



## Matthew Kramer: Liberalism with Excellence

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*Liberalism with Excellence* is Matthew Kramer's first of two books on justice. It is, as he states in its preface, 'in many respects a prolegomenon to the second volume, *A Stoic Theory of Justice*'. The book is, nonetheless, a well-argued and complex self-standing work; a fresh contribution to the sempiternal question: what are the bases for the legitimacy of the exercise of public power?

The book advances three general goals. First, it re-examines and challenges the requirement of state neutrality regarding reasonable conceptions of the good which is typically endorsed by Rawls and other liberal philosophers. Kramer avers that in rejecting neutrality and in advocating for the use of 'subsidies and other inducements for the attainment of excellence in sundry areas of human endeavour', his position 'can be rightly classified as "perfectionist"' (2017, p. 1).

Nonetheless, in a second step, Kramer distances himself from the perfectionist tradition by espousing a conception of liberalism that is 'largely reconcilable with Rawlsianism' and 'redolent of objections that have been raised by Rawlsians and other proponents of neutrality' (2017, p. 1) He thus aspires 'to reinforce the Rawlsian principle of neutrality in some aspects and to undermine it in a number of other aspects. Even the undermining, however, [is] to a certain degree ... Rawlsian (though not contractualist) in its inspiration' (2017, p. 33). Kramer thus challenges the assumption that political perfectionists and their conceptions of personal and political virtue, meant to promote the edification of citizens, commit them to the pursuance of such goals through the use sticks or carrots, i.e. through legal coercion or inducements. The upshot of the assumption is that, thus understood, edificatory-perfectionist policies impinge upon the freedom of citizens living under the authority of a perfectionist state—they treat citizens in ways that shows 'an elementary lack of trust in their maturity as deliberative agents' (2017, p. 251). Moreover, it compromises the moral integrity of such a system of governance, which exhibits the traits of a quidnunc mentality.

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Thirdly, Kramer offers his own contribution to this debate, which he terms ‘aspirational perfectionism’. Taking its cue from Rawls’s scattered and largely unexplored remarks on the notion of self-respect, aspirational perfectionism claims that, provided that citizens can ‘warrantedly take pride in many of the achievements of their fellow citizens, [and that they] can warrantedly feel better about themselves by dint of their belonging to a society that has been graced with outstanding accomplishments, [then, a] system of governance can legitimately endeavour to nurture such accomplishments in order to bring into existence a set of conditions under which every member of a society can warrantedly feel a robust sense of self-respect’ (2017, p. 42).

The book is in four parts comprising nine chapters. Part I is introductory. It begins with clarifications of key concepts used in the book, namely conceptions of the good, reasonableness, neutrality, and perfectionism. The section finishes with an overview of the book.

The second part comprises chapters 2–4. It challenges liberal neutralism with a strong focus on its Rawlsian strand. Chapter 2 grapples with Jonathan Quong’s account of liberal neutralism. Using a Nozickian analysis of threats and offers, Quong rejects the adoption of perfectionist policies on the bases that they are manipulative and coercive, concluding that perfectionist states place citizens in the position to make choices they would not otherwise make ‘by putting them in a choice situation they would not put themselves in’ (2017, p. 55). Kramer rebuffs Quong by claiming that the manipulation argument is question begging—it assumes a normative baseline that edificatory perfectionists would reject (2017, pp. 58–63). Additionally, he rejects the charge of paternalism by arguing that perfectionist subsidies ‘can be underlain by aims that are not paternalists in Quong’s sense’ (2017, p. 91). This first arm’s-length defence is made not so much to armour-plate edificatory perfectionism but to ward off some of its aspects to show that edificatory-perfectionist policies are not illiberal *because* they are perfectionist.

Chapter 3 criticises influential accounts of neutralism (Rawls, Quong, Nagel, and Dworkin). By engaging with the problem of the (i)legitimacy of abortion, Kramer contends that ‘the confines of Rawlsian public reason are unsustainable in relation to [this and other] cognate problems’ such as euthanasia (2017, pp. 94, 147–148), animals’ rights (2017, pp. 148–150), and the broadening of marriage (2017, pp. 150–152). The chapter’s focus is not on rejecting liberal neutralism in toto. It rather contends that the adoption of a position on such hardcore moral issues cannot be made without engaging in controversies which Rawlsian neutralists seek to avoid.

Chapter 4 remains on the offensive, seeking to ‘reveal that liberal neutralism ... is fundamentally non-neutral’ (2017, p. 41). To do this, Kramer carefully and extensively engages with Gerald Gaus’s libertarian defence of liberal neutrality. After a reconstruction of Gaus’s theses, Kramer is led to the conclusion that the contractualist premises upon which this scholar’s version of neutralism is built ‘may be persuasive to philosophers who share his contractualist conception of impartiality and moral justification’ (2017, p. 189). However, they are not uncontroversial to non-contractualist perfectionist scholars and depend on a number of deeply controversial assumptions. Yet, Kramer argues, Gaus presupposes the fallaciousness of the

arguments that edificatory perfectionists have wielded against liberal contractualist neutralism (2017, p. 189).

Part III includes Chapters 5–6. This part rebuffs different varieties of edificatory perfectionism in order to show, first, that they discount the value of freedom and, second, that systems of governance implementing edificatory-perfectionist policies exhibit a quidnunc mentality. In Chapter 5, Kramer examines ‘the inadequacies in the accounts of freedom that have been expounded or presupposed by some major edificatory perfectionists’ (2017, p. 194). The examination relies on the distinction between particular freedoms and overall freedom or lack thereof. Particular unfreedom is defined by concrete instances which are removed from the set of choices initially available to a subject by an external agent, and overall unfreedom by the presence of the dominant sway of a third party who limits the availability of a subject’s combination of conjunctively exercisable freedoms (2017, p. 197).

Kramer employs this distinction to highlight the illiberality of edificatory perfectionism as an alternative to neutralism, as edificatory-perfectionist systems implement policies and laws that dispense with the preferences and freedoms of individuals that are unserviceable for the achievements and purposes their authors see as edificatory.

Chapter 6 critically examines edificatory-perfectionist systems from the perspective of the integrity of the system itself. Edificatory-perfectionist systems can be overbearing, and may fail to restrain themselves, thus exhibiting a quidnunc mentality or the attitude of a busybody. The chapter moves away from concerns with liberal neutralism and moves towards the introduction of Kramer’s aspirational perfectionism. Accordingly, Chapter 6 criticises the quidnunc mentality of edificatory-perfectionist systems of governance on the basis that they fail to operate under an ethic of self-restraint. Aspirational perfectionism, by contrast, does not fall prey to such problems.

Kramer relies on his work on torture to show that an ethical appraisal of this practice is bound to be incomplete if it is not supplemented with an analysis undertaken from the perspective of the perpetrator. He then uses an analogy between the indignity of a torturer and the overbearingness of an edificatory system of governance, to ‘accentuate the genuineness of perpetrator-focused or government-focused concerns and their independence from victim-focused or citizen-focused concerns’ (2017, p. 264). Kramer thus paves the ground towards an ethic of self-restraint to which the remainder of Chapter 6 is dedicated. After having clarified this re-orientation and through a skilful use of several Shakespeare quotations, the chapter elaborates on the ethics of self-restraint Kramer sees as central to any system of governance.

Chapter 7 introduces aspirational perfectionism by discussing Rawls’s scattered remarks on the notion of self-respect. Kramer reconstructs Rawls’s discussion and critically examines different interpretations of this idea available in the secondary literature. His goal is ‘to come up with an account of self-respect that can serve as a keynote of aspirational-perfectionist liberalism’ (2017, p. 300) and that, although springing from Rawlsian roots, is distinct enough as to cope with its difficulties. The upshot of the discussion is that a cumulative reading of Rawls’s dispersed remarks leads us to understand self-respect as comprising a number of factors (2017, p. 338), each of which contributes to ‘sustaining the

conditions under which each citizen can be warranted in harbouring a high level of self-respect' (2017, p. 338).

Part IV comprises Chapters 8–9. Chapter 8 champions aspirational perfectionism, which Kramer describes as a doctrine of justice that endeavours 'to provide the legal–governmental and socio-economic arrangements under which every citizen can be warranted in harbouring a strong sense of self-respect' (2017, pp. 341, 351). Kramer posits that there is a connection between the excellence of a society and the warranted self-respect of the individuals who live in that society. Governments presiding over such societies are under a justice-based moral duty to foster excellent accomplishments in sundry human activities. The claim is focused on the 'inherent moral quality of liberal-democratic governance rather than on the beneficial consequences that are likely to ensue causally therefrom' (2017, p. 371).

Chapter 9 reflects on the implementation of aspirational perfectionism. Although written in a rather tentative fashion, it is adamant that the ways in which aspirational perfectionism can be implemented are multiple. This multiplicity is important because public policies aiming at bringing about the conditions for the emergence and fostering of great achievements in several areas of human endeavours and achievements for which citizens can take pride, are more likely to avoid the neutralists' concern that focusing on one or few such areas would likely imply the preference for some conceptions of the good. The means of implementation in an aspirational-perfectionist society should then be multiple as well (2017, pp. 376–382).

Empirical proposals are, however, scant and limited to discussing some of Joseph Chan's ideas, namely that the method of selection of which areas of excellence are to be promoted should be fair and open; that the people adopting those decisions come from a broad range of relevant groups; and that these mechanisms give 'special attention to underrepresented groups' (2017, p. 383). Kramer is sympathetic to such measures with two caveats. First, officials should be aware that some modes of excellence may emerge and thrive without subventions. Second, decisions to allocate public funding to different activities should be made considering whether there is 'a credible prospect that some of those undertakings will lead—eventually if not rapidly—to estimate results' (2017, p. 383). (This second caveat is qualified in important ways later in the book.)

The book is extremely rich in the ways it discusses its targets. My summary barely scratches the surface of the several debates, arguments, and proposals Kramer makes. Moreover, its diversity and complexity raise several concerns, of which I here discuss two.

My first concern regards one aspect of Kramer's discussion of freedom in Chapter 5. As someone sympathetic to republicanism, I am puzzled by Kramer's complete neglect in discussing the notion of freedom as non-domination, despite the importance of republican theory in reshaping the contours of the negative–positive liberty divide. I gather that Kramer's reply would be that his focus in this book is limited to disputes between Rawlsian neutralists and edificatory perfectionists, who may more or less smoothly be positioned within the liberal tradition. Nevertheless, Kramer missed out on a good opportunity to discuss whether republican theories

have anything relevant to say about the neutrality/perfectionism divide, without trespassing the blurred confines that give liberalism some distinctiveness (Dworkin 1985, p. 181; Waldron 1987, p. 127; Shklar 1989, p. 149; Ryan 2010; Bell 2014).

This may seem odd to someone familiar with, for example, Skinner's work, which is presented as an argument against liberalism, or as rooted in features pre-dating the history of freedom as non-interference (1984a, 1990, 1998, 2002). But things are not clear-cut. Republican freedom also requires the *absence of* something, namely the structural dependence on the arbitrary will of another. In this vein, republican freedom can also be placed within the negative/positive divide, just as its liberal counterpart (Skinner 1984a, b). In fact, Kramer's discussion on particular freedoms and overall freedom leads to insights which are extremely close to the republican claim that removals of particular courses of action do not necessarily render a person unfree. Additional structural conditions must obtain before a subject can be deemed as deprived of her liberty. In Kramer's wording:

[the distinction] between particular freedoms and overall freedom is of great importance because a lot of the reductions in anyone's overall freedom are effected not initially through the removal of particular freedoms but instead through the removal of the conjunctively exercisability of particular freedoms. Typically, when a person is subjected to the dominant sway of some other party, many of the combinations of conjunctively exercisable freedoms that would have been available to her are not available. Most notably, her liberty to act at odds with the directives or wishes of the dominant party will not be conjunctively exercisable with her liberty to do anything which the dominant party's punitive response to her disobedience would prevent her from doing. (2017, p. 197)

Kramer is here describing a conception of freedom that, however negative, is more redolent of republican freedom than it is of the liberal tradition his book is supposed to contribute to. It would have been interesting to see how Kramer distinguished the position here defended from republican instances of non-domination and how such differences would have probably lead to differences in the ways in which both groups of theories ground aspirational-perfectionist laws and policies.

My second concern is the following: is there a criterion determining what sorts of endeavours should count as excellent and worthy of public funding? I think Kramer's reliance on public funding for the arts (and less emphatically, sports), although highly illustrative, falls short of being an exemplar for other areas that would serve the purposes of aspirational perfectionism, regarding which Kramer is silent. Moreover, even within the contours of this example, Kramer does not provide guidance as to which sort of artistic practice (or sport) would likely heighten the citizens' self-respect more or less effectively and with better credentials, as it were. Finns, to use Kramer's example, may certainly take pride in Sibelius's legacy. But is it really the case that every Finn knows who Sibelius was? Some Finns probably do not. Should they be regarded as experiencing a lesser degree of self-respect? Surely such conclusion would be too extreme.

Moreover, Chapters 8 and 9 are too tentative in determining which kind of cultural practice merits state intervention on aspirational-perfectionist grounds. If I were a

functionary, I would certainly be happy to fund, say, as many remastered editions of Mozart, Charlie Parker, or Miles Davis as necessary. The Chilean government would certainly do well in funding new editions of Gabriela Mistral's and Vicente Huidobro's poems, as a well as Violeta Parra's and Claudio Arrau's compositions and concerts. Little could be said (on aspirational-perfectionist grounds) against public policies providing funds for these endeavours. But what about harder cases? Should the Brazilian and Argentine governments fund the work of Paulo Coelho and Jorge Bucay, respectively? I would resign before signing a decree to that effect, but my refusal relies on a content-related consideration towards Coelho's and Bucay's work, which I see as aesthetically poor and psychologically harmful. But then, my considerations fall back on edificatory-perfectionist considerations of the kind Kramer consistently strives to avoid.

Consider one final example. Allen Ginsberg famously wrote *Wales Visitation* under the influence of LSD. Admirers of Ginsberg such as myself should take (vicarious) pride in his accomplishments as a poet, and Kramer would agree with that. And yet, could US American citizens living in the 1960s, been warranted (on aspirational perfectionist grounds) in demanding the US government public funding for LSD, subsidising the material conditions necessary for Ginsberg to write his poem? Again, substantive edificatory-perfectionist considerations of the kind that Kramer criticises seem unavoidable to answer this query.

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