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CAN JUSTICE BE REALLY ETHICALLY NEUTRAL? BARRY ON IMPARTIALITY AND PERFECTIONISM

ABSTRACT

In the first part of the article author discusses some objections to Brian Barry's interpretation of justice as impartiality, in particular those regarding freestanding position of principles of justice. In the second part author offers his own critique of Barry's conception, according to which Barry does not distinguished two senses of impartiality adequately, conflating impartiality as non-discrimination and equal opportunity with impartiality as neutrality between conceptions of the good. Impartiality as the equal treatment of persons regardless of their characteristics or belonging to groups is compatible with neutrality in the sense of equal respect and acknowledgement of the right of persons to form and pursue their own conceptions of the good. However, it is also compatible with non-neutrality as the unequal treatment of conceptions of the good, insofar as some of them are unreasonable, that is, only reasonable conceptions are considered as relevant in public deliberation.

Keywords: Brian Barry, liberalism, neutrality, impartiality, perfectionism.

In this article I will attempt to outline the relationship between impartiality and perfectionism pointing out those concepts are not antithetical: impartial principles do not necessarily imply anti-perfectionist neutrality regarding conceptions of the good existing within contemporary societies, despite the fact that in political philosophy, or at least in its prevalent liberalistic form, impartiality and anti-perfectionist neutrality have often been treated as synonymous. I will argue in favour of this thesis through the interpretation of Brian Barry's theoretical position, which, when it is comprehended as anti-perfectionist, it discloses a certain internal ambiguity.

According to perfectionism, the state has a duty to protect the freedom of the individual, but also to protect and endorse rewarding and fulfilling conceptions of the good: to promote certain values and worthwhile projects, to extend the

range of valuable options, to enhance virtues and reinforce the autonomy of persons. From the anti-perfectionists' standpoint, state should be neutral and guarantee equal treatment of all reasonable conceptions of the good; the choice of values must be left to the individuals and group which co-exist in a society. The reason for bracketing values is not only that favouring certain values by the state will make persons or groups which do not endorse them unequal. It is considered that state-promoting values, which in a pluralistic society turn out to be controversial, will lead to unresolvable long-term social conflicts, as a significant number of the members of the political community will not support those values.

However, from the standpoint of impartiality, the equal or impartial treatment of persons in the public sphere is not directed primarily to values or conceptions of the good, but to the basic principles of justice which should not favour or discriminate against any person or group. In Barry's book *Justice as Impartiality* this conflation of impartiality and state neutrality has been repeated. According to Barry, impartiality of the state means an impartial stance towards an individual's personal characteristics such as belonging to an ethnic group, but it also includes neutrality regarding the content of a persons' conception of the good. Accordingly, a neutral state should restrain itself from promoting a conception of the good or a certain set of values. However, my thesis is that perfectionism or non-neutrality should be distinguished from partiality in the sense of giving an advantage to particular persons or groups.

(UN)CONTROVERSIAL JUSTICE AND (UN)CONTROVERSIAL GOODS

In accordance with the liberal pluralistic position, disagreement on the good is a permanent characteristic of modern societies, and arguments in favour of a particular vision of good life would not be compelling to all persons, regardless of the fact that their own ethical comprehension could be considered as reasonable. Conceptions of the good comprise values and goals which make life worthwhile and towards which persons should strive. Viewpoints on the good include assessments on important ethical goals of individuals—they are multiple and divergent due to differences in personal aspirations, talents and interests, but they also include comprehension of the good derived from more fundamental conceptions (ideological, metaphysical or religious), which are often accepted collectively, moreover, in certain cases they define the collective, for example, a confessional group.

The indispensability of the acceptance of pluralism in the public sphere stems from the facts of the individual and collective disagreement on ethics on one side, and the moral unacceptability of suppressing the autonomy of persons in choosing from a wide ideological, philosophical or religious basis for their convictions on the other. Because of this permanent controversy between

various comprehensions of ethical values, the justification of the principles of justice, according to Barry's, as well as John Rawls' liberal theory, is freestanding. This means that the principles of fair dealing between persons are justifiable independently of the comprehension of the good which individuals and groups have. Barry defines the neutrality of principles of justice as those which do not rely on any conception of the good, that is, are not founded on a particular viewpoint on good life. At the core of the liberal conception is the assumption that no person can claim that his own vision of the good is superior, and as such should be privileged and built into the framework of social cooperation.¹ This framework should be grounded on the principles of impartiality, which include compliance with democratic procedures of decision-making, and which is inseparable from equality of civil and political rights of every person.

It has often been objected to the freestanding standpoint that a particular conception of the good is implicit in the principles of justice. This means that liberal impartiality as neutrality has a particular, i.e. liberalistic ethical bias, which excludes all other conceptions of good. Thus an alleged neutral stance promotes the ethics based on the values of individualism, priority of rights over good, autonomy of persons, tolerance etc.² This question is complex, as the concept of liberalism encompasses multifarious understandings of the concept *freestanding*, from strict neutrality or detachment from any ethics and disallowing any promotion of any value by the state³ to a weaker thesis that the principles of justice, although ethically neutral, could be operative only if they are supported by widely accepted values of liberalism. For the purpose of the critique of Barry's conception, more relevant is another objection which was frequently directed at it: that at the core of justice as impartiality is the dichotomy between ethical conceptions as mutually conflicting (as well as internally incoherent) normative systems existing in a society, and a justice as coherent and broadly accepted set of principles. This objection can be divided into two parts. First, different visions of good can have common values which would enable coexistence of the persons and groups, in consequence of which the additional

¹ Barry, B. 1995. *Justice as Impartiality*. Oxford: Oxford University Press, 160.

² Among others, cf. MacIntyre, A. 1988. *Whose Justice? Which Rationality?* Notre Dame: University of Notre Dame Press. For Barry's critique of MacIntyre cf. Barry, B. 1995, chapter 5; and idem. 1991. *Liberty and Justice: Essays in Political Theory*, vol. II. Oxford: Clarendon Press, 110–122.

³ This standpoint would not necessarily imply absence of any state activity from the scope of public values, and it is possible to argue that the state should be active on behalf of neutrality, and may support those conceptions of good which are in a less favourable position (or, expressed in a less extreme form, acts of state should not affect the position of the conceptions of the good in any way), which could be tagged by Kymlicka's term "consequential neutrality" (cf. Kymlicka, W. 1988. "Liberal Individualism and Liberal Neutrality." *Ethics*, 99, 4, July, 883–905). Kymlicka's "justificatory neutrality" is allowing that some legitimate state acts could be in favor of or lead to the disadvantage of a particular conception of the good, although those acts ought not promulgate any conception of the good.

introduction of independent principles of justice seems superfluous. Second, the very principles of justice could be controversial as much as the conceptions of good.

Critics point out that a certain basic agreement among particular conceptions of the good rules out the thesis that the freestanding position—or ethically independent impartial set of principles which regulate relationships in the fundamental structure of society—is indispensable because the main characteristic of the society is incongruence and conflict of particular visions of good.⁴ However, compatibility and some common elements among conceptions of good still does not lead to establishing the rules which members of society should hold if they intend to treat each other justly.⁵ Coexistence based on common norms shared among adherents of a particular conceptions of good cannot be identified with social interconnections which will bring about communal life on a stable and firm basis: on certain occasions, adherents might give priority to their norms and values which are contradictory to the norms and values promulgated by another group. In the absence of rules which adjudicate between conceptions of good, this situation could lead to inextricable strife. Barry's critics do not comprehend enough that one of the integral parts of the theory of justice as impartiality, as conceived by Barry, is the answer to the question: "how persons with different conceptions of the good could live together?," in contrast with the ethical and political questions of desirable values, excellence, self-improvement, efficacy of policy, well-being of the state etc. On the level of formulating principles of justice, the reflection on the qualities of other's visions of good, on variable criteria of evaluations and on non-identical social aims which exist in a given society, is indispensable.

Secondly, critics argue that the very principles of justice can be mutually incongruent, in the same way as conceptions of the good are. For example, some authors claim that the equality can contravene autonomy, as the economic equality attained through overtaxation might decrease individual choices and abolish the right to dispose of legitimately gained goods. Also, other critics argue that no principle of justice is acceptable through a general agreement: redistribution of goods, justifiability of taxation, freedom of religion, the limits of free speech etc.—there is a profound disagreement on all of the questions concerning the foundations of justice in a society. In this way, reasonable rejectability is not only characteristic of conceptions of the good, as Barry

⁴ Cf. Caney, S. 1998. "Impartiality and Liberal Neutrality." In: *Impartiality, Neutrality and Justice: Re-reading Brian Barry's Justice as Impartiality*. Kelly, P. J. (Ed.), Edinburgh: Edinburgh University Press, 91–92; Bubeck, D. 1998, "Care, Justice and the Good." In: *Impartiality, Neutrality and Justice: Re-reading Brian Barry's Justice as Impartiality*. Kelly, P. J. (Ed.). Edinburgh: Edinburgh University Press, 154–175, especially 167, and 170–171.

⁵ Cf. Barry, B. 1998. "Something in the Disputation Not Unpleasant." In: *Impartiality, Neutrality and Justice: Re-reading Brian Barry's Justice as Impartiality*. Kelly, P. J. (Ed.). Edinburgh: Edinburgh University Press, 230.

claimed, but the principles of justice are controversial as well, which is contrary to his thesis that the principles of justice are those which nobody can reasonably reject. This leads not only to rift between ideologies when, speaking in Barry's way, their own first-level norms endeavour to rise to second-level or general principles of justice. Theories such as libertarianism, consequentialism, perfectionism, mutual advantage theory, justice as impartiality etc. have a similar task to formulate second-order principles of fairness in society, but they are nevertheless in permanent mutual conflict.⁶ The variability of doctrines in political philosophy reveals controversy over the very basic principles, and all of the theories have pretensions to be accepted as adequate, arguing that their own formulation or interpretation of the principles is superior. Those pretensions are as agreeable or disputable, as agreeable or disputable are ethical conceptions of the good.

Still, disagreement is not identical with reasonable rejection: when individual or group claims with a good cause and valid arguments that some constitutional and legal principles abolish or threaten equal treatment and fundamental rights, they are endeavouring to appeal to rejection of those principles on a valid basis, not only to disagree with them. Principles of justice are primarily concerned to bring about the modes of adjusting deep disagreement in order to facilitate the coexistence of individuals and groups. In order to achieve a stable social coexistence, on the second-order level, people should be "constrained in proposing principles of general adoptions by the need to reach agreement on reasonable terms."⁷

Also, theoretical conceptions endeavour to resolve, more or less successfully, internal incompatibilities which occur in the comprehension and assessment of basic principles, and to determine which norms and values are morally more substantive than others. In contrast to utilitarianism, justice as impartiality does not aspire to establish criteria on the basis of which it will be possible to measure or estimate the quantum of good which comes up as a consequence of particular moral systems. This does not, however, mean that impartiality is indifferent regarding moral doctrines. Justice as impartiality relies on reflection, that means it has to adjudicate between conceptions of the good, to reexamine their value, which is possible only on the following conditions: (1) principles are constituted in such a way that they have internal consistency (the formulating of principles of justice demands examining their own coherency and compatibility, in contrast with the conceptions of good which can incorporate manifold incompatible judgements), and (2) principles take into account the hierarchy or

⁶ Thus, Arneson asks: "Why on earth suppose that beliefs about the right will be any less controversial than beliefs about the good?" (Arneson, R. 1998. "The Priority of the Right Over the Good Rides Again." In: *Impartiality, Neutrality and Justice: Re-reading Brian Barry's Justice As Impartiality*. Kelly, P. J. (Ed.), Edinburgh: Edinburgh University Press, 77.)

⁷ Barry, B. 1995, op. cit., 120.

order of values, according to which particular conceptions will be treated.⁸ This is perhaps most clearly expressed in Rawls's lexically ordered principles of justice and their underlying priority of liberty.

Let us return briefly to the objection which we skipped—the remark that liberalism is not ethically neutral, because, at the very basic level, particular conceptions, such as Nazism, racism or religious fundamentalism are treated poorly or completely rejected. Therefore, the declaration that fairness and impartiality are based on neutrality, leads to confusion.⁹ But, as has been said, impartiality does not treat everybody in an identical way, and persons with most oppressive demands will encounter a discriminative approach by institutions.¹⁰ Apart from this, justice as impartiality is compatible with some kind of neutrality in two senses. First, being freestanding, justice as impartiality, in the process of forming and justification of basic principles, is not identified with any conception of good. However, impartiality does not treat or take into account all comprehensions of good life equally as some are more compatible with the basic principles (e.g. “liberalized” non-fundamentalistic religion could be accommodated to secular society). Second, impartial basic principles should allow everybody the opportunity to form, endorse, defend and promote particular conceptions of the good, as long as people do it in a way which does not include brainwashing and coercion of others to accept their own evaluative standards.¹¹

The freestanding character of principles of justice has been queried from the standpoint of universal moral principles as well. Matravers objects that, according to Barry's conception, the answer to the question “how are we are to live together?” is “because we all agree on all basic moral problems.”¹² The conception of the good which Aztecs used to affirm, and which included the ritual of human sacrifice as an integral part, has to be rejected *per se*, before conceiving

⁸ Similarly to this cf. Barry, B. 1998, op. cit., 229.

⁹ This is the claim endorsed by Matravers in: Matravers, M. 1998. “What's ‘Wrong’ in Contractualism?” In: *Impartiality, Neutrality and Justice: Re-reading Brian Barry's Justice as Impartiality*. Kelly, P. J. (Ed.). Edinburgh: Edinburgh University Press, 115.

¹⁰ Barry, B. 1995, op. cit., 77.

¹¹ In certain cases, in which visions of the good life are inseparable from particular practices, such as the practice of genital mutilation or ritualistic sacrifice, the visions are discarded as inadequate. More controversial cases are ideologies of neo-nazis and religious fundamentalists, which promote suppressing the opposite view, unequal treatment of non-believers, submission of other races etc., but which are attempted by legal means.

¹² Cf. Matravers, M. 1998, op. cit., 119. The thesis that justice as impartiality is established on basic moral principles could seem trivial unless we endeavour to determine the content of those core principles, their status, characteristics and functions within the wider scope of ethical behavior. When impartiality is at stake, one of the central tenets of political philosophy is to assess the relationships of the principles of justice with more comprehensive systems of value or morality understood in a broad sense. Barry claims that, although justice is a moral concept, justice as impartiality is exclusively a second-order theory concerned with the institutional structure of society and it is not intended to establish a complete comprehensive moral doctrine. On intimate link between morality and justice as impartiality see Barry, B. 1989. *Theories of Justice*. Berkeley–Los Angeles: University of California Press, 291.

independent principles of justice. Again, this agreement would not negate the assertion that the principles of justice are freestanding, considering that their independence is understood as nonidentical with the overall or predominant content of a particular conception of the good. It can be admitted that the background support from some conceptions of good (such as liberalistic culture or enlightenment philosophy) is indispensable for the practice based on principles of impartiality and the impairment of those conceptions leads inevitably to the crumbling of the very principles of justice. But when principles of justice rely on a conception of the good (based on nationalism or religion, for example, but also on those which are "liberalized"), first ones are always under the threat of domination by the second ones. As is revealed in the case of the prohibition of the burkini by some local governments in France, a liberalistic way of life brought to position of constitutive law can also jeopardize individual freedoms. As the obligation of a particular dressing code in public institutions such as schools, courts, municipal offices etc. could be justified by appealing to the impartial rules of the secular status of the institutions, the ban on the burkini is a serious encroachment on the sphere of privacy in the same way as prohibition of bikini in some Islamic countries.

Pointing out that a reasonable normative disagreement between doctrines implies their *reasonableness*, which exclude obstructive, uncooperative and cruel ones, indicates that impartiality does not put all doctrines on an equal footing. Impartiality only claims that any of the conceptions of the good should not have privileged status: everyone is free to promote his/her own conception of the good, but nobody should demand that his/her evaluations should be accepted as superior compared to those of others, or should be taken as a basis for conception of justice despite the fact that proponents of different normative conceptions refuse to accept their subordinate stance. This does not mean that any influence of conceptions of the good should be marked as deplorable. Their proponents could legitimately plead for their presentation and affirmation (albeit by not insisting on their implementation to the basic structure of society), but this is endorsed on an equal basis with all other conceptions of the good within the scope of neutral rules in an institutionally ordered society. People can conceive of something as good, and at the same time not accept that their evaluative standards should be imposed on others who do not consider those values as worthy. People can appreciate the right of others to follow their own conceptions of the good, no matter if they considered those conceptions wrong or worthless. They can acknowledge the primacy of tolerance over forcing ethical norms, and that to disregard the right to choose is worse than to allow ethically unjustified, but morally admissible, pursuit of goals.

IMPARTIALITY AND NEUTRALITY

Justice as impartiality means equal treatment and non-discrimination of any person regardless of his/her status or external characteristics. Barry argued that impartiality excludes *direct discrimination*, which refers to “treating people differently on the basis of certain ascriptive characteristics.”¹³ To give advantage to somebody is permissible only under special criteria, as in the requirement of competences to perform a particular job (or, for example, when the rules for becoming a rabbi or catholic priest, which are gender-discriminative, are regulated by internal codex of a religious group). Besides equal treatment of persons, justice as impartiality underpins fair procedures in coping with controversial questions, where no consensual agreement can be attained—therefore, as Barry claimed, abortion rights and animal rights should be left to democratic processes of decision-making. As it has been said, in the core of Barry’s conception is the assumption that justification or arguments validating particular political resolutions, which are intertwined with citizens’ convictions on the good, would not be equally acceptable to all persons, nevertheless their conceptions of the good being reasonable. Those decisions, however, should be compelling and should not infringe on the basic rights of citizens who disagree with them, and they should not corrupt fairness of procedurality—those resolutions should not leave persons whose beliefs, assessments or interests do not conform to proclaimed values, in the state of a permanent minority. A straightforward example is certain ethnic minorities, which are not in a position to promote their interests when suppressed by majoritarian politics. Hence it should be argued that, in the long run, decisions based on impartial procedures should not have outcomes which will disallow the persons holding reasonable claims the opportunity to express their convictions.

This is the case of impartiality in a genuine sense, and it can be argued that in such a conception it is not implied that basic constitutional principles should be neutral considering conceptions of the good which exist in a society. However, in certain cases Barry defines a the concept of impartiality in a broader sense, in which the concept includes neutrality concerning various conceptions of the good existing in a given society, besides impartiality as the equal treating of persons notwithstanding their relationships, affiliations or characteristics.

My thesis is that this distinction between two understandings of impartiality should be sharpened, made more discernible, which Barry has omitted to do. He decidedly claimed that the function of impartiality is mediating between conflicting conceptions of the good in a society, asserting that “impartial justice is

¹³ Barry, B. 2001. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Polity Press, 56.

fair between conflicting conceptions of the good in virtue of its maintaining a certain kind of neutrality between them.”¹⁴

Barry claims that

“[t]he whole idea that we should seek the agreement of everybody rests upon a fundamental commitment to the equality of all human beings. This kind of equality is what is appealed to by the French Declaration of the Rights of Man and of the Citizen and by the American Declaration of Independence. Only on this basis can we defend the claim that the interests and viewpoints of everybody concerned must be accommodated.”¹⁵

On the basis of this assertion some critics draw the conclusion that Barry’s “Scanlonian contractualism models the idea of equality by taking each person’s views into account.”¹⁶ This presumption, however, is not crucial for Scanlonian contractualistic egalitarianism. Individuals have the right of “veto” inasmuch as they are not treated in an equal way, but to treat somebody fairly is not identical with taking persons view into account. They have the right to state their view, but being taken into consideration in public deliberation depends on the reasonableness of those views.

In addition, if, as Barry claimed, “conceptions of the good are complex systems of belief and open to rational argument,”¹⁷ then the main characteristic of impartiality would be neutrality between conceptions of the good, as well as rational debate which results in principles of justice that no reasonable person or group will reject. However, impartiality as equal treatment of persons in the public sphere is not related to conceptions of the good of those persons, but to the question do particular accepted basic principles of justice give advantage to or discriminate against a specific person or group. Also, rational debate about content of conceptions of the good, as the second alleged characteristic of impartiality, turns out to be futile. If we are arguing for equal treatment of persons, this is not an argument on their conception of the good—somebody might approve partiality, for example on a racial basis, as a white supremacist conception of the good does, but it is problematic if it is possible to debate rationally with a person holding such convictions. It is also highly contestable if, in virtue of the results of this debate, supremacist premises could be accommodated to neutral and widely acceptable principles of justice.

In the same way, at the level of principles, nothing is the subject of dispute in the assumption that persons have to be treated equally, irrespective of their skin colour—negation of this assumption is morally unacceptable at the very intuitive level. In case of race or gender the question of justice implies question

¹⁴ Barry, B. 1995, op. cit., 12.

¹⁵ *Ibid.*, 8.

¹⁶ Caney, S. 1998, op. cit., 97.

¹⁷ Barry, B. 1995, op. cit., 167.

"how", that is, how giving advantage or disadvantage occurs and is manifested. Ethical assessment or conceptions of the good are not related to characteristic of object (colour of skin, for example), but to belief, assessment or attitude towards something, answering to question "what" or which attitudes should be promoted or discouraged.

However, on particular occasions Barry considers the differences between two impartialities. He wrote that

"[p]rinciples such as non-discrimination, equal educational opportunity, and equal access to health care speak to the question of 'how' and are appropriate for judicial review; questions of 'what' (such as overall level of expenditure and the general organization of the service) are more suited to government and legislature, even when they too involve questions of justice."¹⁸

So, using an uncomplicated example, actual policy and current assessments of the public good will determine if there is a need to build a swimming pool, drainage, new roads etc. This question will incite a lot of disagreement among political parties and citizens who would be affected by possible decisions about the route of the roads, budget for drainage system or public desire for a swimming pool. Those decisions will be determined by many factors, above all the needs of citizens, their financial potentials and motivations to use them for the common good. However, the question of justice as impartiality remains urgent if resolution entails that drainage or roads will not be built in housing estates inhabited by persons with low incomes, or use the pool will be allowed only to persons of a certain race.¹⁹

Therefore, it should be admitted that only a narrow range of political issues would be determined by impartial principles of justice or constitutional essentials, and in a considerably wider range of social and political questions which persons in everyday life usually deal with, the relevance is focused on just procedure. Non-consensual decision-making dominates in political practice, such as in parliamentary decision-making concerning social policy or in formulating a school curriculum.

The example of the attempt to introduce creationism to school curricula supports the indispensability of discriminating between widely endorsed conceptions. However, at the same time this discrimination should be justified in the right way. Therefore, despite its support by religious groups—even its approval by a majority of population—creationism remains unacceptable as a subject studied in school, because it is not, in contrast with the theory of evolution, scientifically well-founded and corroborated by evidence. This, as well as many

¹⁸ *Ibid.*, 98.

¹⁹ *Ibid.*, 109.

other similar cases, vindicates that the curriculum cannot be value-neutral and the claim that the only legitimate policy is the one which is formulated without incorporating judgements grounded on particular values is absurd. As can be seen with curriculum example, impartiality can lead to non-neutral outcomes, therefore it is not possible to preserve neutrality on conceptions of the good at all levels, as some conceptions will be rejected.

According to Barry, the principles of justice should be neutral regarding conceptions of the good, but concrete political decisions, which are not directly related to fundamental assumptions of justice in the basic structure of society, are made under the impact of particular ideas on the good. Still, it is necessary that those decisions are made through procedures which are most widely accepted as fair and obligatory for all. Political liberalism as a second-order conception of impartiality does not imply that all resolutions should be neutral regarding competing conceptions of good or should be formed outside the influence of those conceptions. When establishing, endorsing, and promoting a particular policy, state is obliged to give reasons, that is, for example, to clarify on which values the policy of preservation of landscapes or the subsidizing of museums, libraries or leisure centres are grounded.

Barry argues that the liberal standpoint can justify the legitimacy of legal acts related to the protection of significant historical sites, landscapes of immense beauty, as well as to support the availability of the arts to people to whom enjoyment of the arts is, financially or otherwise, unattainable. Some critics, such as Caney, noticed that "each of these policies brings with it a financial cost . . .,"²⁰ and this expenditure might be used for other important aims, such as helping the poor. This indicates that there will be no consensus on the question what should be subsidized or supported by society. However, this is a matter of the limitation of resources, and consequently it is mainly a political or practical question, albeit not judicial or constitutional—a matter of basic principles of justice. Should state subsidize opera to make it available to persons without opportunity to enjoy high culture is not the question concerning constitutional essentials of a political community: "it is an example of a public policy issue to which justice is essentially irrelevant."²¹

As has been mentioned at beginning of the article, the perfectionism or non-neutrality of the liberal state is not identical to partiality. States subsidies for, for example, museums, although promoting certain values, are justifiable as an impartial policy, as it is not discriminatory and no person can reasonably object that this act of the state is placing him/her in a worse position compared to other members of society. Moreover, it gives citizens an opportunity to access a wider range of valuable options—running museums privately or on a commercial basis might restrict this access to persons on low incomes. Although the ques-

²⁰ Caney, S. 1998, op. cit., 105.

²¹ Barry, B. 1989, op. cit., 356.

tion of economic cost is legitimate, which means it is legitimate to raise the question if resources might be better spent on other goods, subsidise can be justified from the standpoint they enhance egalitarian distribution of significant cultural achievements.

Thus, from an ethical standpoint, this policy is not neutral and it promotes certain values, albeit it is impartial. In particular cases, in which specification is required, a non-neutral ethical stance is justified as a platform for political activities, which, again, should be justifiable in light of facts and values. The positive outcome of these politics should overcome potential negative outcomes stemming from the assignment of diverse politics grounded on different conceptions of good—or even the absence of any politics, with the excuse of full neutrality according to alleged moral illegitimacy of imposing any politics based on ethical conceptions.

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