrong about the worth or value of what we are currently doing, and since no one wants to lead a life based on false beliefs about its worth, it is of fundamental importance that we be able rationally to assess our conceptions of the good in the light of new information or experiences, and to revise them if they are not worthy of our continued allegiance.’\textsuperscript{18}

This view posits man as a ‘rational reviser’, an agent willing and capable of deliberately changing his ends, i.e. that which he desires to pursue in life.\textsuperscript{19} It is possible to have ‘false beliefs’ about the value of one’s conception of the good and to revise these on the basis of a rational assessment of the evidence provided by observations of the world. The recognition of the fallibility of one’s beliefs and the contention that one can and indeed should reject beliefs found to be false after rational appraisal implies that the truth-value of one’s beliefs is independent of the mental states of the individual holder of those beliefs. Thus liberal culturalism tends towards an objectivist account of value.\textsuperscript{20} What distinguishes liberal culturalism from other comprehensive doctrines positing such an objectivist account of value, such as for example orthodox religious doctrines, is the insistence

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  \item \textsuperscript{16} ‘it is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied’; Mill 2001 [1863]: 10.
  \item \textsuperscript{17} According to Kymlicka, this is the second of two such preconditions. The first is ‘that we lead our life from the inside, in accordance with our beliefs about what gives value to life.’ Kymlicka 1995: 81.
  \item \textsuperscript{18} Ibid.
  \item \textsuperscript{19} The term ‘rational reviser’ is taken from Kukathas (2003: 56), who locates the term’s origin in Buchanan 1975. Herein Buchanan posits a ‘principle of revisability’, i.e. that ‘[o]ne ought, ceteris paribus, to maintain an attitude of critical revisability toward one’s own conception of the good (or life-plan) and of openmindedness toward competing conceptions.’ (Buchanan 1975: 399).
  \item \textsuperscript{20} The distinction between objectivist and subjectivist accounts of value is variously named (e.g. moral realism/cognitivism vs. relativism/non-cognitivism/moral error theory/emotivism), figures in different fields (ethics, moral psychology, philosophy of mind), and is subject to differing conceptualizations on both sides of the distinction. As a consequence accounts of both objectivism and subjectivism are varied and often intricate. For the purposes of this dissertation, however, which have bearing on liberal theory, it will suffice to identify objectivist accounts of value as holding that evaluative beliefs can be true or false and can therefore be subjected to rational revision. See, e.g., Nagel 1986: ‘The view that values are real is not the view that they are real occult entities or properties, but that they are real values: that our claims about value and about what people have reason to do may be true or false independent of our beliefs and inclinations.’ (144).
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on the fallibility of one’s own beliefs and the related commitment to establishing their truth-value through continual, rational scrutiny.

The insistence on the possibility of being wrong about our reasons to act and the contention that we can and should aspire to a life that is not so misguided, assessing our beliefs and rejecting them if necessary, leads to a counterintuitive conclusion regarding liberal culturalism’s commitment to autonomy. Because an individual, on the liberal culturalist account, is so inclined to hold himself and his conception of the good up to critical reflection, there is no reason why he should not be prepared to subject his normative beliefs to the critical appraisal of like-minded others. For if the end-goal of enquiry is to determine the best possible reasons for endorsing one’s conception of the good, there is no reason to limit that process to one’s own reflections. This means that in the process of critically appraising one’s normative beliefs, an individual in a liberal cultural society should be prepared to subject those beliefs to interpersonal rational scrutiny as well. As a result, the upshot of a commitment to being autonomous may very well be that an individual’s beliefs or reasons or values won’t reflect his own, but society’s better judgment.

Despite liberal culturalism’s primary commitment to autonomy, which entails a critical stance of the individual vis-à-vis his cultural environment, liberal culturalism is also committed to the maintenance of the cultural environment itself. This is because of how cultures provide the objects of those ‘first-order preferences, desires, wishes, and so forth’ mentioned by Dworkin above.

The liberal culturalist argument why culture matters, which generates its concern for moral communities, is twofold: first the point is made that it is through cultures that individuals attach meaning and value to the world. The objects of our individual preferences, desires, and so forth are therefore to an important extent determined by the culture in which we are born. Therefore this culture merits concern.21

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21 ‘People make choices about the social practices around them, based on their beliefs about the value of these practices [...]. And to have a belief about the value of a practice is, in the first instance, a matter of understanding the meanings attached to it by our culture’ (Kymlicka 1995: 83). Tamir similarly states that outside particular human communities individuals ‘cannot develop a language and a culture, or set themselves aims. Their lives become meaningless; there is no substance to their reflection, no set of norms and values in light of which they can make choices and become the free, autonomous persons that liberals assume them to be. Being situated, adhering to a particular tradition, and being intimate with a particular language, could therefore be seen as preconditions of personal autonomy’ (Tamir 1993: 7).
But the observation that our actual preferences and desires are determined by our culture is in itself insufficient to distinguish liberal culturalism, which prioritizes autonomy, from framework liberalism (the position to be developed in the next section), which prioritizes the freedom of conscience, because as we will see in the next section, framework liberalism starts from this same premise that moral communities shape the way in which their members relate to the world. Therefore a further step is necessary in the development of liberal culturalism. This step involves the capacity to change, through critical reflection, one’s desires and conception of the good that is intrinsic to autonomy.

According to Kymlicka cultures are not merely contexts generating meaning, but especially ‘contexts of choice’. Miller similarly suggests that the kind of culture which merits concern is one that ‘also provides [its bearers] with a background against which more individual choices about how to live can be made.’

Kymlicka describes such a culture as a ‘societal culture’, i.e.:

‘a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language.’

According to Kymlicka, such societal cultures tend to be national cultures, i.e. the cultures of ‘culturally distinct, geographically concentrated, and institutionally complete societies’. Miller also associates choice-generating cultures closely with nations, and by extension with nation-states.

Kymlicka’s identification of societal cultures as ‘contexts of choice’ can be misleading, however, if the range of available options is left unspecified.

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In a similar vein, Raz argues that ‘[f]reedom depends on options which depend on rules which constitute those options. ... [O]ptions presuppose a culture. They presuppose shared meanings and common practices’ (Raz 1994: 176).

22 Kymlicka 1995: 82.
23 Miller 1995: 86.
24 Kymlicka 1995: 76.
25 Ibid., 80.
26 Indeed, Miller makes his comments in the context of an argument for national self-determination; Miller 1995: chapter 4.
For while a societal culture qua context of choice suggests a wide range of possibilities, especially when it is presented as institutionally reminiscent of the nation-state, the options actually available in a societal culture can be quite limited. Consider the following. According to Kymlicka North American Indian communities ‘whose homeland has been incorporated through conquest, colonization, or federation’ constituted an ‘ongoing societal culture’ at the moment they were so incorporated.\textsuperscript{27} Though these groups undoubtedly ‘defined the range of socially meaningful options for their members’, however, thereby effectively determining the choices available to them, this statement is compatible with a complete lack of choice concerning the way of life they wished to pursue. On such a reading, that a societal culture constitutes a context of choice need not imply an availability of multiple options to choose from, let alone a commitment to autonomy.

Given liberal culturalism’s commitment to critical reflection and rational revision of one’s conception of the good, the context of choice offered by liberal cultural society should do more than define ‘the range of socially meaningful options’ for its members, however. It should also enable individuals willing and capable of reflexive thought to reject or accept the options available and perhaps also to imagine new options; i.e. it should not be a merely nominal, but a realistic context of choice. This is acknowledged by Kymlicka as well:

‘Individuals must therefore have the conditions necessary to acquire an awareness of different views about the good life, and an ability to examine these views intelligently. Hence the equally traditional concern for education, and freedom of expression and association.’\textsuperscript{28}

Other things being equal, satisfying these conditions is considerably easier in large, open societies than in small, closed communities. Kymlicka, it is well known, is especially concerned to argue that liberal society accommodate minority nations.\textsuperscript{29} Such accommodation need not conflict with the liberal commitment to autonomy, Kymlicka states, arguing that it is possible to support minority nations without interfering with the individual freedom of their members to shape them to their liking, by guaranteeing minority

\textsuperscript{27} Ibid. 23, 79.
\textsuperscript{28} Kymlicka 1995: 81.
\textsuperscript{29} Hence the subtitel of Kymlicka 1995: ‘A liberal theory of minority rights.’
nations ‘language rights and territorial autonomy’. Given Kymlicka’s prior commitment to individual autonomy, it is necessary that such minority cultures are what Kymlicka calls ‘institutionally complete’, i.e. that they contain ‘a full range of social, educational, economic, and political institutions, encompassing both public and private life.’ For if a minority nation is less than institutionally complete the danger is real that the life choices of its members will be predetermined by communal needs or value patterns. The condition of institutional completeness, then, limits the applicability of Kymlicka’s prescriptions substantially, arguably discounting many of precisely those minority nations that he wishes liberal society to accommodate. Be that as it may, Kymlicka’s suggestion of protecting societal cultures while respecting individual autonomy by protecting the institutions that sustain those cultures is unproblematic when applied to nations that are institutionally complete, including, especially, nation-states. Such states can promote a liberal societal culture through their social, educational, economic, and political institutions.

The mere existence of those social, educational, economic, and political institutions typically associated with liberal democracy is insufficient for the promotion of a liberal culturalist society, however. For liberal-democratic institutions need not protect (let alone promote) individual autonomy; they may also protect the freedom of conscience, which liberty includes the freedom to reject autonomy. Who can say, therefore, that the societal culture sustained by those institutions will place high value on autonomy, or that it will continue to do so even if it does? Given such concerns, the liberal democratic institutions of a liberal culturalist society will attempt to place limits on the kind of culture that can develop spontaneously: this culture must remain, fundamentally, a liberal culturalist culture, understood as a culture committed to individual autonomy. This means that the institutions of a liberal state that is committed to individual autonomy will promote that autonomy where possible, most especially in its educational institutions, but also through its civil institutions.

As a consequence of its commitment to autonomy, also, a liberal culturalist state will take care to distinguish the public from the private sphere. For a commitment to autonomy entails respect for the autonomous choices of citizens, which respect finds expression, inter alia, in respect for their

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30 Ibid. 27, 113.
31 Kymlicka 1995: 78.
privacy. At the same time, that very commitment to autonomy justifies inroads in the private sphere if necessary for the protection of individual autonomy. Where the autonomy of citizens threatens to be stifled directly or indirectly, the state is justified to intervene, for the protection and promotion of autonomy is of public concern.\(^{32}\) Though liberal culturalism, then, entails a respect for the privacy of members of liberal culturalist states to autonomously pursue their own conceptions of the good, as a consequence of that very commitment to autonomy it also effectively seeks to constrain the diversity of conceptions of the good actually pursued. These conceptions must be the result of the exercise of autonomy. Thus it can be said that under liberal culturalism the public pursuit of autonomy constrains the private endorsement of conceptions of the good. In what follows this characteristic will be referred to in shorthand by stating that the direction of constraint under liberal culturalism is public to private.

Liberal nationalists such as Miller sometimes argue that it is legitimate for nation-states to pursue ‘non-neutrality where the national culture itself is at stake’, i.e. when distinct expressions of the societal culture at a certain time and place are under threat of disappearing, such as ‘a landscape, a musical tradition, a language’.\(^{33}\) For them, promoting ‘how we do things here’ has an importance that goes beyond its role in stimulating autonomy; doing so sustains the national identity, which in its turn sustains the nation and the institutions of the nation-state.\(^{34}\) Liberal culturalism, by contrast, argues no such thing. Being committed to individual autonomy, its primary concern is to ensure that the cultural environment sustaining such autonomy, the ‘second-order capacity of persons to reflect critically’ on their conception of the good, is maintained. While such a commitment will entail hostility to non-autonomous forms of life, it cannot support the preservation of tradition for tradition’s sake, or of other cultural artifacts emerging in liberal culturalist society. That would amount to what Kymlicka has described as ‘unfairly subsidizing some people’s choices’.\(^{35}\) A liberal culturalist state therefore has to tread a fine line between promoting a culture that isn’t too thick, yet not so thin that members of society will fail to recognize the liberal culturalist identity they share. Overstepping

\(^{32}\) Mandatory public education is an example of such an intervention.


\(^{34}\) See especially Miller 1995: 65-73. ‘How we do things here’ is not Miller’s term; it is taken from Barry, 2002 (107), who is most likely using the phrase in reference to Taylor’s discussion (in Taylor 1994) of the defense of liberal principles as ‘how we do things’ in liberal society (see Taylor 1994: 62-63).

\(^{35}\) Kymlicka 1995: 113; see also Kymlicka 1989b: 885.
to one side, for instance by promoting religious or other comprehensive doctrines, will raise the liberal culturalist criticism that in promoting such thicker conceptions of ‘how we do things here’ the state is failing in its commitment to individual autonomy. Overstepping to the other side will raise the nationalist concern that failing some sense of union society is bound to unravel.

For liberal culturalism, therefore, the practical challenge is to promote individual autonomy as part of the public liberal culture, while keeping thicker conceptions of national identity at bay. For the second liberal position that attaches importance to culture, to be developed in the following section, the challenge is in some ways the inverse. This liberal position has as its starting point the realization that what an individual takes to be morally desirable is in many cases intrinsically bound to his or her particular way of life. If one is committed to justice for all, therefore, one must be committed to taking different ways of life seriously. Only by doing so can one prevent what is regarded by the majority of society to be a just state of affairs from being regarded by a minority as oppressive. This position I term ‘framework liberalism’.

**Framework liberalism**

The central value inspiring framework liberalism is the freedom of conscience.\(^{36}\) Combining respect for the freedom of conscience with the desire for political cooperation among members of disparate moral communities, framework liberals develop an institutional framework

\(^{36}\) This is most explicit in the work of Kukathas, whose ‘theory of freedom and diversity’ seeks an answer to the question how ‘human society [should] be ordered given that acting in accordance to conscience is prized, and that the world is marked by diversity’ (2003: 74); see especially Kukathas 2003, chapters 2, 3, & 4. Larmore states that ‘[t]he principles of a liberal political order aim to be ‘neutral’ with respect to controversial ideas of the good.’ (Larmore 1996: 125); see Larmore 1987, chapter 3 & Larmore 1996, chapter 6. The idea is, perhaps, the least explicit in Rawls’s work, though Rawls provides the most extensive account of its implications in Rawls 2005 [1993]. For Rawls freedom of conscience is treated as a given, and his project is to answer the ‘fundamental question as to how citizens, who remain deeply divided on religious, philosophical, and moral doctrines, can still maintain a just and stable democratic society.’ (2005 [1993]: 10). As Freeman writes in the introduction to The Cambridge Companion to Rawls, the idea pursued in Rawls 2005 [1993] ‘seems to be that if moral and philosophical disagreement about the foundations of justice are inevitable even under free conditions [...], then respect for persons as free democratic citizens requires that metaphysical and epistemological questions of the foundations of justice be avoided in public reasoning about justice. They should be avoided to maintain the full freedom of conscience of citizens and to provide citizens with justifying reasons for the use of coercive force that all can reasonably accept.’ (Freeman 2003: 35).
within which the practical benefits of political cooperation can be enjoyed without compromising individual moral beliefs. This liberal framework is sustained by a procedural morality that can draw on the support of all members of political society regardless of their conscientious beliefs.

In what follows, the anatomy of framework liberalism will be described by sketching the diverse relations between its three component parts, freedom of conscience, political cooperation, and the procedural morality. First, however, the value of freedom of conscience will be introduced.

An example can usefully serve to introduce the freedom of conscience. The following example is taken from the life of the Scottish athlete Eric Liddell, as depicted in the 1981-movie Chariots of Fire. Liddell, a rugby player turned runner, was a prime contender for the 100-meter dash at the Olympic games of 1924. Liddell also was a devout Christian, who would later follow in the footsteps of his parents as a missionary in China. During the Olympic games, his athletic pursuits clashed with his faith when he discovered that his qualifying heat for the 100-meter dash was to be held on Sunday, the Christian Sabbath. For Liddell there was no question that he could run on ‘the Lord’s day’, and no amount of explanation, exhortation, or pressure on the part of the British Olympic committee or anyone else could persuade Liddell to ignore his conscience and run on Sunday. His reasons not to do so were intensely private, going to the heart of his faith, and made him impervious to public and political pressure to put ‘country before God’. The problem for the Olympic committee, which faced derision at home, was only resolved when another runner offered to trade places with Liddell, so that Liddell would run in the 400-meter dash instead (which he won).

For Liddell, it is clear, running on the Sabbath is unconscionable. But what is the conscience from which this judgment emerges, and why does either deserve respect? From the example, it is clear that conscience is a faculty of moral judgment; conscience generates moral reasons. The example also shows that conscientious moral reasons are particularly strong reasons; they are not easily overridden. When moving from the question ‘what is conscience?’ to the question ‘why should conscience be respected?’,

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37 Swan & Vallier describe conscience as “the faculty of moral judgment that generates categorical reasons for action grounded in a core network of moral reasons. Core moral reasons are moral reasons that have significant importance in an individual’s practical deliberations and, consequently, order and structure that agent’s entire network of moral reasons.” (2012: 2).
however, the example raises a difficulty, for it is obvious that there is very little sympathy for Liddell’s refusal to run among the general public and the Olympic committee.

The framework liberal answer to the question ‘why should conscience be respected?’ is that disagreements between moral communities about conscientious matters cannot always be settled, be it through processes of deliberation or by critical reflection. Rawls treats this as a ‘general fact’ of democratic society:

‘that many of our most important judgments are made under conditions where it is not to be expected that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion. Some conflicting reasonable judgments (especially important are those belonging under peoples’ comprehensive doctrines) may be true, others false; conceivably, all may be false. These burdens of judgment are of the first significance for a democratic idea of toleration.’

The burdens of judgment referred to by Rawls partially concern the theoretical use of reason; how to weigh evidence, what inferences can be drawn therefrom, etc. But judgment is also burdened by its normative sources:

‘Religious and philosophical doctrines express views of the world and of our life with one another, severally and collectively, as a whole. Our individual and associative points of view, intellectual affinities, and affective attachments, are too diverse, especially in a free society, to enable those doctrines to serve as the basis of lasting and reasoned political agreement.’

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38 Rawls 2005 [1993]: 58. See also Larmore 1987: ‘In modern times we have come to recognize a multiplicity of ways in which a fulfilled life can be lived, without any perceptible hierarchy among them. And we have also been forced to acknowledge that even where we do believe that we have discerned the superiority of some ways of life to others, reasonable people may often not share our view.’ (43)
40 Ibid., 58. Kukathas similarly states that: ‘people do in fact think very differently about justice and morality no less than about other matters. And what convictions some people might share with others of the same faith, or from the same region, they cannot assume will be agreed to by those from other faiths, or regions, with whom they now interact as members of the same society.’ Kukathas 2003: 258.
Framework liberalism, then, is premised on what can be called a *perspectivist* account of value.41 On this account, while disagreements about empirical beliefs may be resolved reasonably, disagreements about normative beliefs cannot, because such beliefs are deeply rooted in the particular perspective from which believers view the world, and different communities provide different perspectives on that world.42 Such an account is a species of subjectivism, in the sense that it holds that disagreements concerning normative beliefs are not the result of deficiencies in reasoning or rationality, but of differences in disposition. On this account, there are no grounds to hold that disagreement concerning conceptions of the good can be overcome by rational argumentation or reasonable deliberation, because there is no ‘view from nowhere’.43 For this reason framework liberalism allows members of moral communities the freedom not to subject their conscientious beliefs to the critical scrutiny of others. This, under framework liberalism, is what toleration amounts to.

Having introduced framework liberalism’s foundational value, the freedom of conscience, it is now possible to further develop the anatomy of framework liberalism by investigating the relationship between its three component parts, freedom of conscience, political cooperation (between moral communities), and procedural morality.

Freedom of conscience, it is clear, is paramount. It is not, however, unlimited. Its limits are the result of the moral commitment to cooperation between moral communities, and the resultant necessity for a procedural morality facilitating that cooperation. This interrelationship can be illustrated by reference to the theories of Rawls and Kukathas. In both

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41 Though the term ‘perspectivism’ does not appear there, the position and its relevance to liberal theory and practice are defended in Lukes (1989), as well as how it relates to a number of meta-ethical theories including objectivism, subjectivism, and relativism. More generally, perspectivism is associated with the philosophy and method of Nietzsche especially; for an account of perspectivism in Nietzsche’s epistemology see, e.g. Clark 1990: chapter 5.

42 See also Rawls 1999b: ‘Diversity naturally arises from our limited powers and distinct perspectives; it is unrealistic to suppose that all our differences are rooted solely in ignorance and perversity, or else in the rivalries that result from scarcity. Justice as fairness tries to construct a conception of justice that takes deep and unresolvable differences on matters of fundamental significance as a permanent condition of human life.’ (329).

43 Which is not the same as saying that such disagreement can never be so overcome; perspectivism does not deny the possibility of reaching agreement between perspectives, only that there is no privileged position from which to determine which, if any, perspective is true or false. A ‘view from nowhere’ is an allusion to Nagel’s book of the same name; see supra, fn. 20.
theories, the degree of freedom of conscience permitted to members of moral communities is affected by the content of procedural morality and vice versa. The content of procedural morality, on its part, is affected by the degree of political cooperation sought after by each theorist. These two theories will be discussed in turn.

Kukathas’s chosen metaphor for liberal society is an archipelago. The islands of the archipelago stand for moral communities. The political cooperation between these communities is minimal: it consists in their tolerating one another, across the metaphorical straits separating the islands of the archipelago. Because it is so minimal, the shared morality facilitating this form of cooperation can also be minimal, in the sense of making hardly any inroads on the respective comprehensive doctrines of each community: crucially, however, each community must be committed to the freedom of association of its members, which is taken to include a freedom of dissociation, i.e. a right of exit. As long as individuals are not prevented from leaving those moral communities to which they belong, the political society that is the result of cooperation has no right to interfere with the goings-on within those communities.

Even under the minimal conditions defining Kukathas’s liberal archipelago, then, the comprehensive doctrines of moral communities are not left unaffected by procedural morality. Under Kukathas’s scheme, comprehensive doctrines are forced to include or adapt to one moral principle: the right of exit of members of the moral community. Under Rawls’s conception of political liberalism, which is premised on a more substantive account of political cooperation between moral communities, the effects of the procedural morality necessary to that end on comprehensive doctrines are correspondingly more substantive.

For Rawls mere toleration is too minimal a conception of political cooperation. Rawls’s goal is not toleration, but political unity. The basic question informing his project of political liberalism is:

‘How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by

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45 Ibid., 95.
46 Kukathas’s interpretation of the right of exit has been subjected to much criticism; see e.g., Okin 2002: 227-228; Barry 2002: 141, 143; Galston 2002: 104; Fagan 2006; Crowder 2007: 127; Klosko 2005: 146.
reasonable though incompatible religious, philosophical, and moral doctrines?\textsuperscript{47}

Central to his answer to this question is his contention that, though incompatible, the comprehensive doctrines held by the free and equal citizens be \textit{reasonable}. For this commitment to reason reappears in the procedural morality forwarded by Rawls:

‘Persons are reasonable in one basic aspect when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given assurance that others will likewise do so.'\textsuperscript{48}

This in turn limits the scope of the liberty of conscience (in relation to Kukathas), for according to Rawls, only those comprehensive doctrines which are reasonable should be accommodated by the liberal framework:

‘reasonable persons see that the burdens of judgment set limits on what can be reasonably justified to others, and so they endorse some form of liberty of conscience and freedom of thought. It is unreasonable for us to use political power, should we possess it, or share it with others, to repress comprehensive views that are not unreasonable.'\textsuperscript{49}

Note that Rawls speaks of ‘some form of liberty of conscience’; this freedom is not absolute. For Rawls, there is a proportional relationship between the reasonableness of one’s comprehensive doctrine and the degree of freedom of conscience one may enjoy.

In effect, under Rawls liberty of conscience is limited to reasonable doctrines. Such doctrines are reasonable if their adherents ‘will think it unreasonable to use political power, should they possess it, to repress comprehensive views that are not unreasonable, though different from their own.’\textsuperscript{50} This is not stating simply that those doctrines are reasonable whose adherents are not unreasonable in terms of their procedural morality. This is because of the close relationship, in Rawls’s conception of political liberalism, between comprehensive doctrines and procedural

\textsuperscript{47} Rawls 2005 [1993]: xviii.
\textsuperscript{48} Ibid., 49.
\textsuperscript{49} Rawls 2005 [1993]: 61.
\textsuperscript{50} Ibid., 60.
morality. What makes a comprehensive doctrine reasonable for Rawls is that its adherents endorse, as part of that comprehensive doctrine, a reasonable political morality; such a morality is reasonable if it rejects forceful repression of comprehensive doctrines endorsing a similar political conception. Reasonable doctrines, then, are doctrines consisting of, inter alia, a reasonable procedural morality.

As a consequence of Rawls’s limitation of the liberty of conscience to reasonable comprehensive doctrines, Rawls’s political liberalism cannot be counted as a full-fledged framework liberal theory. Recall that, as described above, toleration under framework liberalism amounts to allowing members of moral communities the freedom not to subject their conscientious beliefs to the critical scrutiny of others. If we compare this conception of toleration to Rawls’s position as presented here, we see first that under Rawls the freedom not to have one’s beliefs critically scrutinized is reserved for members of reasonable moral communities. Secondly, the qualification of being reasonable in itself is linked to members of moral communities’ willingness to subject their ideas about ‘principles and standards as fair terms of cooperation’ to reasonable public scrutiny, i.e. to justify their beliefs about fair terms of cooperation publicly to likeminded others. This introduces an element reminiscent of liberal culturalism into the procedural morality of Rawlsian political liberalism, namely the commitment to a normative ideal of public justification. Even as this commitment disqualifies Rawlsian political liberalism as a veritable form of framework liberalism, below we will see that framework liberalism cannot entirely rid itself of this element.

It is perhaps no surprise that while Kukathas’s conception of the procedural morality necessary for political cooperation can be criticized as being premised on an emaciated notion of such cooperation, Rawls’s conception of a reasonable political morality has been criticized for being too comprehensive: ‘respect for the values of political liberalism’ will only obtain ‘if one’s comprehensive doctrine endorses a view of political society as just such a system of fair cooperation.’ Rawls, most likely, would concede the point, for his project is precisely to show that one must endorse a system of fair cooperation between free and equal

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51 Ibid., 59-60.
52 A person may be reasonable without endorsing a particular reasonable comprehensive doctrine if he at least endorses the same views concerning the reasonable use of political power. Ibid., 60. See also Scanlon 2003: 164.
citizens if one's comprehensive doctrine is to be compatible with political liberalism. Besides, Rawls could claim that even if the political conception limits the range of comprehensive doctrines compatible with liberalism, it does so on the basis of reasons of political morality, and not on the basis of any particular comprehensive doctrine.\(^{54}\) In that sense at least his theory is procedurally neutral, if not substantively.\(^{55}\) That notwithstanding, the question is legitimate whether, if Rawls is indeed concerned primarily with reasons of political morality, it is necessary for him to pass judgment on the reasonability and permissibility of comprehensive doctrines. Rawls suggests that a continuum must exist between the content of comprehensive doctrines and the content of a reasonable procedural morality. This might be questioned, however.

When conflicts arise over the legitimate use of political power, is it necessary to assess whether the comprehensive doctrines of the communities involved are reasonable in the sense that they consist of, \textit{inter alia}, doctrines of political morality endorsing restraint in the use of political power and respect for other comprehensive doctrines exhibiting similar restraint? Is it necessary, for that matter, that such doctrines consist of any political morality? Or is the crucial issue whether the adherents of such doctrines, when engaging in politics, can act reasonably, regardless of the content of their comprehensive doctrine?

The possibility of a procedural morality that is not informed by any prior comprehensive doctrine is examined by Kukathas. Above, Kukathas’s use of the metaphor of an archipelago was criticized as being too far from the reality faced by liberal societies. In actual liberal society, adherents of different comprehensive doctrines are not separated by sea-straight but intermingled; they share the same territory and are bound to interact, whether they want to or not. How can liberalism-conceived-as-archipelago be applied to such societies? According to Kukathas, thinking of liberalism as an archipelago helps us to see the public realm of actual liberal societies not as ‘embodying an established standpoint of morality’, such as, for example, that of Rawlsian reasonability, but as ‘an area of convergence of different moral practices.’\(^{56}\) ‘All societies,’ writes Kukathas, ‘to varying degrees, harbour a variety of religions, languages, ethnicities, and cultural practices and, so, a variety of moral ideals.’\(^{57}\) Interactions

\(^{54}\) See Forst 2002: 55-56.
\(^{55}\) Ibid., 55.
\(^{57}\) Ibid., 132.
between these various groups invariably occur 'because isolationism has seldom been an easy or attractive option for communities.'\(^\text{58}\) Out of these interactions emerges the public sphere, which Kukathas compares to the medieval commons. Where different communities have a shared interest in preserving 'civility and civil life,' the result over time will be the emergence of a 'moral commons.'\(^\text{59}\) Such a moral commons is not, however, a mere modus vivendi in the sense of a 'kind of consensus founded on a balancing of the power of different group interests'.\(^\text{60}\)

'The reason this amounts to more than a balance of power is that the agreements reached are not merely compromises made by groups (or their representatives) with one another. Agreements or understandings reached between individuals and groups come to be accepted (or internalized) as more basic norms governing social relations. The product over time is a commons which acquires the character of a public space without a sovereign power – unowned but governed by norms which circumscribe behaviour within it.'\(^\text{61}\)

Kukathas thus describes how a procedural morality might emerge in relative independence from, and exist together with, a number of disparate comprehensive doctrines. What matters is not whether or not this description is historically accurate, but whether the underlying intuition is plausible. For if it is indeed the case that members of moral communities are able to respect a distinctly procedural morality when dealing with others while applying their own comprehensive doctrine when among themselves, one might be brought to question whether it is indeed necessary that a reasonable political conception be rooted in a reasonable comprehensive doctrine. Charles Larmore, the third theorist of political liberalism mentioned above, suggests that this indeed need not be so:

'Controversy about ultimate and fundamental matters can go hand in hand with the conviction that we can nonetheless agree upon a core morality adequate for the purposes of political association. Indeed, only such a core morality can tell us that we

\(^{58}\) Ibid.
\(^{59}\) Ibid.
\(^{61}\) Ibid.
ought to give reasonable disagreement about the meaning of life a
decisive role in the establishment of political principles.\textsuperscript{62}

The history of liberal democracies suggests this is indeed the case. Liberal
democracies around the globe have developed institutional frameworks
within which individuals with fundamentally different outlooks on
morality, economics, even on politics itself can engage in debate with
the object of shaping the world in their preferred image. Even while this
may be taken as evidence that said individuals are not liberal (striving as
they do, to shape the world in their own image), the crucial point is that
they observe the rules of the game when engaging in it. In so doing, they
differentiate between their role as citizen, ‘free of status and ascription,’
and other roles in which they ‘may be engaged with others in the pursuit of
substantial ideals of the good life.’\textsuperscript{63} At the heart of framework liberalism,
then, lies what Larmore describes as a ‘divergence between \textit{citoyen}
and \textit{homme}, between the “public” (the political) and the “private” (the
nonpolitical)].\textsuperscript{64} As such, following Larmore, framework liberalism can
be seen as an ‘art of separation’ premised on the ability of individuals to
distinguish between their different roles in life and the distinct moralities
governing their behavior in each separate role.\textsuperscript{65}

If we grant that moral agents under the conditions of modernity are
generally able to distinguish the different moral contexts of their respective
lives, and the correspondingly different moralities governing these
different contexts (e.g. family, work, public places, private associations,
etc.) then the question whether any given comprehensive view in
liberal society is reasonable loses much of its urgency. What is crucial,
however, is that an individual, regardless of the (un)reasonableness of his
comprehensive views, recognizes that those views, reasonable or not, are
irrelevant when discussing matters of a strictly political morality, i.e., the
basic structure of society. In doing so, of course, the individual is in effect
ranking liberal procedural morality above his other commitments, but
importantly, he need do so only in the context of the political.\textsuperscript{66}

A further reason to abstain from passing judgment directly on
comprehensive views is that to do so contradicts the value at the core of

\textsuperscript{62} Larmore 1996: 216.

\textsuperscript{63} Larmore 1996: 141.

\textsuperscript{64} Ibid., 75.

\textsuperscript{65} Ibid., 76.

\textsuperscript{66} Ibid., 140-141; see also Larmore 1987: 54-55.
framework liberalism, which is freedom of conscience.  

While it is a given that a political society, even one premised on the freedom of conscience, cannot accommodate every comprehensive view, being premised on the freedom of conscience that accommodation should be governed by political considerations, and not by considerations pertaining to one particular comprehensive doctrine. That is to say that ultimately it is a matter of an individual’s own conscience whether he is able to distinguish his comprehensive doctrine from the procedural morality governing social cooperation in the state. Conversely, as far as the state is concerned it is irrelevant why an individual observes the common political morality and the rules based thereon, as long as he does so.

What, then, is the substance of procedural morality? Is it merely that one treat one’s neighbors with civility, as Kukathas seems to imply? Or does it consist in Rawls’s virtues of reasonable persons? While civility seems too thin, begging the question of what civility consists in, Rawls’s virtues of reasonable persons seem too thick, presupposing as they do a continuity between an individual’s (reasonable) comprehensive views and his (reasonable) political view. This continuity, we saw above, is not necessary for framework liberalism. Here, again, Larmore is helpful.

Larmore suggests that the procedural morality facilitating political cooperation should consist in the affirmation of two norms: the norm of ‘rational dialogue’, and the norm of ‘equal respect’. These norms provide ‘the terms in which a liberal state ought to announce publicly the basis of its legitimacy’. The first norm, the norm of rational dialogue, has bearing on how individual members of liberal society should sort out their disagreements. The norm of rational dialogue demands that ‘[w]hen disagreement arises, those wishing to continue the conversation should withdraw to neutral ground, in order either to resolve the dispute or, if that cannot be done rationally, to bypass it.’ As Larmore is quick to point out, the norm of rational dialogue ‘does not suffice by itself [...] to yield the liberal principle of neutrality’, for that norm, of itself, ‘does not rule out resorting to force, instead of discussion, to achieve a political settlement.’ It is the second norm, the norm of equal respect for persons,

\[\text{footnote}^{67}\] See supra, fn. 36.

\[\text{footnote}^{68}\] See, e.g., Kukathas 2003: 75.

\[\text{footnote}^{69}\] Larmore 1996: 134.

\[\text{footnote}^{70}\] Ibid.; emphasis in the original.

\[\text{footnote}^{71}\] Larmore 1987: 59.

\[\text{footnote}^{72}\] Ibid. 68, 136.
which rules out force as a principled means of getting people to submit to political principles.\textsuperscript{73} Drawing an analogy with the Kantian distinction between treating other persons solely as means or also as ends, Larmore stipulates that:

\begin{quote}
‘[t]o respect another person as an end is to insist that coercive or political principles be as justifiable to that person as they are to us. Equal respect involves treating in this way all persons to which such principles are to apply.’\textsuperscript{74}
\end{quote}

It is the norm of equal respect, then, that ensures that the political conception facilitating framework liberalism cannot be other than minimal; if political principles are principles that can justifiably be enforced across a range of comprehensive views, political principles cannot be principles which are unjustifiable according to any single one of those comprehensive views.\textsuperscript{75} At the same time, the norms of equal respect and rational dialogue leave open what, exactly, will count as a justification, or a valid reason, for any given individual. Also, though it is to be expected that some comprehensive doctrines will fare better under framework liberalism than others, it is not stipulated in advance which comprehensive doctrines will ultimately turn out to be incompatible with the procedural morality advanced under framework liberalism.\textsuperscript{76} This is because this compatibility turns less on the substance of any particular comprehensive doctrine than on the capability of persons to engage in the art of separation, i.e. to distinguish between their role as citizens and their role as members of moral communities. It is only in the first role that they must act in accord with the two political norms.\textsuperscript{77}

\textsuperscript{73} Ibid., 136-137. Note that force is not ruled out categorically by the norm of equal respect; as Larmore points out, the distinguishing feature of political moral principles from moral principles more generally is that political principles are ‘legitimate items of enforcement’; ‘an association is political precisely insofar as it relies upon the legitimate use of force to secure compliance with its rules.’ What the norm of equal respect for persons rules out, then, is the use of force in coming to agreement on the content of these political moral principles. See Larmore 1996: 136, 137.

\textsuperscript{74} Ibid., 137.

\textsuperscript{75} See ibid., 137.

\textsuperscript{76} How the norms of equal respect and rational dialogue will circumscribe the range of comprehensive views compatible with liberalism is discussed in Larmore 1996: 134-141.

\textsuperscript{77} Larmore 1990: 351. See also, however, Shildar 1989: ‘It cannot be denied that the experience of politics according to fair procedures and the rule of law do indirectly educate the citizens, even though that is not their overt purpose, which is purely political. [...] [N]o system of government, no system of legal procedures, and no system of public education is without psychological effect, and liberalism has no reason at all to apologize for the inclinations and habits that procedural fairness and responsible government are likely to encourage.’ (33).
Larmore’s two norms of rational dialogue and equal respect manage to strike a good balance between respecting freedom of conscience and facilitating political unity. As norms they govern behavior, without second-guessing individuals’ motives for complying with them. At the same time, their content is sufficiently concrete to guide the institutional design of liberal political institutions, i.e. the liberal framework.

Contrasting Larmore’s procedural morality with that of Rawls, finally, helps both to elucidate the direction of constraint of framework liberalism and to illustrate its consequences for framework liberal society. Recall that the direction of constraint, introduced in the previous section, determines whether the public affirmation of comprehensive views is restricted by or restricts the liberty of moral communities to endorse comprehensive doctrines at odds with said views. Above, Rawls’s political liberalism was said to fall short of the demands of framework liberalism because of its commitment to the public justification of ‘principles and standards as fair terms of cooperation’. Because of Rawls’s basic commitment to reasonableness, principles and standards that cannot be justified publicly can be ignored in public debate. Individuals expressing publicly unjustifiable beliefs, in other words, need not be taken seriously. As a consequence, moral communities consisting of such individuals can be forced to conform to terms of cooperation that are regarded as fair on the basis of publicly justified reasons, even if those moral communities do not themselves support those reasons. Given that Rawls consents to the forcible coercion of members of moral communities that fail to meet public standards of reasonableness, it was concluded above, his political liberalism should be discounted as veritable species of framework liberalism. Larmore’s political liberalism, however, offers different council. If members of moral communities regard ‘coercive or political principles’ as unjustifiable, those principles simply may not be applied to those communities. Respect for their comprehensive views trumps political principles that are at odds with those views. In terms of the direction of constraint, under framework liberalism the private constrains the public. This implies that in the most radical instance, framework liberal society must accept that a moral community chooses isolation from broader political society above subjection to principles that it finds intolerable.

For moral communities not seeking or prepared to engage in isolation from society, the question remains to what degree these norms succeed in allowing their members to live by their particular comprehensive doctrines. Larmore indicates that disagreements about legitimate state
action or law should be resolved either by withdrawing ‘to neutral ground’ or by bypassing such disputes altogether, presumably by taking contested issues off of the agenda. But arguably not all state action or law can be taken off the agenda. A strictly pacifist moral community, per hypothetical example, may denounce state sponsored aggression. But if the state to which that community belongs is surrounded by aggressive neighbors vying for an opportunity at invasion, adhering to Larmore’s principle of rational dialogue may well be the state’s downfall. Arguably, then, there are matters of public concern that override individual moral communities’ particular moral qualms. Some of these will be apparent, but others may be less so, for instance with regard to public health (vaccinations) or road safety (does a turban suffice as a crash helmet?). In such latter instances, what is justifiably of public concern will itself be a contentious matter. Be that as it may, if and when an issue is regarded as being of public concern, Larmore’s principles no longer apply in full, for bypassing disputes is no longer an option. In such instances, where it is impossible to reach actual agreement yet impossible to abstain from taking a decision, the only way of according equal respect to persons is to resort to a normative ideal of public justification. In such instances, for lack of justificatory reasons actually endorsed by all members of society, framework liberalism must take recourse to public justification in the Rawlsian sense, with its inherent commitment to finding ideally reasonable, publicly justifiable reasons.

This, then, constitutes the only legitimate infraction of freedom of conscience in framework liberal society: when debating matters that are of public concern and cannot remain undecided without threatening the liberal framework itself, the commitment to acting only on the basis of actually reached agreement must cede to an ideal of public justification that includes a commitment to finding the best principles and standards for fair cooperation all around. This leads to the conclusion that regarding such matters of public concern, but only so regarding, framework liberalism contains an element of liberal culturalism.

Ultimately the success of framework liberalism depends on correctly identifying what is justifiably of public concern, and what private. The challenge for framework liberalism in practice, therefore, is to prevent the very question of what is properly political from becoming the contested issue. Fostering a shared understanding of the answer to that question is the principle means of forestalling the imposition, through societal institutions, of a comprehensive doctrine on moral communities unable to resist such imposition.
Liberal culturalism and framework liberalism opposed

Above, working from two distinct yet equally liberal values, two liberal approaches to moral communities have been developed. This section will go over the main points of each approach and highlight the differences between them.

The culturalist interpretation of liberalism, it was shown, prioritizes the value of individual autonomy. Prioritizing autonomy, i.e. the second-order capacity of persons to reflect critically on the life they (wish to) lead, has a double effect on liberal culturalism’s appraisal of moral communities. First, as stated above, the liberal society endorsed by liberal culturalism is itself in certain regard a moral community, albeit in a qualified sense. This is because the members of liberal culturalist society, being committed to individual autonomy, in effect share a commitment to a partially comprehensive doctrine. The doctrine is only partially comprehensive, we saw, because it is compatible with a diversity of substantive ways of life. It is nonetheless comprehensive because the doctrine projects in no uncertain terms what is of value in human life, namely a life autonomously chosen, and what ideal of personal character is to be fostered in liberal citizens, namely individual autonomy. Therefore, liberal culturalism is committed to defending a particular moral community, namely that through which the commitment to individual autonomy is sustained.

Secondly, liberal culturalism’s commitment to autonomy affects its appraisal of moral communities endorsing fully comprehensive doctrines in liberal society, such as orthodox religious communities, as well as the ability of members of such communities to maintain and pass on their comprehensive doctrines to their children. The more such a moral community’s comprehensive doctrine is compatible with a commitment to autonomy, the easier it will be for that community to survive as a cohesive community in liberal culturalist society. The less so, the more pressure there will be on its members to adapt to the partial comprehensive doctrine of the majority. This is because of the liberal culturalist commitment to determining whether one’s reasons, desires, beliefs, preferences, etc. are the best possible reasons, desires, etc. in light of what one knows about oneself, the world, and one’s relation to the world. Because one can be mistaken in his conceptions of the good, an individual should be prepared to subject his beliefs to his own and also to interpersonal scrutiny. A liberal culturalist society therefore will feel little reservations in critically
appraising the beliefs and views of individuals, even if those individuals are themselves loath to subject those beliefs and views to such scrutiny.

This willingness to criticize comprehensive doctrines that are at odds with liberal culturalism is not merely a characteristic of liberal culturalist society, it will also be apparent in the institutions of the liberal culturalist state. Not only will the educational institutions actively foster autonomy in the future citizens of the state and will the state therefore be committed to a system of public education for all, the traditional liberties will also be interpreted in line with this commitment to autonomy and to correcting mistaken beliefs and comprehensive views. This especially entails pride of place for the freedom of expression, the liberty famously defended by Mill on the grounds that

‘[c]omplete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right.’78

This prioritization of the freedom of expression in the liberal culturalist state can frustrate moral communities’ attempts to shield their comprehensive doctrines from the critical scrutiny of non-likeminded others, thus constraining their liberty to endorse values or beliefs that are incompatible with the central value of autonomy and. The direction of constraint in a liberal culturalist society can therefore be said to run from public to private.

This does not mean, it is worth emphasizing, that liberal culturalism is intrinsically hostile towards moral communities endorsing substantive ways of life, such as religious communities. It is a common misconception that prioritizing autonomy involves a denial of the value of moral communities, or that liberal theory ignores the formative role of moral communities in the lives of their individual members. Liberal theorists, the misconception would have it, take man as the forger of his own identity, picking and choosing the conceptions of the good which he autonomously prefers, discarding those beliefs which don’t meet his fancy.79 This, as stated, is a misconception. Liberal theory in general, and

78 Mill 1975 [1859]: 27.
79 In its more sophisticated form, this criticism posits that liberal theory takes a view of man as ‘unencumbered’ by or prior to his ends, as argued in Sandel 1982. See for a discussion and critique of this critique Forst 2002: 8-16 (or the German original, Forst 1994).
so also liberal culturalism, does not deny that communities shape their individual members, nor even that communities are valuable, for that or for other reasons.\footnote{Near the beginning of \textit{A Theory of Justice}, for example, Rawls stipulates that ‘[n]o society can, of course, be a scheme of cooperation which men enter voluntarily in a literal sense; each person finds himself placed at birth in some particular position in some particular society, and the nature of this position materially affects his life prospects.’ (1999a [1971]: 12).} Given the formative role of moral communities in the lives of their members, however, it is all the more important for liberal culturalists that the comprehensive doctrines of such communities include a commitment to individual autonomy.

For liberal culturalism, then, the central value is individual autonomy, and the esteem in which moral communities are held is only positive in so far as they enable individuals to become and be autonomous. The purpose of the liberal culturalist state, on this view, is to ensure the liberty of members of society understood as a form of individual autonomy, or, stated negatively, to protect members of society against oppression, understood as the denial of autonomy, be it within a particular moral community or within society at large. The role of the state in liberal culturalism, then, is close to that originally attributed to it in (classical) liberal theory, namely to protect the freedom and rights of individuals. The esteem in which moral communities are held under liberal culturalism is similarly a function of their success or failure in fostering individual autonomy. Henceforth this estimation of moral communities under liberal culturalism will be referred to as the \textit{instrumental} evaluation of moral communities.

The evaluation of moral communities under liberal culturalism is categorially different from that under framework liberalism. For framework liberals, the foundational value is the freedom of conscience. For framework liberals, liberal culturalism's prioritization of autonomy, even if it is only a second-order capacity, stands at odds with the freedom of conscience. On their account, societies committed to inculcating autonomy in their members are ‘forcing them to be free’, which they take as a contradiction in terms.\footnote{The oft-quoted phrase ‘forced to be free’, used originally by Rousseau in his treatise \textit{Du Contrat Social}, generally serves as shorthand for those concerned to point out the dangers of the state or society's deciding what liberty consists in. Berlin's essay “Two Concepts of Liberty” is a well-known expression of this fear that freedom understood as rational self-direction will degenerate into totalitarianism. See Berlin 1969 [1958]; Rousseau 1997 [1762].} Being able to live according to the comprehensive doctrine one has acquired, through chance or choice, is more significant
for an individual’s wellbeing than whether that comprehensive doctrine is compatible with or the product of individual autonomy. This connects to a perspectivist account of value. The freedom liberal society protects, on this view, is precisely the freedom to comprehend the world as it presents itself through one’s comprehensive doctrine, and the liberty not to subject the tenets of that doctrine to the critical scrutiny of others or one’s self.

Under framework liberalism the reason to accord value to moral communities is that moral communities furnish their members’ moral beliefs. That moral communities are respected by framework liberals because they provide the beliefs of their members may seem similar, in form at least, to the reason that liberal culturalists value moral communities, namely because they instill autonomy in their members. There is a crucial difference, however. Above, it was stated that liberal culturalists value moral communities if and in so far as they manage to instill autonomy in their members. The positive evaluation of moral communities is therefore conditional upon the communities’ success in fostering autonomy. But for framework liberals, the evaluation of moral communities is not similarly conditional, because moral communities by definition instill conscientious beliefs in their members. This follows from the understanding of a moral community as a community bound together by a comprehensive doctrine or a partial comprehensive doctrine that at least includes the community members’ core conscientious beliefs.

For framework liberals freedom of conscience is the foundational value, because of the overriding importance of being able to live according to the dictates of one’s conscience. Because these dictates, or first person reasons, are essentially tied to the moral community of which one is a member, moral communities are requisite for individual wellbeing, according to framework liberals. Therefore, henceforth in this thesis, framework liberals will be said to accord intrinsic importance to moral communities.

Because of the value accorded both to the individual conscience and to moral communities, under framework liberalism the scope of legitimate political action is constrained by the conceptions of the good endorsed by moral communities (the direction of constraint in such societies is from private to public). As a consequence, a framework liberal society will place more emphasis on liberties guarding the private realm, such as the freedom of religion, freedom of education, and, not in the least, the liberty of conscience.
Liberal culturalism and framework liberalism, then, each accord respect to moral communities. Being based on different central values, however, they each do so for different reasons and to a different degree. Liberal culturalism, being committed to individual autonomy, evaluates moral communities instrumentally, making their positive standing conditional upon moral communities’ commitment to individual autonomy. Framework liberals, prioritizing the freedom of conscience, accord intrinsic importance to moral communities out of deference to the close connection between moral communities and the moral beliefs of their individual members. While the procedural morality of framework liberalism therefore fortifies the position of moral communities in framework liberal society, the viability of moral community in liberal culturalist society is determined only by the autonomous choices of its members.

The result of these two different evaluations of moral communities is two very different conceptions of liberal society. These two conceptions, one liberal culturalist and one framework liberal, can be distinguished not only in terms of their inspiring value and the degree of standing they accord to moral communities, but also in terms of what has been termed the direction of constraint in such societies. In liberal culturalist society, the public constrains the private; this is to say, the public commitment to autonomy sets definite limits on the diversity of comprehensive doctrines or conceptions of the good that are endorsed by its members. These must be the product of and otherwise compatible with autonomy. Under framework liberalism, to the contrary, the direction of constraint is from private to public. This is to say that under framework liberalism it is precisely the comprehensive doctrines endorsed by the members of society that limit the scope of the political; public measures that are indefensible on the grounds of privately held comprehensive doctrines must be rejected. As a consequence of their respective, opposed directions of constraint, while a framework liberal society can accommodate individuals and moral communities that are committed to individual autonomy, a liberal culturalist society will be less hospitable to individuals committed to freedom of conscience.

Though framework liberalism, finally, given its private-to-public direction of constraint, facilitates a wide diversity of comprehensive doctrines and conceptions of the good in society, when it comes to matters that are truly of public concern, e.g. reasons of state, it cannot but take recourse to processes of ideal justification which aim at discovering the best possible
justificatory reasons. Despite its fundamental commitment to diversity, then, in such cases the direction of constraint of the procedural morality governing decision taking in the public realm will flip from private-to-public to public-to-private. Justifying such a flip can be a matter of great contention.

The following box schematically presents the differences between liberal culturalism and framework liberalism.

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<th>Liberal Culturalism</th>
<th>↔</th>
<th>Framework Liberalism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central value: Autonomy</td>
<td>↔</td>
<td>Central value: Conscience</td>
</tr>
<tr>
<td>Committed to one partially comprehensive doctrine</td>
<td>↔</td>
<td>Committed to a procedural morality accommodating a plurality of comprehensive doctrines</td>
</tr>
<tr>
<td>Committed to rationality as a means of finding truth</td>
<td>↔</td>
<td>Accommodating different perspectives on the truth</td>
</tr>
<tr>
<td>Fallibility of beliefs necessitates critical, rational scrutiny</td>
<td>↔</td>
<td>Perspectivist account of value allows for insulation from criticism</td>
</tr>
<tr>
<td>Interpersonal scrutiny</td>
<td>↔</td>
<td>Equal respect</td>
</tr>
<tr>
<td>Instrumental evaluation of moral communities</td>
<td>↔</td>
<td>Moral communities accorded intrinsic importance</td>
</tr>
<tr>
<td>Freedom of speech</td>
<td>↔</td>
<td>Freedom of Conscience and Religion</td>
</tr>
<tr>
<td>Public education</td>
<td>↔</td>
<td>Educational liberty</td>
</tr>
<tr>
<td>Direction of Constraint: Public → Private</td>
<td>↔</td>
<td>Direction of Constraint: Private → Public</td>
</tr>
</tbody>
</table>

*Box 1: Liberal culturalism and framework liberalism opposed*
Conclusion: Two liberal approaches to moral communities

In this chapter two interpretations of liberalism have been developed, each starting from a specific central value and pursuing that value to its theoretical terminating point in liberal theory. The purpose to be served by these interpretations is to aid the analysis of a number of parliamentary debates in the following chapters, in order to find an answer to the question of the standing, understood in the terms of contemporary liberal political philosophy, that Dutch Parliament accords to moral communities, as evidenced in parliamentary debates since 2000. Because of this purpose both interpretations draw on liberal theories providing distinct and differing arguments for the treatment of moral communities in liberal society. The first group of theories, referred to as liberal culturalist theories, makes moral communities’ standing dependent upon the exercise of individual autonomy by their members, these theories’ central value. The second group of theories, called framework liberal theories, gives moral communities pride of place in liberal society because of the close ties between such communities and their members’ conscience, the freedom of which is the central value informing these theories. By magnifying their respective central values, as well as the other elements of the two liberal approaches to moral communities, the differences between them are intensified, culminating in the schematic opposition between liberal culturalism and framework liberalism outlined in Box 1. This stylized opposition promises to aid the analysis of debates in the following chapters by facilitating the process of determining, through textual interpretation, the position taken by a given party in a debate. It facilitates this process by providing a range contrasting pairs from which to infer a party’s position vis-à-vis either of the two approaches, thereby helping to render that position, which will often prove to be implicit, explicit.

The conception of autonomy inspiring liberal culturalism is the second-order capacity to question and criticize received beliefs for the purpose of determining the best way to live. For liberal culturalists, engaging this capacity is a virtue, i.e. it is a disposition that is to be fostered in members of liberal society. Moral communities warrant special concern with regard to autonomy, liberal culturalists maintain, for two reasons. First, a moral community that embraces the value of autonomy is more liable to promote it than one that rejects autonomy. Second, moral communities provide their members with contexts of choice; they provide individuals with a diversity of meaningful options to choose from in determining the
best way to live. Given liberal culturalism’s commitment to autonomy, the educational and civil institutions of a liberal culturalist society will justifiably promote a public liberal culture that is particularly favorable to it. At the same time, they must take care not to promote substantive ways of life, for that would run counter to the promotion of individual autonomy. While individual autonomy is compatible with a variety of such substantive ways of life, the commitment to exercising autonomy for the sake of determining the best way to live involves a willingness not only to subject one’s beliefs to critical self-examination, but also to interpersonal scrutiny. As a consequence of these characteristics, under liberal culturalism the public commitment to a partially comprehensive doctrine promoting individual autonomy constrains the liberty to endorse conflicting comprehensive doctrines in private.

Framework liberalism is grounded in respect for the freedom of conscience. Framework liberals are therefore especially concerned to respect the conscience of members of moral communities. Under framework liberalism, a procedural morality enables members of the political community to cooperate politically despite their differing conscientious beliefs. If members of the political community find proposed measures unconscionable and consensus or compromise are not forthcoming, this procedural morality dictates that those measures cannot be forced upon those members and must therefore be taken off the agenda. In that sense, under framework liberalism the scope of the political is constrained by the privately held conceptions of the good of individual members of society. If and so far as members of society are able to observe procedural morality in the public sphere, what they do and believe as members of a moral community is their own concern, as long as a moral community does not force members to remain in the community against their will. Central to framework liberalism, therefore, is the art of separating the public from the private, and the values applicable to each realm. Only by doing so can it be ensured that communities will not encroach each other’s privacy by claiming that what goes on there is a matter of public concern.

Finally, liberal culturalism and framework liberalism can be distinguished on the basis of the respective standing they accord to moral communities. Each interpretation of liberalism accords value to moral communities, but each does so for different reasons and to a different degree. Liberal culturalists attach instrumental value to moral communities, if and in so far as such communities are successful in fostering individual autonomy in their members. This instrumental value also attaches to the liberal society
itself, which is regarded as a moral community in its own right, endorsing a partially comprehensive doctrine in which individual autonomy is the central value. Framework liberals, to the contrary, cannot differentiate between particular moral communities, because all moral communities supply their members with the first person beliefs that inform their individual conscience. As a consequence, framework liberals regard all moral communities as intrinsically important and the only reason to constrain their liberty must be a reason of state.