

**To cite text:**

Sládeček, Michal (2021), "Perfectionism and Endorsement Constraint", *Philosophy and Society* 32 (1): 89-104.

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## PERFECTIONISM AND ENDORSEMENT CONSTRAINT<sup>1</sup>

### ABSTRACT

The article deals with Hurka's critique of Kymlicka and Arneson's critique of Dworkin on endorsement constraint thesis, according to which a person cannot have a valuable life if values are imposed on her – primarily by state action – overriding her preferences and convictions on the good life. This thesis has often been identified with neutral liberalism and counterposed to perfectionism. The text argues against Hurka's and Arneson's argument that mild coercion and paternalistic reduction of trivial, bad or worthless options can indeed bring about a more valuable life. Their argument does not acknowledge adequately the difference between coercion from a person's immediate social environment and state coercion, which are not equally legitimate. My critique, however, does not exclude the legitimacy of perfectionistic measures, as a person could accept as justified state intervention concerning the support of particular values or goods, while at the same time not endorsing those values and goods. Not all endorsed goods or activities should be treated equally, as more relevant and valuable ones can be legitimately supported by particular policy.

### KEYWORDS

liberalism, neutrality, perfectionism, endorsement constraint, Arneson, Dworkin, Hurka, Kymlicka

In contemporary liberal political theory the idea of state neutrality regarding so-called constitutional essentials is dominant: the basic principles of justice of a political community should be constructed in such a way that they not promote any conception of the good over others, and ought to leave it to individuals themselves to determine their own vision of the good life, happiness, lifestyle, ethical, aesthetic and other values. Disagreements are more conspicuous on a less general level of concrete state action, its justification, aims and outcomes. The state affirms policy which in multifarious ways, directly or indirectly, coercively or noncompulsorily, have an impact on people's lives, affecting their decisions and preferences. By regulating the content of the school

<sup>1</sup> This article was realised with the support of the Ministry of Education, Science and Technological Development of the Republic of Serbia, according to the Agreement on the realisation and financing of scientific research.

curriculum, and deciding which sort of programs are appropriate for state funded public media, the state's aim is to promote positive values, whereas by regulation and taxation of gambling, or the production and distribution of alcohol and tobacco the state is influencing the activities widely considered as negative. But these policies are not uncontroversial by any means. Periodically, the school curriculum is the object of debates, especially concerning teaching history and literature. There are many subjects of dispute on which programs should, and which ones should not be broadcast by public media. Also, there are controversies over the taxation of gambling, alcohol and tobacco as many perceive these measures as an attack on their small enjoyments which are admittedly inseparable from their overall happiness. Particular proponents of perfectionism, i.e. the standpoint that the state can and should contribute to human flourishing argue that state intervention which does not impair personal autonomy is not in collision with the equal treatment of the persons. The state can have an influence on the life of individuals, even on the particular objects which are constitutive for their happiness, although their fundamental projects and conceptions of good should be chosen independently.

In other words, limited state intervention intended to enhance human flourishing and to ameliorate personal choices and preferences can fulfill the condition of neutrality concerning different reasonable conceptions of the good, those which are complex and reflexive, autonomously chosen by individuals, as their suppression would have a negative impact on equal respect for all. But from the standpoint of liberal neutrality it can be objected that this enhancement is conducted by a particular vision of the good which is not approved by all members of society and on which some might have a reasonable objection that it imposes an unjustified burden on their beliefs regarding the good or on the way to lead their lives. According to the position of state neutrality in liberal political theory, instead of promoting particular comprehension of the valuable components of life and suppressing the bad and worthless ones, the exclusive function of the conception of justice is to define a framework of rules and institutions within which the people are free to choose their own ideas of the good life (Larmore 2015: 83). Policy directed towards enhancement of life imposed against someone's will and beliefs is self-defeating, because a person can lead a good life only if it is in accordance with values that the person themselves endorse. Endorsement constraint thesis implies that any state intervention intended to advance someone's life and which override their preferences, convictions and independent determination of valuable life is unjustifiable.<sup>2</sup>

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2 Kymlicka 1989: 900; Kymlicka 2002: 216; Dworkin 2000: 283–284. The Endorsement constraint concept does not suggest the validity of want-satisfaction conception as higher-order theory, according to which the satisfaction of a person's preferences should be integrated with a conception of justice, while justice has, to the greatest extent, to be impartial to the content of the preferences, in accordance with the utilitarian maxim that the wants of the one person are counted as equally worthy as the wants of the another's. Endorsement constraint can be accommodated to any conception of justice which propounds non-intervention of the state to the preferences, as it will

This thesis is advocated by neutral liberalism and it implies that the state should be neutral towards a person's conceptions of good and visions of a proper life, along with their chosen preferences, ends and values. This approach was nevertheless criticized broadly and my analysis is focused only on the critique of liberal neutrality concerning endorsement constraint. The central part of the analysis deals with Hurka's concept of mild coercion as legitimate action which may, contrary to Kymlicka and endorsement constraint thesis, enhance the good of individuals, and my critique of this justification of mild coercion is also related to Arneson's interpretation of Dworkin's endorsement constraint thesis. But firstly it is instructive to examine if neutrality implies that state influence is limited to a person's autonomously chosen ends exclusively, or the limitation is also related to any of their preferences, however ephemeral they are. This is connected with the question can the person legitimately demand that their particular endorsed activities have to be supported publicly and institutionally.

### **Autonomy and Endorsement**

Our well-being cannot be comprehended as detached from our beliefs of what good life is, so individual perspective is attached to the well-being of individuals, whereas coercion in order to achieve good life would be self-defeating.<sup>3</sup> How can it be ethically justifiable to force somebody to lead a life which, according to accepted objective merits, is evaluated as good and successful, but which the individual does not endorse as such? But an additional question can be posed as well: should all aspects of life, even those trivial and detached from a person's comprehension of her own identity, be equally protected from external influence? Endorsement constraint as a liberal principle could be related to the preferences which elements are not organized to ends towards which, deliberately or not, a person is inclined and on what grounds she forms her life prospects. However, liberals such as Rawls give merit to a greater extent to a persons' capability to articulate and pursue their own life plans and only this trait makes them rational and capable of forming, together with others, a society of mutual support and cooperation. Classic liberals such as Humboldt and Mill, as well as numerous other contemporary liberals, argued that organizing preferences to ends is enough for a person to demand respect and non-interference from the community and state apparatus.<sup>4</sup>

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inevitably lead to distortion of the values that person endorses if the state evaluates the preferences and ranks them unequally. On the relationship of want-satisfaction and political theory of justice as impartiality cf. Barry 1995: 133–138.

3 Cf. Couto 2014: 52: “[...] no engagement with the good can be said to contribute to well-being if it is not actually endorsed by the individual. This allows us to block the possibility of using coercion to promote well-being.”

4 This is the weak condition of simple autonomy, whereas those perfectionists, such as Hurka, who uphold Aristotelian ethics argue for the stronger condition of deliberative autonomy, according to which the autonomous choices stemming from articulated

However, the more complex question is, if respect and non-interference should be applied to any choice, even if an individual prefers the option without deliberations, on the basis of personal whim or idiosyncrasy. In the case of reflexive autonomous choice in which a person had applied her abilities of practical judgements, accommodated them to a wide system of values and integrated them with her life plans, it can be stated as a duty to respect this choice, or at least not giving due respect having to be justified, notwithstanding disagreement on the very value of the choice. Disrespect of endorsed trivial preferences, wants or desires does not carry the same weight as disrespect of fully autonomous choice. In the first case due respect is not given to preferences which are only loosely and contingently attached to her self-esteem and comprehension of herself as a rational and equally valuable being. The second case is denial of her rational capacities and her ability to form and pursue aims deliberately and autonomously.

Putting aside the nuances, it can be stated that perfectionism, as well as neutral liberalism, even when autonomy is considered as just one of the important values,<sup>5</sup> is giving crucial importance to the protection and cultivation of personal autonomy in a well arranged society, and that its sacrifice in favour of other values would demand good justification. This sacrifice would be considered as valid only in exceptional circumstances, as well as if suspension of autonomy is considerably limited. A different situation arises in the case of endorsement: while a neutral stance relies on endorsement constraint, so restriction of endorsed activities by the state is biasing a person's notion of good life unjustifiably, a perfectionist would claim that endorsement is related to comprehension of the self only contingently, and nothing should hinder the state having influence on endorsement in the same way the family, the local community, society and the media already have it. This influence is, admittedly, subjected to limitations, and also it goes without saying that the influence should be positive, the consequence of which is that a person begins to endorse more valuable activities and ceases to endorse insignificant and harmful ones.

The limitations of state intervention become apparent when endorsement of particular activities commence as a result of a person's autonomous choice. Let us suppose that there is a cultural or religious tradition which forbids or imposes considerable obstacles to girls— such as the cost of being unmarried, estrangement from the family or expulsion from the community – who decide to get higher education, or to choose their profession independently, and as a result they are compelled to become housewives or to be confined to degrading professions allegedly appropriate to women. It can be assumed that some

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knowledge are more valuable, whereby people are able to give justification for their aims, built upon the rules of reasoning, appropriate facts and justified values. Cf. Hurka 1993: ch. 4.

<sup>5</sup> Cf. Mason 1990. Some authors consider autonomy as a central or substantial liberal value, and in such a way liberalism is inseparable from the very idea of autonomy. Cf. Macedo 1990: 263. For a straightforward critique of this idea see Rawls 1985: 246.

of the girls will endorse such a practice even without physical coercion by their community, but despite this there will be no ethical hindrance for the state to attempt to expand the number of options which are available to the girls, to point out the positive sides of different ways of life, to expose that given tradition is flawed and to pressure this traditional community to modify itself substantially towards gender equality. The case is different when the girls or most of them accept their role autonomously, even in the situation where they are aware of the option of continuation of schooling and of choices from a wider range of professions. The state policy will to a great extent undermine the autonomy of those persons by establishing, for example, a system of punishment (or some other obstacles which will increase the cost of their preferences) for the girls who decided not to prolong their education more than it is demanded by constitutional law, or if they, after consideration, choose the profession which is countenanced by their local community. Such an approach in which the state dictates preferences, instead of allowing people to make decisions on their education and career by themselves, is illegitimate as it considerably affects people's ability to lead their lives in a way they consider worthy.<sup>6</sup>

Therefore, it is permissible for the state to have an influence on endorsement, in a manner which excludes manipulation and deceit, in consequence of which people begin to endorse the activity which is more valuable than previously endorsed ones. In this way, influence which does not diminish the role of autonomy can be achieved, so a person can say "I used to endorse such an activity, but, in the light of new evidence, not anymore", while not denying that her former, as well as latter, choice was autonomous. It can be legitimate to support financially, to propagate or to promote certain activities which are not endorsed by the majority, but which at any rate do not threaten or diminish autonomy. It is, for example, justifiable when financing the purchase of specialist literature for public libraries, which will be most probably borrowed only occasionally, to give it priority over the purchase of pornographic literature, which will allegedly be attractive to more people. It can be recommendable – when the condition that autonomy is not impaired is fulfilled – to give advantage to a good activity with lack of endorsement over a widely endorsed but worthless one. State action directed to well-being can have legitimacy even when it does not bring about the acceptance of more valuable activity. One person prefers watching reality shows (usually, this sort of program epitomizes tacky entertainment), while the inclination of another person is directed towards recreational sports. Indirectly, those endorsed activities are treated and assessed differently by the council when providing running paths, free equipment for exercise in dedicated areas, or subventions for a swimming pool. The

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6 It can be objected that this position leads to the statement that it is legitimate to push people from endorsing non-essential choices towards better ones, and at the same time it will be forbidden to restrict their autonomy. But this picture is oversimplified. In a similar vein the state will transgress the limits of its competence if the endorsement of worthless activity is "officially" declared as morally void and degrading.

person who prefers sitting on the sofa and watching television does not have reasonable grounds to complain about discrimination as a consequence of unequal treatment of her preference. Also, the council ignoring her preference does not mean disrespect for either her personality and ability to choose individually and autonomously, or her capability to conceive ends and life plans.

Perfectionist critique starts from the idea that a person has a right to develop her abilities and capacities, as well as to expect support from the social environment, but has no right to claim that the state and/or society should be neutral towards the character of goods and activities she endorses. This right to neutrality, as Hurka argues, is implied in endorsement constraint: anything that is chosen is worthy of preservation (and to be sustained, if neutrality is interpreted more generally as the equal chance to realisation of preferences), because, presumably, “humans left on their own will always choose what is best” (Hurka 1993: 160).

### **Hurka on Kymlicka’s Endorsement Constraint Thesis**

Kymlicka wrote: “No life goes better by being led from the outside according to values the person does not endorse. My life only goes better if I am leading it from the inside, according to my beliefs about value [...]. A perfectionist policy that violates this ‘endorsement constraint’ by trying to bypass or override people’s beliefs about values, is self-defeating” (Kymlicka 2002: 216). In order to be appreciated as a genuine good, a certain motive is necessary, which cannot be obtained externally, let alone by the state. As Hurka stated, this Kymlicka’s endorsement constraint argument leads to the conclusion that “state perfectionism cannot succeed because it cannot ensure that citizens endorse good activities” (Hurka 1995: 40).

Hurka distinguishes weak and strong variants of endorsement premise. According to the strong variant, if activity is not approved by the subject itself, then it is deprived of any value. The thesis “I endorse an activity when I engage in it ‘from the inside’, in accordance with my values and views” can be interpreted in a strong way, in accordance with if I do not believe that my activity is good, it loses all value, which is absurd (Hurka 1995: 42). There are many masterpieces which are not approved for public exposition by their authors (Kafka, Wittgenstein and the artist Francis Bacon, just to mention a few) because of personal discontent with their value, but which are by all criteria extraordinary. They are at any rate not worthless just because of lack of endorsement. The same can be stated with the reverse example in which, according to the premise of neutrality, works highly regarded by their authors are better than those which are not, even if the latter are, objectively, more valuable than the former. Hurka maintains that Kymlicka is propounding a weaker thesis which states that an action can have value even if it is not endorsed by the subject of the action, but its value is increased substantially if it is accompanied by the subject’s endorsement. However, Hurka continues, only a strong interpretation supports state neutrality. The weak variant of endorsement constraint thesis according to which the activity accompanied by an endorsement

is better than the same one without it leading to the assumption that activity without endorsement can still be valuable and it is possible that its value can overwhelm the endorsed one.

By refuting the strong thesis, perfectionism justifies the state which assists people to lead meaningful lives, albeit the modes of this support are various, from strong to mild coercion and further to non-coercive encouragement – giving incentives to people to choose worthy activities, expanding the list of valuable options, enabling people to create valuable alternatives by themselves etc. The majority of liberal perfectionists reject strong coercion, although some of them, including Hurka, accept mild coercion as a justified measure when it brings about the higher good to the person than it would if coercion were absent. In the following part of this chapter I will attempt to expound that such coercion as Hurka interprets it cannot be justified as a critique of neutrality, while I will at the same time try to defend non-coercive policies which can be considered as a legitimate influence on endorsed activities.

The reason why strong coercion is objectionable as a liberal policy is rather straightforward: coercion through repressive measures imposes values, goods and aims which are not approved by people who consider them as bad, therefore such measures, particularly those imposed by the state, deny the right of people to live independent lives in accordance with the beliefs and values they maintain, and consequently the state is expressing disrespect for their personality. The situation is different when coercion is milder, as it can justify particular measures such as limitation of smoking in public places (as passive smoking can endanger others' health) or the taxation and regulation of alcohol distribution (by which it can limit self-harm caused by drinking) – however, the reason for legal regulation of those activities is the harm caused, and consequently those measures are not specifically perfectionist, having in mind that, albeit for different reasons, they are endorsed by almost all variants of liberalism.

The educational system is an example of legitimate mild coercion, whereby mandatory education imposes on students those values and activities which young people do not endorse, but through such imposition will commence to appreciate being given values by virtue of an insight into an expanded range of valuable options, as well as by comprehending reasons why they are valuable. Children thereby are being acquainted with facts and values in a manner which they will most probably not be in their family circle. Also, parents, supposedly, do not have the skills necessary to explain in an adequate way to children the reasons why reading Shakespeare (to use Hurka's example) is praiseworthy.

*Pace* Hurka, those arguments are on behalf of liberal neutrality in the domain of public education, which assumes that a student's exposure to as much relevant content as possible will lead to the development of an individual's potential and consequently a student will be more able to find her niche or field of interest, in which she can develop skills and thereby contribute to personal and common good. On the other hand, the aim of education is to promote such contents and activities which are valuable, and through education children become acquainted with their meaning and values. This intervention,

therefore, should not be value-free or neutral: at its best, neutrality in education will imply the development of only those skills necessary for proficiency in the labour market.<sup>7</sup>

Does this mean that the aim of a students' mandatory study of Shakespeare's works is to obtain their endorsement and, therefore, mild coercion would be justifiable as it would lead to this end? Although this perfectionist measure can lead to the developing of endorsement, even if this outcome fails this measure can be justified. As adults, people still do not need to endorse reading Shakespeare and attending theatre performances of his plays, but, nevertheless, they can appreciate his works as important, they can regard the reading and watching of his plays as valuable, and studying Shakespeare in schools as manifoldly beneficial. Adults can acquire the capability to comprehend particular artistic and scientific achievements, while not endorsing them as relevant to their lives, and they do not consider it as subjectively relevant to devote their time and effort to occupying themselves with such achievements.

Hurka supports the thesis that not only by non-coercive means, such as persuading, advising teaching or instructing, but by mild coercion as well, a third party is permitted to drive me to a particular activity in order to, via habituation, give me the right motive to be occupied with it – or in order to amplify a motive which I already endorse, but the realisation of this action is restrained due to my weak will, or owing to less a valuable motive which supersedes the important one. Also, coercion can be right if it adds a proper motive to an imprudent one. To illustrate these cases, Hurka gives the example of a situation in which I am a professional philosopher and my wife is forcing me, or deceiving me in some other way, to read philosophy instead of watching TV, when I have a strong desire to watch it and I am subjugated by this desire by virtue of the weakness of my will, even when I realise that reading philosophy is the best activity (Hurka 1995: 45). I could then regard manipulation and coercion as advantageous for me, as they were properly focusing my motivation, adding my endorsement to a good activity and thereby increasing its value.

However, this example is not adequate: there is a significant difference between pressure from our immediate social environment and the state, in as much as it should be expected that state action should have legitimacy, which will cease to exist if the state is attempting to deceive and force us to act through a hidden agenda. This kind of nudge through enforcement can be permissible within the family, as well as in some other interactions in the immediate community (albeit immoral on numerous occasions when the aim is domination or keeping a person in a state of dependence), although it is highly problematic when it is used by the state apparatus. When my room-mate or my wife turn off my TV set in order to force me to read philosophy I might consider this action

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<sup>7</sup> Such an instrumental function of education has been criticized since Socrates. Teaching students in order to obtain skills beneficial in the market corresponds to a sophists' teaching how to win a debate and receive financial reward or praise, while the Socratic approach is first of all intended to reveal the truth content and to transfer the verified knowledge. On this compare Strauss 1959: 426.



as permissible, but I would not be satisfied if the police came to my apartment to turn it off, or if official censorship decide to scramble non-educational and trivial programs. Social manipulation, which is already a form of coercion, is a fact which cannot be eradicated completely but state manipulation should be monitored, prevented and restrained. The difference is not due to the fact that my wife knows what is good for me or what my genuine preferences are, which I would follow in so far as I do not have weak will, while the state cannot have this knowledge. The state can know that I have to be inoculated, since my wife can insist that vaccines are dangerous because she read it on obscure internet forums. The central question will be: what license I give (implicitly or explicitly) to the people who are close to me, and what licence I am willing to transfer to the state? The legitimacy of state coercion in order to enhance my motivation is morally dubious, although I can accept the permissibility of incentives which have the same purpose.

Hurka has instantiated another form of state intervention presumably illegitimate from the standpoint of neutrality, which is “the milder coercion of merely forbidding a single worst activity” (Hurka 1995: 44), to which a neutral position does not have an adequate answer and is conceded to allow the worst activity at any cost. Let us suppose that the activities can be ranked from one to ten, whereby the first one has the highest value, while activity number ten is the least valuable one. Coercion to prohibit the single worst activity does not force people to select the best one, but forbids them to opt for the worst one, at the same time leaving them to choose between the remaining nine. Hurka introduces a further premise that the activity which is forbidden is not less valuable in comparison to the value of the others, but intrinsically evil. Endorsement constraint thesis implies that even such an activity, if it is not superimposed officially, is good for a person although it has negative value. Assuming this is contradictory, coercion which will, on the scale of values, shift a person’s activity from evil towards a worthless activity will be justified.

The next step which Hurka should have taken is to instantiate the case which would corroborate this stance, but he introduced the perplexing example of homosexuality. Namely, according to Hurka, those who plead to ban homosexuality do not claim that it is just less valuable than heterosexual relationships. They consider homosexuality as an intrinsic evil, assuming that its ban will enhance to a great extent the lives of people with queer affinities, regardless of their endorsement, and therefore the prohibition of homosexuality will be morally legitimate. This is, however, the ethical stance of a particular group of people who by virtue of particular, often religious, reasons regard homosexuality as evil, but it is not a view accepted in general, and this opinion is not universally shared even by people who oppose equal rights for homosexuals with heterosexuals. Also, it cannot be stated as the objective reason in political argumentation – if we follow Rawls’ liberal theory, this argumentation should be independent from comprehensive ideological, religious, ethical and traditionalistic ideas, as well as from pseudo-scientific reasoning and subjective psychological attitudes – which would outlaw homosexuality due to its intrinsic evil nature.

Also, some heterosexual people perceive homosexuality as repulsive, but do not reckon that the life of homosexuals (or good in the world in general) will be enhanced objectively if, as a result of prohibition, they abandon their previous sexual orientation. Their attitude will be considered as less valuable or worthless, but not as such to which prohibition would be pertinent.

Therefore, the banning of homosexuality, in as much as it is demanded on behalf of a partial conception of good or a psychological attitude of repulsion, will not be congruent with basic principles of justice concerning equality, impartiality and the right of privacy. Also, this policy will not be accepted unanimously by those reasonable citizens who do not approve this sexual orientation. As can be seen, in Hurka's argumentation the instance of intrinsically evil activities, those which succumb to legal coercion, is missing, whereas, in accordance with the argumentation, liberal neutrality should consider the prohibition unjustified by virtue of an endorsement constraint. Kymlicka, as well as many other liberals, does not take into account the possibility of the choice outcome which is evil not because of his "sunnier picture of human options", when only good, less good and worthless option exists, but not intrinsically bad or evil ones (Hurka 1995: 47), but because intrinsic evil cannot be included as an available option which can be legitimately endorsed. Evil choice such as causing damage or suffering to others is not something which the state in any circumstance can consider as a subject in legal adjudication just because somebody endorses this choice and claims that its prohibition means reduction of her autonomy or impairment of her rights.

Further, Hurka is shifting his analysis from activities with negative value to zero-value activities (Hurka 1995: 48). If people are engaged in activities with zero-value, then no endorsement, even accompanied by the best motivation, can give additional value to it. His conclusion is that the legal prohibition of such activity cannot cause any damage: even if the ban does not produce improvement, or turn people towards a more valuable option, the prohibition will likewise not diminish the value of that activity. Well, it will produce discomfort and generate a reaction of resentment in the person who enjoyed the utterly trivial activity. Restriction of this simple pleasure will cause a certain psychological loss in those who pursue this activity, and it also poses the question if the pleasurable life can be considered as objectively valuable, or can the pleasurable experience be crossed off the list of human goods. If the latter is true, all achievements, life plans, excellences, relationships and knowledge would become cold and detached from human enjoyment.

After rejecting the idea of affecting people's endorsement coercively, or by prohibition of particular activities which are considered bad, worthless or trivial, there is still the option of traditional liberal actions, such as the state's encouragement of valuable activities by non-coercive means. Hurka quotes J. S. Mill, who claims that the state can have "good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him" (Mill 2003: 80). Also, the state can subsidise particular relevant activities when the possibility of their cultivation is diminished due to their unattractiveness for

the market, or when the number of people engaged in them is insignificant. The culture of economically weak minority groups is an example of this permissible subsidy, the aims of which are multifarious, such as diminishing the sense of marginalisation of the minority group, its better integration in the political community, as well as the overall expansion of the cultural sphere of the society. Finally, as has been instantiated frequently, state intervention is indispensable for the sustainment of less popular, but valuable institutions, goods or values (e. g. subsidizing opera), but also in order that people who are persistently excluded from cultural events, have an opportunity to take part in them (for example, through decreasing the price of opera tickets), and consequently to endorse these goods and values.

Moreover, as in the case of studying Shakespeare, although it is not necessary for people to begin to endorse given activities, goods and values, they can nonetheless consider perfectionist action as justified. By means of education or by obtaining information on the relevance of certain goods persons can approve subsidizing, promoting and, to a certain extent, favouring them, but those goods might not be on the list of their own preferences whatsoever. Thus, the conservation of buildings which are a cultural heritage may be justifiable even for someone who has no intention of visiting them on any occasion. Subsidizing and advertising do not mean that, through institutional action, visiting those objects is imposed as mandatory. People can maintain the pursuit of their trivial activities, prioritize them over officially promoted ones and at the same time not have objections concerning the legitimacy of this promotion. There is no contradiction if a person considers particular goods and activities valuable, despite the fact that she herself is not opting for them as a preference and claims that they do not contribute to her personal flourishing whatsoever.

To the objection that the selection of public support is partial and highly controversial one can reply that it is justified if there is an assessment that a particular object of endorsement is deserving of support, as well as agreement about this support which is achieved through deliberation and democratic procedures of decision-making. Therefore, an amateur sportsman could count on public support for his preferred activity, contrary to a numismatist who cannot expect that his hobby will be subsidized. In contrast to collecting old coins and notes, an activity such as jogging can be recognized publicly as deserving support, being not just an idiosyncratic endorsement, but an activity around which valuable aims, such as health and physical well-being, can be organized.

### **Arneson on Dworkin's Views**

Endorsement constraint means that, notwithstanding the considerable value of particular activity, coercion and manipulation directed at the individuals in order to accept the activity cannot make their life better. Manipulation and coercion will diminish the value of the activity and in the ethical sense the priority ought to be given to the activities that individuals endorse and prefer by their own will. The activity cannot be good for me if I do not accept it as

valuable, or, as Dworkin noticed, “my life cannot be better for me in virtue of some feature or component I think has no value” (Dworkin 2000: 268).

In the critique of this thesis Arneson argues that the endorsement constraint does not rule out a strong paternalism concerning the weak endorsement, when a person is giving value to a particular activity, but nevertheless does not consider it as an aim worthy to be accomplished. In this case of weak endorsement, it is allowed to compel the person to pursue a valuable activity. The strong paternalism restrains person’s freedom of choice evincing that the restraint is for her benefit in order to adopt those activities which are valuable objectively. If the persons commence to endorse those activities, and due to coercion begin to value them positively while abandoning previously endorsed activities as based on arbitrary and irrelevant desires and preferences, the condition of endorsement is still fulfilled despite the external intervention.<sup>8</sup>

However, it can be assumed that person have the reason to be persistent in demand that the coercion to abandon non-essential activities, which she at a given moment nevertheless considers interesting, is not justifiable, even when the coercion diverts person’s inclinations towards valuable ends. If somebody is practising a particular activity and considers it valuable, although not personally attached to it and if this person does not regard the activity as particularly constitutive for their life plan, nonetheless it can be claimed that there is a breach of the endorsement constraint if those activities are forbidden paternalistically and the different ones are imposed by others. Couch-sitting-beer-drinking lifestyle could hamper the person to accomplish valuable goals, however the fact that this person values the achievements which demand a considerable effort more than leisure does not imply that the person would approve a strong paternalistic intervention which will avert them from leisure. The relation to contingent preferences, desires and attitudes on one hand, and relation to steadfast life plans on the other, are different not because paternalism is permissible in the first, and unacceptable in the second case, that is, because the restriction of freedom is admissible when it leads to the accomplishment of substantial aims. Rather, those relations differ because a person cannot claim that state or society should provide support for their non-substantial, frivolous or whimsical activities (and, presumably, it will not be their intention as long as they do not consider those activities relevant). It will be inappropriate if a persons demands public acknowledgement or subsidization for their cheap thrills and insists that the refusal of the support is unjustified restriction imposed upon them.

A different situation arises in case of those particular activities which people can evaluate as valuable with justification or consider them as relevant for their life prospect. When such activities demand considerable assets as prerequisite,

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8 Arneson 2003: 201. Cf. also *ibid.*: 203: “It may even turn out that via coercive paternalism a person comes to be pushed towards a way of life that she comes to value and affirm as best for her, whereas without the paternalism she would have led her life drifting from one set of goals to another without really affirming and endorsing goals she seek.”

which people do not possess individually, they can claim for subsidizing activities or goods such as arts, culture or those sports which are more demanding than cross country running. This assumption, however, does not exclude that a person can be deluded or misguided concerning their choice of life plan, as well as that this plan can be worthless. Also, surely the investments necessary for those activities can exceed public budget, or funds can be diverted to those activities accepted as more relevant or necessary. However, the very existence of such cases does not diminish the legitimacy of institutional support for objective valuable activities or goods when financial assets are in disposition and when there is an assessment that particular goods or valuable activities are neglected or endangered more than others in free market conditions. Again, the support can be sustained as people can have the assessment that something is valuable even when they are not prone to consume it, as it is in the case of Shakespeare's plays or the historical buildings which are appreciated as the important part of cultural heritage beside the fact that many people would never attend theatre or visit the buildings.

Moreover, institutional support for some activities can be legitimate even if at a given time nobody is preferring or endorsing such an activity. In the case when there is no endorsement for recreational sports, such as jogging, committee for health or other institution can propose building running paths in order to create space for practicing this sport. The justification of this support is not possible from such a neutral standpoint which the existence of actual endorsement correlate with subject's conception of good life. But this case does not correspond to Arneson's justification of coercive paternalism as well. People come to appreciate the merit of the activity which they previously did not notice or prefer, even without a paternalistic restriction of non-essential preferences or without forced reduction of the number of those options which are undesirable or worthless.

It is one thing to assume the existence of standards constitutive of a good life which are objective and valid independently of a person's convictions and intention to integrate them into her life plan. The different thing is to allow that a third party, on the grounds of those objective standards, is licenced to restrict the person's choices, claiming that the restriction would improve the quality of her life. As Arneson maintain, liberals such as Dworkin reject the restriction of options in general, for the reason that the standards of rejection are controversial and, accordingly, their application to the preferences of the people who do not approve such standards wholeheartedly would incite discontent and disrupt their life plans. However, Dworkin argued that the reason why restrictions cannot be justified is not because the list of human goods is controversial, and in an ideal situation in which the list of goods is undisputable, or in a society of fully rational persons, restrictions would be self-evidently sustained. The very reason for refusing paternalism is that restrictions and the imposition of a particular model of good activities are in collision with personal autonomy, or as Dworkin expressed it, with the inseparability of values and choices, whereby it can not be assumed that ethically conducted life will

be more successful “when it has been narrowed, simplified and bowdlerized by others in advance”.<sup>9</sup> Dworkin, furthermore, recalled Aristotle’s idea that skillful performance as a rightly judged response to circumstances is an inseparable part of the good life (Dworkin 2000: 253). The coercion through ready-made solutions and narrowing opportunities for choice between different goods cannot make life ethically more valuable, as long as it makes skillful performances less relevant, if not entirely nullifying their pertinence.

As can be seen, Arneson regards paternalism justified if it leads to the transformation of a less meaningful towards a more valuable way of life, and when it can be presupposed that this transformation will not succeed spontaneously in the absence of coercion. However, the way of life as a characteristic lifestyle can be considered as a self-creation, similar to a unique or self-contained artwork which does not need instrumental function to attain external values, and, therefore, its restriction for ethical reasons is questionable unless the lifestyle is detrimental. It is not obvious if Arneson will admit that strong paternalism exercised by the state in the case of peculiar lifestyles is justified. Moreover, a person can highly regard drifting from one goal to another in one context or period of time, while in a different context she would appraise a life focused on particular achievements as more valuable – for example, the first context could be the period when she was unmarried, and the second when she started a family. Although she might be exhorted paternalistically by others to be more focused on career and family life in order to recognize them as the best for her, she does not need to consider her previous easy-going life as worthless or objectively insignificant, and therefore to be succumbed to paternalistic pressure.

## Concluding Remarks

If my critique is correct, it cannot be argued that coercion of a person’s endorsements is justifiable if the endorsed goods and activities are peripheral to her self-understanding, whereas it is unjustifiable when those goods and activities are chosen autonomously, as it has been assumed in Arneson’s attack on endorsement constraint thesis. Also, as has been pointed out, there are flaws in Hurka’s justification of mild coercive intervention through elimination of bad or harmful activities as an option. Kymlicka, as well as many other anti-perfectionist liberals, would object, quite correctly, that such activities are in fact not the legitimate options which a person could endorse unreservedly. Also, the right to mild coercion assigned to an individual or individuals from the subject’s immediate community, in order to push the subject to abandon trivial and less valuable activities and start to pursue the valuable ones, Hurka extends to the legitimacy of state intervention when it leads to the same

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<sup>9</sup> Dworkin 2000: 273. The imposition of particular goods is in evident tension with specific item from Arneson’s list of objective human goods, which is “living one’s life according to autonomously embraced values and norms” (Arneson 2003: 215).

positive outcome. People, however, would not approve official or political pressure for a virtuous and worthwhile life. Albeit resentfully, they might acquiesce to somebody close to them prohibiting or constraining their trivial entertainment of drinking beer while lying on the couch, but assuredly they would not approve such a constriction ordained by law.

However, the neutral approach is not adequate when it is applied to all particular endorsements indiscriminately, as well as when a distinction has not been drawn between activities which are endorsed without reason and deliberately chosen activities. The person cannot claim that her endorsement of enjoyments and desires which are not associated with any substantial, durable and pertinent end should be set as a demand to establishing a particular policy which will sustain them or contribute to their realisation. On the other hand, the more substantial aims which are associated with an individual's self-reflection as an autonomous person, which are acknowledged as valuable in a particular society and at the same time cannot be realized by individual endeavour, can be considered as worthwhile for social support. In so far as a particular policy can put obstacles in the way of a relevant activity, a person can, to a certain extent, rightfully demand alleviation or elimination of those obstacles, if the activities are considered as necessary for achieving valuable autonomously chosen ends.

The additional reason why the justification of state neutrality based on the equal treatment of endorsement is dubious is that while one particular activity can be publicly promoted rather than another, at the same time the other activity has not been downgraded through prohibitions, obstructions or coercions. In this sense, a person can endorse some activities while not considering them as praiseworthy, as well as she might not endorse some other activities, but she can nevertheless consider that the state should not be neutral and leave those goods and activities to the precariousness of market operations. At last, even liberals leaning to the neutrality of the state are mainly agreed that non-interference is wrong if it means indifference to whether valuable goods and activities will be available to an elite only, as well as to whether those goods and activities will survive or not.

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### Perfekcionizam o odobrenju kao ograničenju uticaja

#### Apstrakt:

Tekst se bavi Hurkinom kritikom Kimlike (Kymlicka), kao i Arnesonovom kritikom Dworkina (Dworkin) povodom teze o odobrenju osobe kao ograničenju državne intervencije ili uticaja. Prema ovoj tezi koju zastupaju Kimlika i Dworkin osoba ne može da ima vredan život ukoliko su joj vrednosti nametnute – pre svega kroz delovanje države – prenebregavajući njene preferencije i uverenja o dobrom životu. Ova teza je često poistovećivana sa neutralističkim liberalizmom, a suprotstavljena perfekcionizmu. U tekstu se tvrdi da argumentacije Hurke i Arnesona protiv teze o odobrenju, prema kojima umerena prinuda i paternalistička redukcija trivijalnih, loših i bezvrednih opcija može da dovede do vrednijeg života, nisu valjane. U njima se ne uviđa u dovoljnoj meri razlika između prinude od strane neposredne društvene okoline i državne prinude, koje nisu jednako legitimne. Moja kritika, ipak, ne isključuje legitimnost perfekcionistačkih mera, pošto osoba može državnu intervenciju da prihvati kao opravdanu kada se ona odnosi na podršku pojedinih vrednosti ili dobara, dok istovremeno osoba ne odobrava ove vrednosti ili dobra. Sva odobravana dobra ili aktivnosti ne treba da budu jednako tretirane i određena politika može na legitiman način da podržava one koje su u većoj meri relevantne ili vredne.

Ključne reči: liberalizam, neutralnost, perfekcionizam, ograničenje uticaja, Arneson, Dworkin, Hurka, Kimlika