

The Impossibility of Political Neutrality

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*For some contemporary liberal philosophers, a huge concern is liberal neutrality, which is the idea that the state should be neutral among competing conceptions of the moral good pursued by the people. In *The Morality of Freedom*, Joseph Raz argues that we can neither achieve nor even approximate such neutrality. He shows that neutrality and fairness are different ideas. His notion of neutrality is stricter than John Rawls's and Ronald Dworkin's. Raz shows that both helping and not helping can be neutral or non-neutral, thus neutrality is chimerical. Wojciech Sadurski's appeal to rational expectations does not necessarily tell us which action is neutral. Distinguishing between comprehensive and narrow neutrality, Raz also claims that only the former is a proper response to conflicts. Sadurski criticizes it, claiming that conflicts are comprehensive in a sense which does not deny the adequacy of the narrow neutrality. In reality, however, it is almost impossible to achieve even the narrow neutrality. A theory is presented to explain why political neutrality is almost impossible to achieve. Philosophically, there is no neutral ground for neutral politics.*

Keywords: Joseph Raz, Wojciech Sadurski, liberalism, liberal neutrality, neutral politics, political philosophy, political theory

1. *Introduction*

For some contemporary liberal philosophers, a huge concern is liberal neutrality, which is the idea that the state should be neutral among competing conceptions of the moral good pursued by the people. In *The Morality of Freedom*, Joseph Raz argues that we can neither achieve nor even approximate such neutrality. I examine Raz's neutrality thesis and defend it from Wojciech Sadurski's criticisms. I present a theory to explain why political neutrality is almost impossible to achieve. Finally, I show that philosophically there is no neutral ground for neutral politics.

2. Raz's Neutrality Thesis

Raz distinguishes between two principles of political neutrality.

Principles of Scope

A: Neutrality concerning each person's chances of implementing the ideal of the good he happens to have.

B: Neutrality as in A, but also regarding the likelihood that a person will adopt one conception of the good rather than another.

B is the more radical principle, and in the absence of any special reason to prefer A, and given that writers supporting neutrality say little that bears on the issue, I will assume that the doctrine of neutrality advocates neutrality as in B.¹

Sadurski holds that B is an impossible and unnecessary burden for liberals while A is realistic and viable.² However, as we will see, in reality it is almost impossible to achieve even A.

Raz mentions two senses of neutrality. In the primary sense, "one is neutral only if one can affect the fortunes of the parties and if one helps or hinders them to an equal degree and one does so because one believes that there are reasons for so acting which essentially depend on the fact that the action has an equal effect on the fortunes of the parties." Raz calls this "principled neutrality." "One secondary sense of neutrality regards persons as neutral if they can affect the fortunes of the parties and if they affect the fortunes of all the parties equally regardless of their reasons for so doing." Raz calls this "by-product neutrality, for here neutrality may well be an accidental by-product of the agent's action and not its intended outcome." Although some political theories "may be such that behaviour that follows them is also neutral as a by-product," they are not in Raz's special interest. His interest is in political theories which require principled neutrality.³

To challenge "the confused notion that to act neutrally is to act fairly,"⁴ Raz mentions Alan Montefiore's following example:

[T]wo children may each appeal to their father to intervene with his support in some dispute between them. Their father may know that if he simply 'refuses to intervene', the older one, stronger and more resourceful, is bound to come out on top. If he actively intervenes with equal help or hindrance to both of them, the result will necessarily be the same...In other words, the decision to remain neutral, according to the terms of our present definition, would amount to a decision to allow the naturally stronger child to prevail. But this may look like a very odd form of neutrality to the weaker child.⁵

¹ Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), 112.

² Wojciech Sadurski, "Joseph Raz on Liberal Neutrality and the Harm Principle," *Oxford Journal of Legal Studies* 10, no. 1 (1990): 123–25.

³ Raz, *The Morality of Freedom*, 113.

⁴ *Ibid.*, 114.

⁵ Alan Montefiore, ed. *Neutrality and Impartiality: The University and Political Commitment* (London: Cambridge University Press, 1975), 7.

The father may be neutral by not interfering, but that is unfair to the weaker child. Raz claims that even if “neutrality could only be justified as a means to a fair contest, it should not be identified with action securing a fair contest.” This example shows that “there are circumstances in which it is unfair to act neutrally, where there are not even *prima facie* reasons to be neutral.”⁶ Thus, Raz shows that neutrality and fairness are different ideas.

According to Raz, “[n]eutrality is concerned only with the degree to which the parties are helped or hindered. It is silent concerning acts which neither help nor hinder.”⁷ Leslie Green contrasts Raz’s notion of neutrality with John Rawls’s and Ronald Dworkin’s. Green says, “While Dworkin and Rawls sometimes appear to mean by ‘neutrality’ little more than impartiality or fairness, Raz identifies it with the narrower notion of helping or hindering in an equal degree parties to some competition. Indeed, neutrality for Raz is defined only in contexts where one’s loss is another’s gain.”⁸ Raz himself points out that, for Rawls and other advocates of political neutrality, “[n]eutrality means that highly relevant information, including information about the impact of political action on people’s chances of having a good and fulfilling life, is ignored. It is unlikely that the result of the ignorance will be that political action will have an equal impact on people’s chances to realise their conceptions of the good.”⁹ I agree with Raz’s stricter notion of neutrality. Rawls’s and Dworkin’s notions of neutrality are not neutral, and are no more than rhetoric.

Raz makes two arguments to show that neutrality is chimerical. In the first argument, Raz mentions the following example:

Consider a country that has no commercial or other relations with either of two warring parties. This was true of Uruguay in relation to the war between Somalia and Ethiopia. It may nevertheless be true that such a country may have been able to establish links with either party. Would we say that Uruguay was not neutral unless the help that it could have and did not give Ethiopia was equal to the help that it could have and did not give Somalia? This will not be the case if, for example, Uruguay could have supplied the parties with a commodity that, though useful to both, was in short supply in one country but not in the other. Should we then say that Uruguay is not neutral unless it starts providing the country suffering from the shortage in that commodity? If by not helping it Uruguay is hindering it, then this conclusion is forced on us. But according to the common understanding of neutrality, Uruguay would have been breaking its neutrality if in the circumstances described it would have started supplying one of the parties with militarily useful materials after the outbreak of hostilities.¹⁰

⁶ Raz, *The Morality of Freedom*, 114.

⁷ *Ibid.*, 120.

⁸ Leslie Green, “Un-American Liberalism: Raz’s ‘Morality of Freedom,’” *University of Toronto Law Journal* 38, no. 3 (1988): 319.

⁹ Roberto Farneti, “Philosophy and the Practice of Freedom: An Interview with Joseph Raz,” *Critical Review of International Social and Political Philosophy* 9, no. 1 (2006): 73.

¹⁰ Raz, *The Morality of Freedom*, 120–21.

Both helping and not helping can be neutral or non-neutral. Thus, Raz shows that neutrality is chimerical. Sadurski argues against Raz's claim.

But is it really the case that by not supplying Somalia with the material necessary to achieve military victory over Ethiopia, Uruguay 'hinders' Somalia, and so there is really no neutral course available to Uruguay in this conflict? I do not think so. Both Ethiopia and Somalia engage in their military conflict with a set of rational expectations about their military resources, and these expectations include, among other things, information about their foreign allies and suppliers.¹¹

Sadurski claims that the issue of neutrality in Raz's example "boils down to the bases of rational expectations of both warring parties about whether or not a third party will help either of them with the necessary supplies."¹² Even if this is the case, rational expectations can vary, even under the same circumstances, depending on agents' assumptions. Therefore, the appeal to rational expectations does not necessarily tell us which action is neutral.

In the second argument, Raz "claims that whether or not a person acts neutrally depends on the base line relative to which his behaviour is judged, and that there are always different base lines leading to conflicting judgments and no rational grounds to prefer one to the others." Even if the base line tells us which action is neutral, "there are always different base lines leading to conflicting judgments and no rational grounds to prefer one to the others."¹³ Therefore, we cannot know which action is neutral.

Raz also distinguishes between comprehensive and narrow neutrality. He says, "Comprehensive neutrality consists in helping or hindering the parties in equal degree in all matters relevant to the conflict between them. Narrow neutrality consists in helping or hindering them to an equal degree in those activities and regarding those resources that they would wish neither to engage in nor to acquire but for the conflict."¹⁴ According to this distinction, "to supply one of the parties with weapons compromises narrow neutrality, but to continue supplying food to one of the parties is consistent with narrow neutrality although it offends comprehensive neutrality."¹⁵

Raz asks, "Can one be narrowly neutral in a comprehensive conflict?"¹⁶ According to Sadurski, by this question Raz implies that "all that the state can do is to adopt the stance of 'narrow' neutrality." Sadurski criticizes Raz because he does not explain "why liberal states are

¹¹ Sadurski, "Joseph Raz on Liberal Neutrality and the Harm Principle," 126–27.

¹² *Ibid.*, 127.

¹³ Raz, *The Morality of Freedom*, 121.

¹⁴ *Ibid.*, 122.

¹⁵ Sadurski, "Joseph Raz on Liberal Neutrality and the Harm Principle," 129.

¹⁶ Raz, *The Morality of Freedom*, 124.

incapable of being ‘comprehensively neutral’.”¹⁷ Theoretically speaking, the comprehensive neutrality is more difficult to achieve than the narrow one. As we will see, in reality, it is almost impossible to achieve even the narrow neutrality. Therefore, the possibility of achieving the comprehensive neutrality is almost zero.

Sadurski also questions Raz’s “proposition that the conflicts towards which the liberal state would have to take a neutral attitude are ‘comprehensive’, that is, such that only ‘comprehensive’ neutrality would be an adequate response to them.”¹⁸ In fact, Raz writes,

The conflict in which the state is supposed to be neutral is about the ability of people to choose and successfully pursue conceptions of the good (and these include ideals of the good society or world). It is therefore a comprehensive conflict. There is nothing outside it which can be useful for it but is not specifically necessary for it. The whole of life, so to speak, is involved in the pursuit of the good life.¹⁹

Unlike Raz, Sadurski holds that the narrow neutrality is sometimes a proper response to conflicts. He says, “Conceptions of the good can be ‘disaggregated’ in the sense that they usually require some specific resources and protections, while other resources and protections are more or less irrelevant to the competition of this particular conception of the good with others.” Sadurski mentions the following example:

[I]n conflicts stemming from different approaches to legal prohibitions of obscene literature, state neutrality requires a specific state action in this specific domain. We may disagree about what particular action is necessitated by the principle of neutrality in these given fields, but this controversy does not result from the ‘comprehensiveness’ of the conflict in question; rather, the conflict can be fairly narrowly localized by all people who disagree about the specific content of a ‘neutral’ policy.

Sadurski paraphrases Raz’s words: “There is a lot outside it which can be useful for it but is not specifically necessary for it.” In other words, Sadurski claims that “[c]onflicts between conceptions of the good are ‘comprehensive’ in a sense which does not negate the adequacy of ‘narrow’ neutrality.” He writes,

A person who cannot satisfy his desire to become a priest (due to the militantly atheistic policies of the state) will hardly be satisfied by extra opportunities created for him in the area of sport, or access to education, or opportunities for foreign travel. But this does not mean that it is impossible for the state to confine its conduct to the resources required by this person’s desire in such a way as to be neutral between this person’s and others’ favourite lifestyles.²⁰

Yet Sadurski does not provide any concrete example of how the state can be narrowly neutral here. Some might think that the state can be neutral by giving the person some chance to realize his favorite lifestyle.

¹⁷ Sadurski, “Joseph Raz on Liberal Neutrality and the Harm Principle,” 129.

¹⁸ *Ibid.*

¹⁹ Raz, *The Morality of Freedom*, 123–24.

²⁰ Sadurski, “Joseph Raz on Liberal Neutrality and the Harm Principle,” 130.

But it is not neutral for those who prefer atheistic communitarianism because the state privileges religious freedom over atheistic communitarianism. The former is incompatible with the latter. The state cannot realize one of them without sacrificing the other.

3. *Why Political Neutrality Is Almost Impossible to Achieve*

If the narrow neutrality is easier to achieve than the comprehensive one, then Sadurski's argument makes sense as a reasonable compromise. In reality, however, it is almost impossible to achieve even the narrow neutrality. To show the impossibility of political neutrality, Raz uses the simple example where there are only two agents in conflict. Reality is much more complex. There are many agents with different degrees of competing conceptions of the good. Therefore, political neutrality is almost impossible to achieve. I want to explain this.

Let us assume that there is only one conception of the good which is measurable, and people want different degrees of it. Neither its excess nor its shortage is unsatisfactory. If there are only two agents A and B in the state, and each wants the good in degrees of -4 and 6 respectively, the state can be neutral by providing 1 , which is the mean of their desires. However, if another agent C who wants the good in 1 degree joins the state, the state cannot be neutral about the good. Although the mean of their desires is 1 , providing 1 is favoring C. Here there is no numerical value to which each agent's desire has an equal distance. To be neutral, the state must find a numerical value to which every agent's desire has an equal distance. In reality, there are many agents with different degrees of desire. Therefore, the possibility that there is a neutral numerical value is almost zero.

Mathematically speaking, the state can approximate neutrality by setting its supply away from the agents' desires. The more distances the state takes between its supply and the agents' desires, the more neutral the state becomes. To use the preceding example, by setting its supply too high (for example, 1000) or too low (for example, -1000), the state can approximate neutrality. But no agent wants these amounts.

Some may think that the state should supply as much as possible to satisfy everyone's needs and desires. If this is possible, many issues of political neutrality would not arise in the first place. An issue of political neutrality arises when the state must divide a limited amount of goods and services among the people or among various uses, which is often the reality. In such circumstances, an excessive supply of goods and services for one use diminishes supplies for other uses.

The difficulty of achieving political neutrality arises on another level. I discussed a case where there is only one measurable conception of the good. In reality, there are multiple conceptions of the good. Some conceptions do not need much goods and services for their realization, while other conceptions do. To be neutral, the state must divide a lim-

ited amount of goods and services among those conceptions neutrally. Since different people put different weights on each conception, the state must find a neutral weight for each conception. If there are only two agents in the state, the mean of their weights for a conception represents a neutral weight for the conception. In reality, however, there are many agents who put different weights on each conception. The possibility that there is a neutral weight is almost zero for the same reason discussed above.

If a conception of the good is unmeasurable, the state cannot know what is neutral about the good. Political neutrality presupposes the measurability of conceptions of the good.

Some might try to avoid those problems by adopting a libertarian policy and minimizing the state's duty. But this is not neutral because it favors libertarian ideology over others. Also, as we saw, not helping is sometimes non-neutral.

4. *Neutral Justification for Neutral Politics Is Impossible*

Michael Perry says, "there is no such thing as a political justification that does not privilege—that does not presuppose the authority or superiority of—at least one and possibly more conceptions of human good relative to one or more other such conceptions."²¹ He also writes,

the justification of government's choice to be neutral between two competing positions—or the justification of its choice not to be neutral, or, indeed, the justification of any contested choice government makes with respect to any matter at all—cannot possibly be neutral among all competing conceptions of human good, if, as will invariably be the case with respect to real-world political controversies: according to some conceptions of human good (at least one) it is good for us, qua political community, to do one thing (*e.g.*, be neutral between the contending positions) while according to other conceptions (at least one) it is good for us to do something else (*e.g.*, forsake neutrality for partiality). In contending for one or another contested choice, the justification must side with—it must ratify or affirm—one or another competing conception of the good.²²

The same applies to justification for neutral politics. The justification cannot avoid partiality. Perry writes,

There is no neutral justification for neutral political justification. To contend for a particular practice of political justification—including neutral political justification—is to contend for a particular conception of politics: the politics constituted by the political-justificatory practice. There are many competing conceptions of politics (neutral, theocratic, Stalinist, etc.). It is quixotic to suppose that there is a neutral justification for any one of the competitor conceptions, including neutral politics.²³

Such philosophers as Rawls and Charles Larmore present political liberalism which bases political principles on a common ground we can

²¹ Michael J. Perry, "Neutral Politics?" *Review of Politics* 51, no. 4 (1989): 480.

²² *Ibid.*, 480–81.

²³ *Ibid.*, 481.

reach, that is, on an “overlapping consensus” of various conceptions of the good.²⁴ Larmore says, “neutral principles are ones that we can justify without appealing to the controversial views of the good life to which we happen to be committed.”²⁵ But is it neutral to adopt political liberalism? Political liberalism itself is, to borrow Perry’s phrase, “a particular conception of politics,”²⁶ that is, a particular conception of the good. It privileges those whose main beliefs are the neutral principles over those whose main beliefs are not those principles.

Philosophically, there is no neutral ground for neutral politics. We have to realize that every politics leans toward a certain conception of the good.

5. Conclusion

Raz shows that neutrality and fairness are different ideas. There are cases where acting neutrally is unfair, and there is no reason to be neutral. His notion of neutrality is stricter than Rawls’s and Dworkin’s. Raz shows that both helping and not helping can be neutral or non-neutral, thus neutrality is chimerical. Sadurski’s appeal to rational expectations does not necessarily tell us which action is neutral. Distinguishing between comprehensive and narrow neutrality, Raz also claims that only the former is a proper response to conflicts. Sadurski criticizes it, claiming that conflicts are comprehensive in a sense which does not deny the adequacy of the narrow neutrality.

In reality, however, it is almost impossible to achieve even the narrow neutrality. To show the impossibility of political neutrality, Raz uses the simple example where there are only two agents in conflict. Reality is much more complex. There are many agents with different degrees of competing conceptions of the good. Therefore, political neutrality is almost impossible to achieve. If a conception of the good is unmeasurable, the state cannot know what is neutral about the good. Also, adopting a libertarian policy does not bring about neutrality.

Philosophically, there is no neutral ground for neutral politics. We have to realize that every politics leans toward a certain conception of the good.

It may be possible to minimize conflicts among competing values. But we must distinguish this effort from the doomed search for neutral politics. Political discussion on conflicting values should not be about how to achieve neutrality, but about which good we should seek.

²⁴ John Rawls, *Political Liberalism*, exp. ed. (New York: Columbia University Press, 2005); Charles Larmore, “Political Liberalism,” *Political Theory* 18, no. 3 (1990).

²⁵ Larmore, “Political Liberalism,” 341.

²⁶ Perry, “Neutral Politics?” 481.

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