

## *Chapter Five*

### ≈ Soul Making

SOULS AND THE STATE—THE SELF-MANAGEMENT CARD—  
RATIONAL WELL-BEING—IRRATIONAL IDENTITIES—SOUL  
MAKING AND STEREOTYPES—EDUCATED SOULS—CONFLICTS  
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#### SOULS AND THE STATE

In Mill's view, the excellence of government was to be gauged by the excellence of its citizens—by its success in promoting “the virtue and intelligence of the people themselves.”<sup>1</sup> This is one of the themes in his work that seem very old and very new. It was Plato who first taught that politics was the art of caring for souls. But the notion that the state should concern itself with the character of its citizenry could hardly be more current. It is a mainstay of the so-called republican revival, which draws inspiration from a Roman civic humanism that connects Cicero, Machiavelli, and the American Founders, and which holds that society must reproduce itself by producing good citizens. It is a mainstay, too, of the recent accounts of liberal perfectionism that challenge the ideal of liberal neutrality.<sup>2</sup>

But should the state really encroach upon the souls of its citizens? When the question is framed this way, many of us recoil at the prospect; and there are sound reasons for this response. For talk of soul making seems all too redolent of the sort of intrusive government interference that Popper rightly feared, of all those fateful attempts to transform human nature in pursuit of some utopian vision. Hobhouse, in a grandly martial image, called freedom of thought the “inner citadel,”<sup>3</sup> and we do not lightly trespass upon it. But, as a moment's reflection will remind us, this can't be the whole story. There has never been a state without some influence upon the character of its citizens. That inner citadel can feel more like a coffeehouse, alive to every group that

bustles through it. Autonomy, we know, is conventionally described as an ideal of self-authorship. But the metaphor should remind us that we write in a language we did not ourselves make. If we are authors of ourselves, it is state and society that provide us with the tools and the contexts of our authorship; we may shape our selves, but others shape our shaping. And so, if the state cannot but affect our souls, we can fairly ask both how it does and how it *should* do so.

That the state's shaping of our souls should seem to need justification at all is a reflection, of course, of our moral modernity. It may be helpful to offer a (highly stylized) genealogy of our current situation to see why. When Plato spoke of the care of souls, it would not have occurred to him that the government needed to consult the citizens' conceptions in order to decide what was best for their souls. When, much later, Saint Thomas defined a law as "nothing other than an ordinance of reason for the common good, made by whoever has the community in its care,"<sup>4</sup> he took it for granted that concern for the common good included care of individual subjects; but he, too, would scarcely have thought it necessary to consult them about what was in their interest. On these premodern views, government might sometimes need to know what citizens wanted in order to treat them as it should. But the mere fact that a citizen wanted something would never have counted in itself as a reason for giving it to her. Sometimes, in fact, it would be necessary to try to tame the citizens' appetites, to curb or correct their desires.

With the Reformation, however, a view begins to take hold in which what is good for us depends at least in part on our own attitudes toward our acts and properties. And this is one source of Kant's notion that we are each entitled to a form of self-governance, which he called "autonomy." It is a significant step from here to the idea that we will ourselves determine what is good for us—from Kantian morality to Rawlsian "political liberalism"; but it is, in some sense (as Rawls, of course, recognized), a working out of an idea that Kant had crystallized. If to be self-governing was to be governed by one's own desires and conceptions of the good, then there was no place for the shaping by others of our ethical desires: they were the given, and the task of political morality was to try to accommodate them. To change what someone wants, then, by any means other than providing him with information will count, on this view, as a wrongful revision of his preferences.

I offer this caricatural genealogy only as an attempt to point to something that is historically quite real: the presence in our culture of two background presumptions. First, that attempts to change what people want, or hold to be valuable, infringe upon a sphere of self-management that is legitimately their own.<sup>5</sup> Second, that we are each equally entitled to the satisfaction of our lawful desires. Someone who sees the flourishing of individuals as a matter of the satisfaction of the desires they happen to have—and this was the view of many utilitarians—has what (after Brian Barry) is sometimes called a purely “want-regarding” understanding of human good. Much modern welfare economics, for example, assumes that the measure of the welfare of a society as a whole is a function (in the mathematical sense) of the individual welfares of each citizen, and that this is measured by the degree to which their preferences are satisfied. Such a conception of human good is consistent with both the background presumptions I have just identified. These presumptions are challenged by any conception of human good that allows that what the government should do cannot be determined solely by attention to what people want. For it will allow that certain desires may legitimately be frustrated in the name of something more than other desires; and it may well allow that your good requires that your desires be changed.

In defense of this notion, a philosophical literature has grown up in the last few decades that characterizes as “perfectionist” (an unhappily misleading term) any conception of the functioning of government that sees it as legitimate for the government (a) to promote the ethical flourishing of its citizens, while (b) relying on a more-than-want-regarding notion of what such flourishing consists in.<sup>6</sup> We need the second condition as well as the first, because no view could be called perfectionist that simply held that government should give us each as much as possible of what we already desire. Perfectionists wish the government to help make our lives go better by making *us* better: deferring to our current desires can only leave us as we are. But the content of the first condition is important too: perfectionism constructs policies whose aim is to make our lives go better, not just to provide a stable context within which we make our own lives. Government, for the perfectionist, ought to help each of us to make a good life, and thus must take a view about the central ethical question: what is it for a life to go

well? Any government, perfectionist or not, will help to provide a context in which we can pursue our own answer to this question in our own life. For the security of body and property provided by the law is going to be helpful on (almost) any such conception. But a perfectionist government will take a substantive view about some aspects of what our life's going well consists in and not just about the question what treatment by others—assault, theft, murder—is morally impermissible. Which is why it is appropriate to speak of *ethical* flourishing. Whether or not you find views of this form congenial, perfectionism has been at the center of some arguments that do shed light on the set of issues that will concern me in this chapter.

If perfectionists are riding high, they do so with their heads ducked; the creed remains more often criticized than adopted. Rawls, of course, insisted that governments should be neutral among different reasonable conceptions of the good life, taking the fact of pluralism—the fact that there is a variety of such conceptions—to be an inevitable condition of modern democratic life. This liberal neutralism has become decidedly less fashionable of late; even aside from the perplexities we touched on in chapter 3, it is the umpire's creed, and “kill the ump” has become a rallying cry of postmodernism. But the sort of skepticism that rejects neutralism rejects, even more swiftly, the transcendental certitudes that are (as Rawls thought) implied by perfectionism. Nor does perfectionism sit well with those forms of liberalism that take negative liberty—freedom from coercion—to be the ultimate political value; these encompass a range of political views, but for the purposes at hand, we can group them together under the rubric “negative liberalism.”<sup>7</sup>

For negative liberals, there is a reasonable place for government in guaranteeing security of life and property and creating the framework of contract, because these are matters that have to do with how we treat one another; because they are, in this sense, moral matters. But negative liberals claim that the government should not interfere in the ethical dimensions of our lives, should not be guided by notions as to what lives are good and bad for a person to lead, once he or she has met the enforceable demands of moral duty. And so, more specifically, the government should not seek to make me a better person for my own sake. Here, the worry about perfectionism is that it entails a paternalist

encroachment upon our personal autonomy: it rides roughshod over, or, worse yet, aims to alter, our desires.

As it happens, the most influential forms of perfectionism in recent years have tended to focus, precisely, upon the promotion of autonomy, which is seen as an element of well-being, both its precondition and its result. In these accounts, no particular sort of life, or set of very specific values—aside from the value of autonomy—is being promoted. None of this, of course, endears such perfectionism to the critics of autonomy. (Having discussed their complaints in chapter 2, I will not dwell on them here.) But it's worth stressing that liberal perfectionists often insist that they are pluralists, too; they consider that human flourishing may take a multiplicity of forms.<sup>8</sup> While they *are* perfecting us, they are seeking only to enable a more effective pursuit of our own conceptions of the good. It is this fact that makes it possible for some liberal perfectionists to deny that they are perfectionists at all: for they can say that while they do indeed favor government promotion of the flourishing of individuals (thus meeting the first condition I laid down), it is in the name of those individuals' own conceptions of the good (thus arguably not meeting the second). "I do not aim, in enhancing your autonomy, to change your desires," the liberal can say, "only to help you carry them out." But while the pursuit by others of my autonomy in this sense certainly can take my conception of the good life as given, it will still count as perfectionist, in the broad sense I have defined, if, first, it rules out certain conceptions of the good life (and thus certain aims) as unreasonable, or if, second, it aspires to enhance my autonomy by getting me to refrain from acting on (or give up altogether) certain of my desires because they are inconsistent with my conception of the good.

So we shouldn't assume that perfectionism is incompatible with a concern for autonomy, or, indeed, for negative liberty. The much misunderstood Thomas Hill Green, to whom we owe the classificatory distinction between positive and negative liberty, affirmed his own creed of perfectionist individualism when he wrote: "Human society indeed is essentially a society of self-determined persons. There can be no progress of society which is not a development of capacities on the part of persons composing it, considered as ends in themselves."<sup>9</sup> But the best illustration of how perfectionism and personal liberty may be rec-

onciled is provided by Mill, who is both a perfectionist and stoutly antipaternalist. In defending something like liberal democracy, Mill is at his most perfectionist, even as he provides an eloquent endorsement of the “endorsement constraint”:

Its superiority in reference to present well-being rests upon two principles, of as universal truth and applicability as any general propositions which can be laid down respecting human affairs. The first is, that the rights and interests of every or any person are only secure from being disregarded when the person interested is himself able, and habitually disposed, to stand up for them. The second is, that the general prosperity attains a greater height, and is more widely diffused, in proportion to the amount and variety of the personal energies enlisted in promoting it.<sup>10</sup>

Here and elsewhere, Mill insists that a government promote the virtues and interests and excellences of its citizens *and* that such things are secured only if the individual is disposed to endorse them, indeed, actively “stand up for them.” His critics have sometimes accused him of confusion in this—is he advocating an antipaternalist paternalism?—but the confusion may lie in the minds of his critics. Paternalism itself is something that we rightly have divided feelings about. (Theorists of paternalism tend either to admit the legitimacy of certain forms of paternalism or, by some definitional device or other, declare that the good stuff doesn’t count as paternalism.)<sup>11</sup> Most modern citizens are little worried by laws that take aim at self-regarding harm, so long as they do not interfere with our ability to make a life. In the face of human irrationality, then, we have helmet laws and seat-belt laws, and we typically see them as enforcing rational behavior, not promoting any particular conception of the good. In general, someone’s ability to create a life isn’t eroded by his wearing a helmet when he rides a motorcycle; and where it might be—as with the occasional Sikh complainant—exemptions are common.<sup>12</sup> The state may also launch safety campaigns, exhorting us to take self-protective measures, and so alter our beliefs and desires. As I say, most people accept that such measures to combat irrationality (if this is what they are) lie within the scope of legitimate state involvement. But where does that scope end?

Antiperfectionists as well as perfectionists can have a broad conception of that scope. For example, antiperfectionists can (and often do) advocate the promulgation of civic virtues. The antiperfectionist rationale might be that our liberal democratic state requires citizens who share certain basic values and beliefs. Moreover, having these virtues might be necessary for someone to be able to participate, fully and effectively, in the public sphere. A democracy should promulgate the value of voting, for instance, because if people didn't vote, the polity would falter. Here, you could draw an analogy with the rules of the road. We teach people how to be good drivers (which involves skills, and knowledge, and, perhaps, certain pro-attitudes and con-attitudes toward safe or reckless driving practices) so that the nation's traffic system works *and* so that individuals can be directly advantaged by driving, if they choose to drive. When antiperfectionists inculcate civic virtues, then, they do so for such consequential reasons. The state's principal concern isn't with the ethical success of our lives; it's with the stability and survival of the political order.<sup>13</sup> This is what makes these rationales *antiperfectionist*: I am made virtuous not for my own sake—not so that *I* may flourish—but because it is necessary if I am to serve the commonweal and to treat others as I should.

Yet do these liberals really regard civic virtues—and they can be quite eloquent when they describe the character that is created by, or conduces to, liberal democracy—as goods *only* because they happen to serve such other ends? They may say that they are goods roughly in the way that the national highway system is a good: something the modern state requires to function. But while one could imagine some revolution in transportation that would make the roads superfluous (what happened to those strap-on rocket packs we were promised, anyway?), there are no equivalent scenarios that would obviate character traits such as “a reflective, self-critical attitude, tolerance, openness to change, self-control, a willingness to engage in dialogue with others, and a willingness to revise and shape projects in order to respect the rights of others or in response to fresh insight into one's own character and ideals” (I take this list from Stephen Macedo's *Liberal Virtues*).<sup>14</sup> I think it would be plausible to describe these traits as good in themselves. Yet to accept that they are intrinsically good for those who have them, and to favor their promotion in virtue of that fact, would be to defect from antiperfectionism.

Even liberals who are suspicious of civic-virtue talk often take personal autonomy to be something of inherent value: and, as I have already said, such autonomism (as its critics, and some of its supporters, insist) may be perfectionist. But the distinction between aiming at the virtue of citizens for their own sake, on the one hand, and for the sake of the polity, on the other, can be hard to draw, particularly in the context of education. Consider Amy Gutmann's proposal that "a state of democratic education tries to teach . . . what might best be called *democratic* virtue: the ability to deliberate, and hence to participate in conscious social reproduction."<sup>15</sup> Clearly, the proposal combines a concern for the welfare of the polity (the widespread inculcation of this virtue being necessary for its stability and survival) and for the political equality of the individual (who would otherwise be less able to shape, reflectively, his political environment). Yet you might still feel that this gloss left something out. To put it schematically, even if my (internal) deliberations and resultant votes made no difference to the world—and quite aside from the aggregate benefits of having lots of voters—there might still be a sense that it was *good for me* to have participated in this way. The values of citizenship have become part of the ethical dimension of my life, part of who I am.

And these are the issues that I want to explore in this chapter: whether and when the state may intervene to increase the prospects of my ethical success. To get a sense of what's at stake, let me return to the question of the ethical evaluation of one's single human life.<sup>16</sup> Living a life means filling the time between birth (or at any rate adulthood) and death with a pattern of attempts and achievements that may be assessed ethically, in retrospect, as successful or unsuccessful, in whole or in part. And the ethical dimensions of the life include *both* the extent to which a person has created and experienced things—such as relationships, works of art, and institutions—that are objectively significant *and* the degree to which she has lived up to the projects she has set for herself (projects defined in part by way of her identifications). A life has gone well if a person has mostly done for others what she owed them (and is thus morally successful) and has succeeded in creating things of significance and in fulfilling her ambitions (and is thus ethically successful).<sup>17</sup> Your individual identity, your individuality, defines

your ambitions, determines what achievements have significance in your own particular life. Your individuality makes certain things a significant part of the measure of your life's success and failure, even though they would not be elements of the measure of success in every life. In my novelist's life—a life that is a novelist's life because I have chosen to make it one—the fact that I have *not* written that witty and intelligent satire of contemporary urban life that I have been struggling toward is a significant failure. My life is diminished by it. In your philosopher's life, the witty and intelligent satire you *have* written is an accidental thing, adding little to your life's value; and its cost was that you failed to complete the thinking-through of metaphysical realism that would have made your life wholly more satisfactory.

To create a life, in other words, is to interpret the materials that history has given you. Your character, your circumstances, your psychological constitution, including the beliefs and preferences generated by the interaction of your innate endowments and your experience: all these need to be taken into account in shaping a life. They are not constraints on that shaping; they are its materials. As we come to maturity, the identities we make, our individualities, are interpretive responses to our talents and disabilities, and the changing social, semantic, and material contexts we enter at birth; and we develop our identities dialectically with our capacities and circumstances, because the latter are in part the product of what our identities lead us to do. A person's shaping of her life flows from her beliefs and from a set of values, tastes, and dispositions of sensibility, all of these influenced by various forms of social identity: let us call all these together a person's ethical self.

Now, I've identified one strain of Mill's liberalism with the view that I should be permitted (in particular, by the state) to make whatever life flows from my choices, provided that I give you what I owe you and do you no harm. But, of course, the fact that each of us has a life to make can at least raise the possibility that others, the state among them, ought to act to help us in that project. And at least some of these possibilities entail some sort of involvement in our *ethical selves*. What complicates matters further is that, as we saw, such involvement has the potential to affect not merely the fulfillment of our ambitions, but the

nature of our ambitions. All of which suggests that Platonic notion of politics as the art of caring for souls; which is why I shall be speaking of “soul making.”

By “soul making” I mean the project of intervening in the process of interpretation through which each citizen develops an identity—and doing so with the aim of increasing her chances of living an ethically successful life. My particular focus here will be on soul making as a *political* project, something done by the state, and so it will be important to distinguish between different ways in which the state may affect my ethical life. Of course, governments must affect how lives go: for government must enforce contracts and provide the physical security—from assault and the destruction of our property—that is the background to the pursuit of any reasonable life at all. And these acts will certainly affect the circumstances within which I make my life and, thus, the actions I perform, and may well impact my identifications as well. Joseph Raz rightly directs our attention to the role of state-created forms in shaping our lives and identifications: my ambitions might require me to serve my country in the army, and the state, of course, is what makes that option available.<sup>18</sup> Still, providing the option of military service is soul making only if it is done, at least in part, to improve the ethical prospects of those who take it up, by altering their identities, changing the interpretation of their circumstances that guides their lives.

So, obviously, not everything that affects my choices entails soul making. As I say, simply providing people with information (and thus changing their wants and beliefs) isn’t soul making, unless it is aimed at reshaping their identities; often it isn’t, and doesn’t. On the other hand, an action might have a dramatic effect on people’s identities, but if the effect is not part of its design, it would not, by my lights, count as soul making. Imagine a municipality that dams a river to make a hydroelectric plant; later it turns out that some group for whom the river was ethically central has changed beyond all recognition. Perhaps they worshiped the river as a powerful god; the putative defeat of this god triggered a sweeping crisis of faith. Still, building the hydroelectric plant wasn’t soul making, because these identity effects weren’t by design—they had no relation to what the state intended to do. (In many cases, as we’ll see, the question of design is not so clear-cut.) This isn’t

to say that interventions aimed at increasing the ethical success of an individual will not have other aims, as well. With most obvious candidates, the aims are mixed, encompassing both the prudential good of the individual and the civic good of the polity. That a state act has some aim other than shaping my identity does not preclude its having a soul-making goal as well.

In the rest of this chapter, I'll be exploring three large areas where the notion of soul making would seem to have prospects. The first has to do with our defections from rationality: in order to promote our well-being, we may wish the state to help us remedy our incapacities of reason, and these interventions, as we'll see, can have foreseeable, intended consequences for our ethical selves, our social identities. The second has to do with the role of antidiscrimination law in sustaining or reshaping social identities; for these laws forbid only some forms of differential treatment, and in the contours of actual judicial decisions, we can see, for example, how the social meanings of gender have been reconfigured. The third area—which is the most obvious arena of soul making—has to do with social reproduction and the education of the young. Throughout, we should attend to how such soul-making interventions might encroach upon, or, contrarily, reinforce, what Mill called “individuality as an element of well-being.”

A final preemptive caveat. To explore the prospects of soul making isn't to say that its bailiwick should be extended; I don't imagine I've written for or against the practice. It is a mistake—that of what Tom Kelly calls “one-way idealization”—to focus only on the imperfections of the governed, ignoring the shortcomings of the governors. We could decide against soul making, in the end, because we thought that actual governments would, in fact, make a mess of it, not because it was theoretically impossible to do justifiably and well. Clearly, human governance can amplify as well as remedy human failure, and the consequences of its actions must be judged empirically. That is why, in liberal polities, such practices are likely to be piecemeal—and why I've largely been speaking of interventions rather than transformations. As Madison says, “In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable government to control the governed; and in the next place oblige it to control itself.”<sup>19</sup>

## THE SELF-MANAGEMENT CARD

“I’m glad I hate peas,” says the child in the old sort-of joke, “because if I liked peas, I’d eat peas. And I hate peas.” One form of inconsistency in our desires, which is not a logical inconsistency, has to do with the fact that we have second-order preferences, so that, to use the most obvious example, I may both want to smoke a cigarette and want not to have this first-order desire. Work has been done, notably by Harry Frankfurt, that suggests some principles by which we might adjudicate in such cases, between a mere desire and a person’s real will. If I not only want to refrain from smoking but also want the first-order desire not to smoke to be effective in my actions, then, Frankfurt says, I have a “second-order volition.” Its content is: that I refrain from smoking because I have a first-order desire not to smoke. What I want is not to smoke and not to smoke because I want not to.

There are a lot of ways in which this basic thought can be, and has been, developed. Raz’s discussion of “nested” goals—of the ways in which intermediate goals are subsumed by our more character-defining comprehensive ones—reflects another hierarchy among our desires. Not all successful goals, or aims, or desires, or preferences make an equal contribution to well-being. On the contrary, our well-being may entail the defeat of many of our desires. Looking out the window on a high floor of a skyscraper, I may have a wild, sudden impulse to fling myself off the ledge; but I have a powerful second-order desire not to act upon it. The victim of an obsessive-compulsive disorder is happy to take a medication that will relieve him of his felt need to check, repeatedly, whether he turned off the oven. The novelist puts her head down and finishes the chapter, even though the surf outside her window beckons; or perhaps she never does resist the temptation and shudders miserably every time someone asks how the novel is coming along. It’s just this sense of hierarchy among desires that sponsored the notion of “life plans” we discussed in the first chapter.

Frankfurt calls a person who has no second-order volitions a “wanton”: wantons do not care about why they act. And so Frankfurt says, “When a person acts, the desire by which he is moved is either the will he wants or a will he wants to be without. When a wanton acts, it is

neither.”<sup>20</sup> Frankfurt has gone on to suggest that a person’s second-order volitions reflect the fact that he cares about certain things: “A person who cares about something is, as it were, invested in it. He *identifies* himself with what he cares about in the sense that he makes himself vulnerable to losses and susceptible to benefits depending upon whether what he cares about is diminished or enhanced.”

And a further reflection of what one cares about is that one has second-order volitions that derive from one’s caring: “The formation of a person’s will is most fundamentally a matter of his coming to care about certain things, and of his coming to care about some of them more than about others.”<sup>21</sup>

The picture of the person that is implicit in much of what I have been saying in these chapters is of an individual with needs, tastes, values, identities, and dispositions and a capacity for rational deliberation and action. It is, as Kant suggested, because people are capable of reason that we must respect their right to self-management, what we’ve come to call their autonomy. A creature driven by instinct and appetite, incapable of planning, unguided by commitments, insensitive to reason or to the demands of morality: such a creature would not be entitled to the concern for its autonomy that the liberal ethical perspective entails. Such a creature would not—in the relevant sense—be making a life. We are not that second creature, but we are not unfalteringly that first creature, either. And so I shall be asking whether our pervasive irrationality provides grounds for soul making in order to help us achieve our higher-order desires: call this “the irrationality rationale.” But I think it will help to approach the matter indirectly; by sketching, for purposes of contrast, a way in which the state can respond to (some of) our irrationalities that has no such soul-making aspirations.

So let me propose, as a thought experiment, a mechanism that should be congenial to even very minimalist forms of antiperfectionist liberalism—a mechanism by which the state could provide us with a tool for dealing with one form of irrationality: namely, a certain sort of weakness of will, or *akrasia*.

I am not going to provide an account of what weakness of the will consists in, or even of what is irrational about it.<sup>22</sup> Saint Paul confessed to the Romans, “For the good that I would I do not: but the evil which I would not, that I do.”<sup>23</sup> I shall take it for granted only that (a) some-

times, like Saint Paul, we find ourselves not doing what we judge to be all-things-considered best for us to do, even when no one else's interests are at stake, and that (b) this is to breach what I shall call "the demands of reason." All of us have fallen off diets, or bought frivolous things when we had resolved to save, or left tasks to the last minute that we knew we would have done better if we had undertaken them steadily over a longer period of time. In these cases and many like them, it is natural to describe what we are doing as failing to do what reason demands.

Recognizing this, and understanding that every life would go better if we had mechanisms for controlling our akratic tendencies in at least one sphere, a modern government might step in to propose one helpful solution. Each of us will be given a government-authorized Self-Management card. With contemporary technology it would be relatively easy to set it up so that each of us could manage our appetites (whether for calories, for nicotine, for alcohol, or for heroin) in the following way. We could sign in, on the Internet, to the relevant government Web site and list those things that we did not wish to be able to buy. One would be free to bind oneself for up to a certain period in this way, so that a change of mind would be given effect only after due deliberation. By law, all goods would be classified according to categorizations relevant for this purpose, and all purchases would require the presentation of the Self-Management card, which would be swiped and read before any sale. A person who sought to buy anything that was listed as among the items proscribed on the Web site would be told that the store was not able to sell it to her, unless, of course, she went back to the Web site and altered the list. Here, we adopt Ulysses' response to the temptations of the Sirens.<sup>24</sup>

Notice that this is something that would be hard to arrange privately. If there were any shops that did not insist on the card, the device would not work for me. When I am dieting, I should not consume liquor or chocolates or a whole list of other high-calorie foods. I know this. I remove them from my house when I am dieting; I tell my friends not to offer them to me. But if I arrive at the supermarket, tired from work at the end of a long day, I know I will succumb and buy myself a chocolate bar. So, when I go on the diet, I simply enter chocolate onto my Self-Management account as proscribed for the period of the diet, and

only a criminal will sell it to me. Since, as it happens, I am fairly law-abiding and my friends are responsible, the fact that it would be a criminal transaction to acquire some actually means that, once the entry on the Web site is done, I will not get chocolates.

Perhaps it is the case that all of us could take heroin once without becoming addicted. In that case, I might be interested in having the experience. So I might sign myself up for one dose of heroin and go out and buy it, knowing that the temptation to do so again would require my reflectively signing on and that I could resist the temptation to do that, even though, faced, in the store, with a second chance at heroin, I might not resist it. The whimsicality of our akratic desires is thus made manageable; and lives that might have failed utterly if heroin had been freely available are in fact lived successfully.

And the Self-Management card could be used to help me live up to commitments that flow from my religious identity. Suppose that, as an observant Jew, I wanted to respect the rules of kashrut, but had a weakness for ham sandwiches; or suppose I were a devout Catholic and had given up ham for Lent. The system keeps me from straying—keeps me faithful to my higher-order dietary desires when my peers are not around to help with baleful glares.

Here, then, is a state-enforced scheme that gives each of us a tool for the management of our lives; nevertheless, it is entirely up to us to decide how to make use of it. You are free to have your Self-Management card declare all goods available to you. The state here takes no view about the question of how we wish to define the challenge of our lives—if you opt for the struggle with heroin addiction (or even drift into it irrationally), this system permits it. It expresses only a second-order commitment to helping us make lives successful by whatever standards we ourselves have defined.

The Self-Management card makes clear, as I say, that the state can respond to our irrationalities—and, in particular, promote our well-being—without soul making. This is important because some people seem to think that there is a direct argument from antiperfectionist premises to the conclusion that the state, though it may play an important role in the equalization of resources or as the guarantor of basic moral obligations, has no proper role in enabling our ethical success. In fact, the state can enable our ethical success in a way that is consistent

with the strictures of antiperfectionism—indeed, of negative liberalism. That is, the state can make our lives go better without imposing a conception of the good upon us, without imposing its will upon us at all.<sup>25</sup>

### RATIONAL WELL-BEING

When the state provided me with the Self-Management card, it increased my well-being by helping me do what I really desired to do. But perhaps my well-being could be further enhanced by a state that took an interest in what I really desired. It might be, for example, that my second-order desires weren't rational, because they were affected by misinformation or cognitive incapacities.

Now I've said that the ethical evaluation of a life depends, first, on whether one has achieved one's ambitions and, second, on whether one has made or experienced anything of significance. We can call the first dimension the subjective dimension of success—not because it isn't an objective question whether one has achieved one's ambitions, but because each subject determines what her ambitions are. In creating a self—shaping one's identity—one determines the parameters of one's life and thus defines one's ambitions. Let us call the second dimension of ethical success—the creation and experience of significant things—the objective dimension. A plausible account of well-being, as we'll see, is bound to involve both these dimensions. And neither is as straightforward as we might like.

The ethical self I have spoken of requires that, in making our lives, we accumulate evidence, form beliefs, identify options for action, predict and evaluate their outcomes, and act. Ideals of rationality, as they are usually understood, involve both, so to speak, calculation and information—both instrumental and cognitive dimensions. In a variety of ways, we all fall short of these ideals. And so I want to take up some questions about how we should understand the demands of rationality with respect to ethical success, and the broader notion of well-being.

I've referred to well-being without saying much about what it might consist in, but here it will be necessary to rehearse, briskly, some of the many well-explored considerations on the topic. First of all, though well-being may involve an experiential component, it has long been

clear that it cannot be reduced to the possession of hedonic mental states. In an example that James Griffin discusses, Freud preferred to end his life in torment rather than experience the addling effect of analgesia, and a well-wisher should have respected his desire.<sup>26</sup> Nor can well-being simply be the subjective sense that our desires have been gratified. In a famous thought experiment, Nozick asked us to imagine an Experience Machine into which we could plug ourselves; the machine would give you the illusion that you had achieved your desires—to have published a successful novel, in one of Nozick's examples—although you'd really be floating ineffectually in a tank. There *are* desires that are reducible to a phenomenology: if you borrowed an Experience Machine to satisfy your desire to hear a Bartók quartet, say, your desire might be truly satisfied. But most desires involve external objects; we decline the machine's enchantments because the desire to have written a novel isn't simply the desire to feel as if one has written a novel.<sup>27</sup> The satisfaction of our desires involves not just a state of mind, but a state of the world—one, in this instance, involving the real production of a real novel. That's why we don't envy the man who is living in a fool's paradise, imagining (say) his wife to be loving and faithful when she's really anything but. In general we want to believe our desires are satisfied only when they *are* satisfied. For what matters is their actual satisfaction, not (or, more precisely, not just) our believing that they are satisfied.

Then again, it's also a familiar thought that the preferences of individuals cannot always be taken at face value; that our well-being is not always served by the satisfaction of our actual preferences.<sup>28</sup> Human irrationality, as I've said, is ubiquitous, and *akrasia* represents only a small subset of its varieties. Behavioral economists can reel off a tidily tagged and cross-referenced list—preference reversal, anchoring effects, sunk costs, regret, and so forth.<sup>29</sup> Some seem like unhelpful glitches; others (such as regret) are part of the affective texture of our humanity. But the simplest and most pervasive reason that our desires fail to serve our well-being has to do with our informational limitations. I want to swim in the lake, but that's only because I don't know that it has been contaminated with mercury. I reach for the fizzing glass of Drāno, because I think it's Alka-Seltzer. A slew of such examples has given rise to the concept of what James Griffin has called an “informed desire”

(or what economists, notably John Harsanyi, call an “informed preference”) account of well-being. Your informed desire is the desire you’d have if, roughly, you had full information and perfect rationality.

The nature of “informed desire” is worth some attention. For perhaps we can agree that the state should endeavor not to remake our souls, or refashion our desires, but only to show us what our true desires are. In this scenario, the state would then defer only to informed, rational desires. Yes, the rational-desire proponent can say, we fall short of autonomy, as we actually are; yes, we are prey to irrational decisions, as we actually are. But the good society need do nothing more than help us to understand our authentic, “informed” preferences.

I explained earlier that it wouldn’t raise the hard problems of soul making if the state changed my beliefs or preferences by providing information but otherwise left my ethical self unaltered. A government is not engaged in soul making when it puts up a sign warning you that a lake is polluted, or launches a campaign advising people of the dangers of unprotected sex in an age of HIV/AIDS. As Mill says in *On Liberty*, “Considerations to aid [someone’s] judgment . . . may be offered to him, even obtruded on him, by others.” The capacity for reason is one ground of our right to manage our own lives, and that capacity is properly exercised when relevant information is used to shape our decisions.<sup>30</sup> At the same time, a considerable literature has explored the way in which our preferences shift in response to our changing situation, state actions, and so forth. Just such considerations lead Cass Sunstein, in a marvelously forceful essay titled “Preferences and Politics,” to build a case against “subjective welfarism.” A concern for autonomy, in his view, argues against indulging actual preferences. Among the examples he lists are a decision to purchase cigarettes by someone unaware of the health risks, a decision not to wear a motorcycle helmet by someone influenced by peer pressure, and a decision, by a woman, “to adopt a traditional gender role because of the social stigma attached to refusing to do so.”<sup>31</sup> As this list may suggest, the notion of “informed preference” has hidden teeth, and they cut very deep indeed.

Some of the complications are adumbrated at the beginnings of the informed-preference approach within the utilitarian tradition, which is in Mill’s own work. Where Jeremy Bentham would identify our welfare with the sensation of pleasure, Mill introduced a criterion of compe-

tence. “Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure,” he maintained. For Mill, this competence criterion quickly invites considerations of rationality and knowledge:

Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both, do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast’s pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs.<sup>32</sup>

Mill’s qualitative notion of higher and lower utilities has been roundly lambasted, but it represents, in kernel form, an account of well-being that was more fully developed by Henry Sidgwick, a few decades later. In the full-information account of well-being Sidgwick described (but did not endorse) in 1874, “a man’s future good on the whole is what he would now desire and seek on the whole if all the consequences of all the different lines of conduct open to him were accurately foreseen and adequately realized in imagination at the present point in time.”<sup>33</sup> Or, as the poet Carl Dennis writes, “the god who loves you” must find it painful

. . . to watch you on Friday evenings  
 Driving home from the office, content with your week—  
 Three fine houses sold to deserving families—  
 Knowing as he does exactly what would have happened  
 Had you gone to your second choice for college,  
 Knowing the roommate you’d have been allotted  
 Whose ardent opinions on painting and music  
 Would have kindled in you a lifelong passion.  
 A life thirty points above the life you’re living  
 On any scale of satisfaction. And every point  
 A thorn in the side of the god who loves you.<sup>34</sup>

Having full information could, then, be taken to include knowing the future consequences of my actions. It might be that if I take a particular train ride, I will meet a munificent stranger who will do wonderful things for me. Or if I enter a certain convenience store at precisely 3:34 next Tuesday afternoon and purchase a lottery ticket, I will win ten million dollars. In retrospect, I'd be awfully glad I did these things—taking that train, buying that ticket—but it would be strange to say that I really desired to. As a lottery enthusiast, what I desired was to buy a ticket with a chance of winning; a ticket that was assured to win simply wasn't in my option set. And since, in expected-utility theory, buying a lottery ticket is a paradigm instance of irrationality, then, if I were more rational, I should simply have relinquished any desire to buy a lottery ticket. In the munificent-stranger scenario, there's simply no meaningful relation between the full-information desire and my actual desires; I had no particular interest in taking that train, or meeting that stranger: there are a vast number of advantageous things that I could contemplate doing, if I could read tomorrow's newspaper today, but they have no relation at all to anything I actually have reason to do. The fact that I would have been glad if I had done something simply doesn't entail that that is what I really wanted to do.

We can stipulate, then, that “full information” doesn't include full knowledge of future contingencies; but perhaps someone with full knowledge of the world and perfect powers of ratiocination would be able to predict all kinds of future ramifications relevant to a decision. The trouble is that such a hypothetical person would be so remote from me that I'd hesitate to draw inferences from his attitudes: I'm not confident that what he would consider an agreeable state of affairs is what I would consider an agreeable state of affairs. Even aside from such peering-far-into-the-future cases, having “informed desires” is just inconsistent with certain very ordinary endeavors. Apply the “informed desire” test to a poker game: I now wish I hadn't folded, and if I had had perfect information I wouldn't have done so. But if I had perfect information, then, whatever it looked like I was doing, I wouldn't really be playing a game of poker. The “challenge model” of human life involves our dexterity in negotiation among risks and uncertainties.

You might want to fine-tune the model, then. Informed desires, on the simplest account, are the desires I would have if I had full information and unimpaired reason, which is to say, if I were someone else—with apologies to Dr. Evil, let's call him "Maxi Me." But perhaps the relevant desires are not the ones that Maxi Me would have but the desires that Maxi Me would benevolently have for actual me. Often, they're likely to be the same: Maxi Me wouldn't enjoy swimming in a lake contaminated with mercury, and he knows that I wouldn't enjoy swimming in a lake I knew to be contaminated with mercury. But where they diverge, the latter, god-who-loves-you perspective seems the more plausible. For imagine someone has offered me the choice between a glass of a fine Puligny Montrachet 2000 and a glass of insipid plonk. To be "fully informed" here, so many would assume, is to have the experienced palate capable of appreciating the Montrachet.<sup>35</sup> Maxi Me might strongly prefer the Montrachet, but if actual me can't tell the difference, it would seem odd to insist that my true or "informed" preference tracks his; there's no reason that a benevolent Maxi Me should want me to plump for his glass. In fact, as we'll see, the informed desire model moves us away from a first-person interpretation of well-being and toward a third-person one: it is the perspective of someone who knows more than you ever could, and wishes your life to go well—the perspective of that god who loves you.<sup>36</sup>

Not an easy job, that, either. We know that lives can be organized around projects—think of Mr. Casaubon and his "key to all mythologies"—that are destined to fail. Our well-being can be affected by all manner of contingencies, including luck. Perhaps I had a "rational aim" to prove Fermat's Last Theorem; but, as it happens, I was pipped at the post by Andrew Wiles. Alas, none of my life's work represents a unique contribution to human knowledge, and, knowing this, I'm filled with an enduring sense of desolation. Perhaps my *grand projet* required subventions from my well-wishers. Should the god who loves me have respected my autonomy by helping me pursue that aim, or have honored my (true but humanly unforeseeable) interests by preventing me from wasting my career?<sup>37</sup>

The biggest problem, though, is of indeterminacy. The "informed desire" account suggests a specific mapping from actual to informed

desires, and sometimes we can make sense of this. As I mentioned, economists speak of preferences, so that they can construct ordinal-utility functions from a set of ranked choices: one prefers A to B, and B to C, and so on, and every state of the world has a place in the ranking. Talk of “desire” isn’t so neatly bounded. How my bare desire relates to my informed desire—whether the latter can naturally be described as an “informed” version of the same old desire—can depend upon how abstractly the desire is identified. Suppose I have packed my bags for Botswana, in a quest to help combat malnutrition and disease. Someone informs me that the urban poor of Congo need my services more than those of Botswana. I change my itinerary. Now someone else presses me about my ultimate goals, and I come to agree that what I really want is to devote myself to relieving suffering on the planet. In that case, my interlocutor informs me, I should know that factory-farmed pigs represent the largest number of suffering creatures in the world. I cancel my trip to Congo and become an animal-liberation activist. Have my informants reshaped my preferences or merely aided in their fulfillment? What would a fully informed well-wisher want me to want? The question surely admits of no determinate answer; desires can be characterized with various degrees of abstraction, with no obvious stopping point.

Plainly, a desire isn’t a function that can just be plugged into a data set: what’s in the data set affects my desires. One reason I want to swim in the mercury-tainted lake is that I think it’s healthy to be physically active; maybe, however, this will turn out to be false, or (genomic analysis could reveal) false for me. In deciding to go swimming, moreover, I haven’t considered all the other possibilities as to how to spend my afternoon. If I do so (as some accounts of “preference autonomy” stipulate), I’ll conceive an entirely different desire. Even when we’re confining ourselves to preferences, those preferences will be shaped by facts of the world, and, in particular, by which options are attainable. This is, again, a lesson of Elster’s work on “adaptive preference formation”: our desires are shaped by our sense of what’s possible—what we want is contoured by what we think is on offer. So when the state affects what I can get, it often affects what I want.

Recall some of Cass Sunstein’s examples of putatively nonautonomous preferences: the fellow who buys cigarettes unaware of the health

risks, the woman who decides “to adopt a traditional gender role because of the social stigma attached to refusing to do so.” It’s worth pausing to note how far we’ve come from the fizzing glass of lye. For surely we have arrived at soul making through the back door. I just talked about the indeterminacy of desire descriptions. Consider some cases that don’t seem indeterminate at all: the class of example that led us to renounce “bare” preferences as a ground of well-being. I want to drink the Drāno because I think it’s Alka-Seltzer. I want to swim in this lake because I think it’s unpolluted. In each case, I can redescribe my preferences to make their content plain, by spelling out the factual predicate. If I say, “I want to drink that glass of Alka-Seltzer over there,” the natural response isn’t *You have no such desire*, or *You don’t know what you want*, but *That’s not Alka-Seltzer*. My “erroneous” revealed preference can be redescribed—given a fuller description, we could say—to make it true. (“I want to drink that glass over there if it is an antacid.” “I want to swim in the lake, so long as it’s safe to swim there.”) Only a little less determinately, the humanitarian might say, “I’m going to start a program to reduce scrofula in Windhoek, Namibia, because I want to have a real impact on public health in the Third World,” and invite the informed rejoinder, “Then are you sure you don’t want to start a program to reduce AIDS in its adjoining shantytown, Katutura?” Here, we can plausibly insist, we’re not changing her aim, we’re just helping her execute it.

The decision to hew to a traditional gender role does not lend itself to such redescription. It is not affected by the correction of a few flatly factual errors. “I want to live as a good wife and mother, if . . .” Well, if what? To get the woman to change her mind here, you could either erase the social stigma (which would require erasing other people’s, presumably benighted, commitment to the values it subsists upon) or you could somehow produce in her a new brazenness, or reflective disregard of that stigma. Either way, you would be engaging in soul making, refashioning ethical projects and ethical identities. Indeed, there are obvious dangers in ignoring actual preferences in the name of an “autonomy” that might not be recognizable to its putative beneficiaries. To return to Brian Barry’s famous distinction, we’d need to take care that “ideal-regarding” concerns are not being passed off as “want-regarding” concerns; and I’ve expressed my misgivings about overreach-

ing conceptions of autonomy in chapter 2. The hazard is one that T. M. Scanlon identified, of floating too far from what “a person has reason to want and to do.”<sup>38</sup> At the very least, we should seek some sort of equilibrium between actual and ostensibly informed desires.

We started with the thought that informed-desire theory might be able to make soul making unnecessary: to make your life go well, we need only be responsive to your informed desires. Now it seems as if informed-desire theory is, if anything, excessively conducive to soul making. But perhaps that shouldn’t have been a surprise: for the “information” part of “informed” desire suggests a sharper distinction between facts and values than many people entertain. Even if we think there’s an in-principle distinction to be made here (and, as I said in the preface, my hope is to leave open as many of these metaphysical questions as I can), you might think that, in the real world, they are often so interwoven as to be inextricable. As we saw, the issue of whether hewing to traditional gender roles—or, for that matter, writing novels—is a worthwhile thing to do is unlikely to be settled by uncontroversially factual considerations. Griffin makes this explicit, in the course of laying out his own informed-desire account of well-being: “Sometimes desires are defective because we have not got enough, or the right, concepts. Theories need building which will supply new or better concepts, including value concepts.”<sup>39</sup>

Now, we can easily imagine lives that we think are scarcely worthwhile, even though the (knowledgeable) fellows who lead them have no complaints, and, in these cases, we might suppose they should be supplied with new value concepts. In particular, in cases where someone’s ultimate aims seem defective, it’s natural to express our disquiet in identity terms: to wonder whether someone wants to be this or that kind of person.

Imagine a long-lasting, cost-free drug that induces a state of blissful contentment. Take it and you’ll lapse into a mild torpor; you’ll work enough to secure minimal sustenance—existence is too great a pleasure for you to want to cut it short—but all greater ambitions will have been extinguished. (To sidestep other complications, you may assume that it works only in young adults who haven’t yet acquired any dependents. Or, if you prefer, you can imagine a society composed wholly of such bliss cases.) Unlike Nozick’s Experience Machine dupes, the people on

this drug—call it Bliss—have no desires they have failed to achieve; and they certainly experience deep contentment with their lives. Their capacity for cognitive and instrumental rationality is unimpaired. Why, then, would many of us hesitate to join these happy campers? I suppose we'd feel that they have taken a Rosie Ruiz approach toward life—they've reached the finish line of a metaphorical Boston Marathon, but via a discreditable shortcut. They have little to show by way of self-development, or individuality. Their higher-order and lower-order volitions are aligned, but not through any act of decisive identification.<sup>40</sup> But I think the natural way to account for our disquiet is to insist that a purely want-regarding account of well-being doesn't exhaust what we think the concept entails: there's more to a good life than the satisfaction of whatever desires the person living it happens to have. Such considerations can move us toward what's known (after Derek Parfit) as the "objective-list" account of well-being, or (after Scanlon) a "substantive goods" account. In "What Makes Someone's Life Go Best" Parfit mentions things like "moral goodness, rational activity, the development of one's abilities, having children and being a good parent, knowledge, and the awareness of true beauty," although he is clear that a list of this sort isn't sufficient for such an account. ("What is of value, or is good for someone," he ventures, is "to be engaged in these activities, and to be strongly wanting to do so.")<sup>41</sup> Many discussions of well-being move between an external and an internal perspective—a perspective from which a god who loves you might appraise your life, and a perspective that is yours. Certainly you haven't lived a well-led life, however admirable, if you found it repellent—if you didn't want to secure the substantive goods you did. And, as I've said in chapter 1, to hold that there are objective values in the world doesn't mean that there are objective ways to rank them or trade them off: they don't determine any life in particular. So neither subjective measures of success nor objective measures of success exhaust what we have in mind when we discuss well-being; some equipoise between them is wanted.<sup>42</sup>

Both these dimensions are usually captured in our very highest-order desires. I've said that the ethical evaluation of a life involves a subjective and an objective dimension. In particular, I've said that some things have value to us just because we want them; some things we want because we recognize them to be, in themselves, valuable. If we came to

know that novels were without value, we might cease to want to have written one: and the valuelessness of the pursuit would be not a fact about us but one about the world. Very often, subjective considerations track objective ones, and this is particularly so when it comes to those highest-order, life-plan-level desires—what Raz calls “comprehensive goals,” what Ronald Dworkin calls our “ambitions,” and what Griffin calls “global” desires. And with such desires or goals or ambitions, the basic question is what sort of life one wants to make, which is also to say *what sort of person one wants to be*. Gerald Dworkin, for example, says that higher-order preferences come into play when someone “identifies with the influences that motivate him, assimilates them to himself, views himself as the kind of person who wishes to be moved in particular ways, that these influences are to be identified as ‘his.’”<sup>43</sup> This is the language of identity, of social kinds or categories, of considerations that are bound up with those kinds or categories.

I decline Bliss (it would be very natural to say), even though I’m not really committed to any particular goals or projects yet, because I don’t choose to be a Bliss Case: this isn’t the kind of person I wish to be. The fact that I think of myself as an L means that doing X might be of particular value to me. Conversely, I might refrain from doing X because doing X goes with being an L, and I don’t want to be an L. No doubt our pea-hating child, when he grows older, will save himself from his logical merry-go-round and explain what he *really* meant: he doesn’t want to join the odious tribe of pea-lovers. It’s an unserious example of what can be a deadly serious consideration. Occasionally, people explain why, in extraordinary circumstances, they refrained from killing someone, although they had a strong desire to do so, by saying that they “didn’t want to be a murderer.” This sounds like a tautology, but it isn’t. “Murderer” doesn’t quite qualify as a social identity, but it is a social kind, and these people are saying, I didn’t want to be this kind of person, didn’t want to think of myself as someone in the same category as other murderers (even though the prospective victim deserved to be killed, and I’d be happy to see someone else do the job).

Talk of global desires returns us, then, to the question of our ethical selves—the shaping of our own lives, our identities, and the prospect of ethical success that flows from them. Indeed, Cass Sunstein (who has

civic-republican sympathies) argues that a notion of politics founded in a process by which “citizens decide, not what they ‘want,’ but instead who they are, what their values are, and what those values require” is “a conception of political freedom having deep roots in the American constitutional tradition.”<sup>44</sup> And it’s that basic conception—of a politics that emerges from a consideration not (just) of what we want but of who we are—that I want to explore.

As I’ve been saying, it’s a reason for caring about things that one thinks of oneself as being a person of a certain kind: what Frankfurt calls “identifying with what one cares about” can be structured by what I’ve called one’s identifications. But this raises a new question. We’ve been discussing irrationality—the failures of reason and information—mainly as a disjunction between our “naked” (ignorant or akratic) preferences and our “informed” ones. That is, we’ve been discussing our defections from rationality as obstacles to ethical success, where that success was defined, in part, by our ethical identities. What if our identities themselves harbor irrationality? Can we have rational aims in the service of an irrational identity?

### IRRATIONAL IDENTITIES

There are reasons to proceed carefully here. To speak about the rationality of identities, you might suppose, is like speaking about the size of colors, a Rylean category mistake. Doesn’t identity flow from feelings like identification, loyalty, a sense of belonging—feelings that don’t lend themselves to rational inquiry? But that can’t be the whole of it, of course. Insofar as identities can be characterized as having both normative and factual aspects, both can offend against reason: an identity’s basic norms might be in conflict with one another; its constitutive factual claims might be in conflict with the truth. These days, people often invoke the fact-value distinction in order to assert its collapse.<sup>45</sup> My own suspicion is that we have been apt to declare its demise too hastily; it wouldn’t be the object of so many search-and-destroy missions if it didn’t enjoy some lingering vitality. But for my purposes, little depends on where you stand in the debate. I will simply stipulate the commonplace that autonomy and well-being depend upon

ideals of rationality (and though I'll be ignoring question-begging accounts that define rationality simply in terms of the maximizing of well-being, I won't dwell on the contested nature of rationality). And so I want to propose a thought experiment that begins with some familiar premises—premises widely shared by secular and scientific souls, in our post-Weberian world—but swiftly overreaches the bounds of autonomist liberalism.

### *Voyage to Cartesia*

Imagine a Gulliverian visit to a regime that, in the name of promoting well-being, inculcates and fosters a creed we may call hard rationalism. The hard rationalists' creed isn't one that is universally shared—they have no time for the notion that rationality is situated or culturally relative—but it is common enough. It is the kind of ideal instrumental rationality enshrined in neoclassical economics and decision theory. The hard rationalists are (to bring in a few touchstones of the literature) sympathetic to Locke's notion that “the *freedom* . . . of man and liberty of acting according to his own will, is grounded on his having reason”;<sup>46</sup> they may have some kinship with the classical political philosophers who see the rational search for truth as the thing to be promoted. They also consider themselves liberals, of a sort: they care about personal autonomy, and rationality is an essential part of the kind of autonomy they seek to foster. Here in the republic of Cartesia, reason is seen as the foundation of democracy.

Since the hard rationalists were elected to office, they have introduced many uncontroversial reforms. For example, no accredited school in Cartesia may teach that  $2 + 3 = 7$ . Nothing to worry about in this. But they extend the principles of scientific rationality further—much further.

Consider an alchemist of yore, someone who had, as his driving ambition, the development of techniques to convert base metal to gold, by means of spells and tabletop chemistry. Hasn't misinformation or cognitive incapacity diminished the value of this life? Wouldn't a concern for his autonomy oblige us to try to show him the error of his ways? Thus the hard rationalists have decided—out of a concern for our autonomy and welfare, mind you—that the inculcation of irratio-

nal creeds is to be discouraged. Christians who believe in a God that defies the laws of science ought to be dissuaded from their false convictions: no resurrection, no transubstantiation. Surely, the hard rationalists say, a fellow who organizes his life around an entity that, contrary to his conviction, doesn't exist is not in possession of rational autonomy: we owe it to him to help him see his error. So it goes with religious adherents whose conduct is guided by rewards and punishments that will be meted out in the hereafter. Such a religion, argue Cartesia's governors, functions like a giant Experience Machine: it creates the illusion that this intention or that will produce various states of affairs, when those states don't actually exist.

Now, our hard rationalists happily tolerate a diversity of values, preferences, folkways. In addition to prizing individual liberty and autonomy, they value (up to a point) freedom of association, and, in their naturalistic way, they recognize that partiality is an ingrained aspect of human psychology. So they have no interest in expunging identitarian allegiances as such. There could even be religions that are consistent with their requirements. They have met Unitarians of a certain stripe (the kind whom, as the joke has it, you persecute by burning a question mark on their lawn) who seem to them sufficiently reasonable. Mordecai Kaplan, author of *Judaism as a Civilization* (1934) and founder of the naturalistic creed known as Reconstructionism, once defined Judaism as the folk religion of the Jewish people; the rituals were significant inasmuch as they enshrined certain social values, but he had little time for the supernatural as such. (No doubt I oversimplify.) Richard Braithwaite developed a form of Anglicanism consistent with his own empiricist bent, in which the theological elements ("stories," he called them) were psychological props for the moral demands of a Christian way of life.<sup>47</sup> A form of the faith thus anthropologized—denatured?—will not much trouble our hard rationalist.

It's where identities are grounded in mystifications, in failures of rationality, that intervention is required. For example, when members of a Jewish denomination define themselves as having a literal relation to the Exodus story, the hard rationalist scowls. He points to a scholarly consensus that the ancient Israelites were never in Egypt, that the Exodus story is a farrago of borrowed myths. And surely an identity that is rooted in and partly constituted by a false narrative is

itself a form of mystification. Maybe it's not as bad as Experience-Machine-like appeals to the supernatural, but it's still a form of deception. And the government will campaign against these mystifications in the same spirit in which it provides pamphlets and instructional materials concerning healthful dietary practices and the dangers of tobacco.

Indeed, social identities that involve no appeal to the supernatural, and no myth of origins, may still trouble our hard rationalists when these identities are self-undermining. In a variety of cases, an identity has a set of norms associated with it such that, in the actual world, attempting to conform to some subset of those norms undermines one's capacity to conform to others. The result is that its members have projects and ambitions that undermine one another, and, it's plausible to conclude, their lives will go worse than they might have if they had access to a (more) coherent social identity. A project to reform the identity in order to make its norms more harmonious might therefore seem to be in the interest of those people. If informing people of the facts could achieve this reform, then government might choose to do it; but if irrationalities lead citizens not to respond to the facts in this reasonable way, the governors of Cartesia might then consider other mechanisms of reform, if any were available.

Surely, there are many ethnic and racial identities in the modern world that fit this abstract characterization. They are self-undermining; their failures of rationality have been regularly announced to no obvious effect; and there are available mechanisms of reform that could be carried out by governments that would lead people to new, more rational identities. These reforms could thus increase the chances of ethical success among members of the identity group.

Let me depart the shores of Cartesia for a while and sketch in more detail the argument for one case: that of an American racial identity.

### *Black Like Whom?*

Identities give those who have them reasons for action, as I've said, and so people will say to themselves sometimes, "Because I am an L, I should do X." Such an appeal is, in the terms I am proposing, standardly an appeal to a norm associated with that identity. Most social

identities, especially of historically subordinated groups, have norms of solidarity: “Because I am an L,” an L will say, “I should do this thing for that other L.” An identity can be self-undermining, then, if the *social conception* that in part defines the identity pulls, so to speak, in different directions, because it has criteria for ascribing the identity that are inconsistent with the facts. Racial identities in the United States have exactly this feature. Many Americans believe that a person with one African American and one European American parent is an African American, following the so-called “one-drop rule” that prevailed in some legal conceptions of black identity in the period before the abolition of slavery and of the legal institutions of “Jim Crow,” America’s system of apartheid. While most Americans understand this to mean that some African Americans will “look white,” they mostly suppose that this phenomenon is rare in relation to the African American population as a whole. But in fact, it seems that very many—perhaps even a majority—of the Americans who are descended from African slaves “look white,” are treated as white, and identify as such.<sup>48</sup> To put the matter as paradoxically as possible: many people who are African American by the one-drop rule are, are regarded as, and regard themselves as, white. Most people in the United States have a social conception of the African American identity that entails that this is not so. So they have a social conception that is inconsistent with the facts.

The result is a norm of solidarity such that African Americans very often have a reason for identity-based generosity to people they believe, on the basis of another part of their social conception, to be white. If they acted on the norm based on the one-drop rule, their identity-based generosity would be regularly directed toward people they regard as whites.

To be sure, it is also part of the social conception of African American identity that there are some people of African American ancestry who were raised as white people, not knowing of their African ancestry; who look like other white people and thus have the skin-privilege associated with whiteness; and are, as a result, not really African American. People who have thought about the matter a little will know that this means that the one-drop rule is not to be taken absolutely, and that, as a result, their notion of what it means to be an African American has fuzzy boundaries. But, because they do not take to heart the inconsistency

that I have just described, they regard this as a minor anomaly that makes little practical difference. Nor will the mere provision of information solve the problem. There has been a great circulation of exactly the sort of information that I have been providing among educated Americans in the last few decades and, more particularly, among African Americans. During this same period, however, the sort of Black Nationalism I have identified has become stronger, especially among the middle-class black people who are most likely to have received this information.

Now, there are a number of rebuttals to the picture I've been sketching. Instead of concluding that African Americans, qua African Americans, typically have clashing constitutive convictions, one might conclude, rather, that they don't really abide by the one-drop rule. One could dispute, therefore, that the belief in question is really very important: if they don't really take hypostatic descent literally, perhaps it doesn't much matter that they give it lip service. Or one might conclude that people can possess an identity without sharing a plump and coherent theory of what it involves. One could further object that all groups, including those that command partiality, have fuzzy boundaries.

But suppose we take these men and women at their word. On the one hand, they have a social conception of identity that is at odds with the facts. On the other, they are infused with a sense of racial solidarity, a form of partiality; it is important to them that black people should do well; and making a contribution to that end is one of the aims by which they define the success of their lives. It is the similarity of this sentiment to the sentiment that underlies much patriotism that leads people to call such dispositions "nationalist." Like other nationalists, these people have the thought that they would like their people to do well *because they are their people*. It might be that if African Americans ceased to be (or, at any rate, to think of themselves as being) the victims of unrecompensed injustice, they might mostly cease to identify as African Americans, so that this form of nationalism would cease. But while it exists, the success of many African American lives is thus tied up with the project of racial uplift—a project, as I say, that highlights the inconsistency between one set of beliefs (about the prevalence of passing) and another (about how to ascribe African American identity). Can this identity be rationalized?

*Where Rationalizing Goes Wrong*

That's just the kind of question they'd ask in Cartesia; but, of course, not everything about Cartesia will strike us as unsympathetic. Our hard rationalists push antismoking campaigns, just as modern liberal states do; they, like us, are inclined to think that smoking is irrational, a detriment to our well-being. The trouble is that the governors of Cartesia don't stop with antismoking campaigns, or, for that matter, helmet and seat-belt laws. Black, Christian, Jew, Muslim: inasmuch as these identities are predicated upon falsehoods, Cartesia has devised programs to discourage or revise them.

Surely it's not absurd to think that the state has an interest in promoting rationality; and surely it's not absurd to think that rationality is a precondition of agency, which is, in turn, the ground of liberty. The state, we can agree, shouldn't automatically defer to the preferences of misinformed or panicked citizens. It must, in a wide range of affairs, act according to its best conception of the truth. And surely our lives go better when our aims are rational; as a rule, aims do not succeed when they're predicated on falsehoods. Our hard rationalist is, indeed, impressed by Griffin's discussion of the good life: "We want to be in touch with a reality outside ourselves. We do not want just to have convincing impressions of having a life of value, of accomplishing something with our lives. We also want to have clear perceptions of the reality about us."<sup>49</sup> *Clear perceptions of the reality about us*: Yes, says the Rationalist, now let me help you with that.

What, then, is wrong with this regime?

There's a cluster of immediate, contingent concerns we should take on board. Start with a mote-and-beam worry—it's the one I mentioned much earlier—about whether we can rely upon the governors to be more rational than the governed. Even if they were, one is inclined to doubt that any actual regime of this sort would treat its citizens with equal respect, and one is inclined to doubt that it would long command democratic support and legitimacy. (These are the sorts of considerations—preserving state legitimacy in the face of disagreement—that make neutralism attractive to Larmore and Nagel.) The governors of Cartesia are simply taking a hard-line stand on too many controversial issues. Which leads to another pair of worries: imagine the warfare that

would, in consequence, arise between the state and families (assuming the state doesn't want to take on responsibility for raising children). Such a regime would severely encroach on the liberty of parents. And such conflict is unlikely to be good for the child. (I'll say more about this later on.)

Then there are grounds for metaphysical and epistemological disquiet. How to characterize these putative failures of rationality is controversial, even (or particularly) among those who make a specialty of the subject. Earlier I mentioned the cordite haze enveloping the fact-value distinction. But even without taking a stand on that matter, and even accepting that it's better, *ceteris paribus*, that children not be taught false beliefs, we can acknowledge that few of our scientific theories are immune to revision. Mill himself recognized that large realms of human knowledge lacked the certitude of arithmetic: "The peculiarity of the evidence of mathematical truths is that all the argument is on one side. There are no objections, and no answer to objections. But on every subject in which difference of opinion is possible, the truth depends on a balance to be struck between two sets of conflicting reasons. Even in natural philosophy, there is always some other explanation possible of the same facts. . . . The beliefs which we have most warrant for have no safeguard to rest on, but a standing invitation to the whole world to prove them unfounded."<sup>50</sup> We would be reckless to rescind that standing invitation; we do well to pay obeisance to fallibilism.

The matter of analytic falsehoods raises another problem. Yes, certain beliefs are analytically false:  $2 + 3 = 7$ , for example; perhaps the doctrine of the Trinity is, too. In these cases, however, it's not clear how you could put them into practice—what it would mean to hold these beliefs, or whether, putting aside your protestations, you really could hold them. Gore Vidal likes to talk about ancient mystery sects whose rites have passed down so many generations that their priests utter incantations in language they no longer understand. The observation is satirical, but there's a good point buried here. Where religious observance involves the affirmation of creeds, what may ultimately matter isn't the epistemic content of the sentences ("I believe in One God, the Father Almighty . . .") but the practice of uttering them. By Protestant habit, we're inclined to describe the devout as believers, rather than practitioners; yet the emphasis is likely misplaced.

The critique of Cartesia could be extended; but, in sum, we could fault our hard rationalist for putting too little value on autonomy's autarchic dimension, and too much on (a controversial interpretation of) its rational dimension. In Cartesia, all forms of irrationality were discouraged. In a modern liberal democracy, only some forms of irrationality may be discouraged. Which are these? Here are some tenets to which many liberals, especially antiperfectionist liberals, would assent. Forms of irrationality that jeopardize the democratic polity (that, for example, straightforwardly interfere with the ability to exercise citizenship) are proper targets of state intervention. Such interventions ought to be disciplined by a concern for freedom of association, for the social forms that give meaning and shape to individual lives, and so we should tread cautiously around forms of irrationality that are linked to identity groups, especially religions. A balance of interests will be struck. Thus though the state should hesitate to campaign against the religious belief that Satan will snatch your soul if you eat too much carob, it may justly decide to campaign against the religious belief that Satan will snatch your soul if you enter the voting booth.

But what kind of rationality-promoting measures, if any, would be justified by a concern for my welfare alone? We've granted that the state can do many things in order to protect the well-being of its citizens: it puts up traffic lights at dangerous intersections; it monitors the quality of drinking water, enforces contracts, and all the rest. And, as we've seen, most liberals think it can promote certain values and foster rationality in order to serve civic ends, those involving the stability and survival of the polity. The question is whether it can promote rationality not for civic ends, but for my own good. We'll want to be sure that we can downshift from the impermissible regime of hard rationalism to a permissible one of more modest and prudent rationalism.

### *Abhorrent and Self-Undermining Identities*

How can we reconcile a respect for people as they are with a concern for people as they might be? How to bring together autonomism and constructionism—the sturdy value of negative liberty with an awareness of how our desires and identifications are shaped? Here we can learn from our earlier discussion of informed preferences, where we

concluded that an autonomist political order ought to attend neither to our bare preferences nor to “informed” preferences alone, but to some equilibrium of the two.

There are also lessons to be drawn from Cartesia. The hard rationalists viewed with disfavor religious identities that were bound up with beliefs they considered florid fantasies. They were confident that a state that cared for us would set about the project of soul making entailed by reforming our metaphysical convictions. And they’d have their hands full, too: given our defections from reason, all of us would likely have substantially “irrational” identities, at least by their lights. We found reasons to balk at their confidence. Some were to do with respect for autonomy, and with epistemic humility. But, as I also suggested, contemporary (and historical) religious traditions in many places do not share the concern for doctrinal correctness that characterizes much Christianity, for example, or some modern streams of Islam. It can be argued that many forms of modern Judaism, while committed to certain practices, are theologically quite noncommittal; and, indeed, there was once an Anglican bishop of Woolwich who confessed that being “honest to God” might lead to metaphysical atheism.<sup>51</sup> Yet there are cases where the urge to intervene is not so easily shunted aside; I’ll discuss two. The first involves what I’ll call abhorrent identities. The second returns us to our previous discussion of self-undermining identities—where the threats to our ethical success derive from the ways in which its norms pull in different directions.

There are identities—an example that suggests itself, not least by its self-awarded label, is the Christian Identity movement—that are constituted in part by profoundly unappetizing commitments. These are different from those of the theocratic communities we considered in chapter 3, which had the character of small despotisms; what’s at issue here isn’t any direct encroachment upon the self-direction of its members. Members of the Christian Identity movement, a quasi-religious sect in North America with perhaps fifty thousand adherents, hold an amalgam of evaluative and factual commitments (if you’ll suffer the distinction) that are deeply at odds with America’s moral modernity. They think that Anglo-Saxons and related groups are racially descended from the ancient Israelites; that Jews are the spawn of Cain, and Satanic in nature; that the “mud races” (nonwhites) are

subhuman; and so forth. Unless autonomy is weighed at naught, to treat members of the movement as the Chinese government has treated members of the Falun Gong would be insupportable. But neither must we bend over backward to insulate their creed from the burdens that come with being deeply antinomian. There's no cause to worry about the fact that the ordinary curriculum in our public schools, or, for that matter, many features of our civil and criminal code, conflict with, and tend to undermine, the teachings of the movement. On the contrary, this is surely a desirable result. Even people who wish to have no truck with soul making will happily accede, although they would offer another description of what was going on (e.g., teaching the truth, or discouraging immoral conduct, or equipping people for citizenship). What makes this case a little too easy, for my purposes, is that the identity in question is morally, not merely ethically, impaired: a creed that calls for race war and so forth directs us to engage in immorality. Our campaign against it will be in the name of morality, not the ethical flourishing of its members. Christian Identity may be bad for its members. Their lives will be impaired by these beliefs. But we don't take specific action against them for this reason; we generally do so only when they threaten others.<sup>52</sup>

A trickier case is the one I laid out earlier: that of self-undermining identities. (And let me again stress that false beliefs about one's identity do not, in themselves, make it self-undermining.) What if our identities make conflicting claims—are internally contradictory? Many people will accept that the state may foster rationality; many people will accept that the state can seek to promote well-being; almost everyone will agree that hard rationalism oversteps its brief. To what degree may the state legitimately seek to reshape contradictory social identities, thus reforming those whose individual identities are partially defined by them, in the name of the success of their individual lives? (Though I'm discussing the state in relation to identities and social forms, it should be obvious that the state isn't a major actor in these respects. Other elements of what we call "society" are.) In particular, how might the state respond to the irrationalities of race, beyond the mere provision of information?

Here's a relatively trivial example. Current U.S. practices presuppose, by and large, that there is a fact of the matter about everyone as to

whether or not she is African American. One is required to fill in forms for all sorts of purposes that fix one's race, and other people—arresting police officers, for example—may be required to do so as well. As a result, many people, who think of themselves as clearly and obviously black or white or something other than either of these in the racial system, are encouraged by this practice in the belief that the racial system is in fact relatively straightforward. Were the government to modify these practices, it would remove at least one tiny strut that gives support to the idea that social conceptions of race are consistent with reality: the fact that the state appears to be able to construct successful practices that assume that social conception. Such a modification could be motivated in many ways (not least by the recognition that the relevant social conceptions *are* rationally defective). But it might, surely, also be motivated by the thought that government action here could help to reshape—or, anyway, diminish the salience of—racial identities in ways that would lessen their self-conflicting character.

Of course, you can debate whether this is a state intervention or the cessation of one.<sup>53</sup> What's more, it will be correctly observed, at this point, that the policy I am speaking of here is necessary only because the state already collects racial "data." Why not simply say that the state should stay away from all racial classifications? There are benefits that might ensue; but, of course, the result would be to prevent the government from being able to assess the presence of discrimination, and to attempt countermeasures. And, for reasons that Robert C. Post has articulated, antidiscrimination law itself, though it is usually conceived as simply the assertion of the basic liberal tenet of equal treatment, can involve forms of soul making, too.

#### SOUL MAKING AND STEREOTYPES

I have spent some time considering those arguments for soul making which are meant to respond to our pervasive defections from reason. But the irrationality rationale hardly exhausts the grounds for liberal soul making. Liberal soul making may aim, as we've seen, at the modification of social identities in ways that derive directly from the recognition of their ethical importance.

To view antidiscrimination law in the context of soul making may seem contrary to its guiding spirit. For the usual conception of antidiscrimination law centers on equality, and equality is best understood negatively: equality as a political ideal is a matter of not taking irrelevant distinctions into account. People should be treated differently, so to speak, because there are *grounds* for treating them differently (or at least no grounds for not doing so): egalitarians are people who have strong views about which grounds are and are not permissible. Questions of equality arise largely when treatment is not only disparate but invidiously so. It's one thing to give pink cookies to the girls and blue ones to the boys: another to give the boys expensive toys and the girls cheap trinkets. Now, it used to be taken for granted that it was all right for the state and for private employers and for those who provided public accommodations to make invidious distinctions between blacks and whites, and between men and women. The statutes and the constitutional lawmaking of the last four decades include many attempts to get away from that practice and that assumption.

In particular, antidiscrimination law is aimed at what we might categorize as *public actions*. This term is intended to cover actions taken by state officials in their official capacity—which are clearly subject to norms of nondiscrimination—but also to include actions undertaken by people in the course of hiring and managing employees in large businesses and in admitting people to and ministering to them in public accommodations. It is an interesting question why, in a liberal society, antidiscrimination should be enforced as a legal norm in the sphere of public actions that are not state actions. I think the answer is clear enough: in our world, allowing each of us a fair chance at developing a dignified, autonomous existence requires that we have access to employment and public space, as well as to the rights and privileges of the citizen. If dignity and autonomy are core liberal values, a liberal will want the state to insist on reasonable access to employment and to public space for all. Why limit this insistence to public actions? Because to include other spheres of action within the ambit of antidiscrimination law—to require me not to distinguish between men and women, blacks and whites, in my everyday interactions—would infringe unduly on my capacity to construct my own life. Freedom of expression and of association are central to such self-construction, and requiring me

to have dinner parties at which gender or racial identity does not feature as a ground for choosing the guests interferes with these freedoms. Constraining employers, hotel-keepers, and the like by granting us public rights against them does indeed limit their freedom: but it does so in a way that is usually less central to their life projects than the opportunities they would deny us are to ours. (That is why the limitation to public actions is appropriate, though there is reasonable room for debate about exactly what belongs in the category of public action.) Where so constraining an employer does interfere profoundly with individual or collective projects—as requiring the Catholic Church to employ women as priests undoubtedly would—we cannot justify it on these grounds. And since we have, as a result, to adjudicate the claims of individuals against such organizations, we are speaking here of the balancing of opposing interests. It would be a mistake to allow the centrality of a project to my individuality by itself to trump your interests in such cases—do we want the centrality of anti-Semitic hatred to my life to entitle me to keep Jews out of my hotel?—and so we are obliged also, in the end, to address the merits of the projects.

This standard liberal account does not yet seem to entail soul making. But you will already have anticipated one shortcut that would take us there: perhaps *stereotyping* plays a role in our ethical identities and is a remediable defection from rationality. You would find support for this view in some legal opinions; as we'll see, judges sometimes refer to the notion of "irrational prejudice" in this context. And so you might think that when a society takes measures against such stereotyping, as via antidiscrimination law, it would, ipso facto, be remodeling our ethical identities.

But this is too quick. Indeed, it's worth pausing to reflect on the promiscuous use of the word "stereotype" in the legal judgments and argumentation that surround civil rights law. For in the context of American antidiscrimination law, the term "stereotype" covers at least three distinct ideas.

The first is the idea of ascribing a property to an individual on the basis of the belief that it is characteristic of some social group to which she belongs, where there is indeed a statistical correlation between that property and being a member of that group, but where, in fact, she does not have that property. This is the case of the strong woman who

presents herself for a job as a firefighter and is told that she will not be considered because “women are not strong enough to be firemen.” Here, there is a general fact about the group that is relevant to the employment decision—strength, let us suppose, really is what the case law calls a “bona fide occupational qualification” for a firefighter, and women really are, on average, less strong than men—but this general fact does not bear on the question of Mary’s suitability to the task if she is in fact stronger than most women, stronger, in fact, than the weakest male firefighter. Let’s call these *statistical stereotypes*.<sup>54</sup>

A second idea invoked by the word “stereotype” is just a false belief about a group. In the context of antidiscrimination, the relevance of such stereotypes—let’s call them *simply false stereotypes*—is that public actors may give as their ground for doing something the belief that A has some characteristic, because they believe that all members of a group to which A belongs have, or are very likely to have, that characteristic. And they may do this even when the characteristic is not, in fact, common in the group. The classic examples here are ethnic stereotypes, which lead people, say, not to do business with members of a group because they are purportedly “shifty and dishonest,” when, in fact, they are not, or not especially so. Simply false stereotypes burden people for no good reason, too. But to identify the burden may require an inquiry into whether the stereotype is, in fact, simply false.

The third, and, for our purposes, most interesting sense of the word “stereotype” comes up in the case of gender-related norms of dress and behavior. Two examples Robert C. Post has analyzed are *Wilson v. Southwest Airlines*, where an airline was sued for its policy of hiring only “attractive female flight attendants,” and *Craft v. Metromedia, Inc.*, where a TV anchorwoman complained that her employer insisted that she wear more “feminine” clothes.<sup>55</sup> In such cases, a stereotype is not a view about how members of the group behave *simpliciter*: it is a view about how they behave grounded in a social consensus about how they *ought* to behave in order to conform appropriately to the norms associated with membership in their group. I shall call this a *normative stereotype*. When employers require female employees to wear dresses and male employees not to do so, they are invoking normative gender stereotypes. (There are obvious connections between statistical and normative stereotypes, of course. Many of the generalizations involved in

statistical stereotyping are true because there are normative stereotypes to which people are conforming.)

Now granted these distinctions, we can see that different stereotypes deserve different responses. Both the first two kinds of stereotype involve error: intellectual error, since they involve misunderstanding the facts, with simply false stereotypes; or misunderstanding their relevance, with statistical ones. But there is no reason to suppose that normative stereotypes, as such, must be wrong, or that public actions grounded on them, even where they involve differences in treatment that are judged to be invidious, are to be criticized. (Given the way the clothing market works, the demand, made of a woman, that she wear business attire appropriate to her sex, may well require her to spend more money than does the same demand made of her male colleagues. That makes it invidious, since she is paying a cost in virtue of her gender. Still, it is not obvious that this is a harm that rises to the level of requiring a public right, or the expenditure of public funds, to remedy it.) And yet the courts have, in a variety of cases, taken it upon themselves to intervene in such normative stereotypes. And some of these interventions amount to piecemeal soul making.

This isn't precisely how the judges or the legislators would describe what they were up to, needless to say.<sup>56</sup> Post, in the course of an arresting and persuasive line of argument, has identified what he calls the "dominant conception" of American antidiscrimination law, according to which individuals are to be treated as if they lacked gender, race, and so forth; we are somehow to blind ourselves to these forbidden attributes and perceive only their inherent merit. Post wants us to recognize, on the contrary, that "antidiscrimination law is itself a social practice, which regulates other social practices, because the latter have become for one reason or another controversial. It is because the meaning of categories like race, gender, and beauty have become contested that we use antidiscrimination law to reshape them in ways that reflect the purposes of law."<sup>57</sup> Note that Post's argument is not just about the consequences of the legal decisions in antidiscrimination cases, but about their motivation, as well: his argument is that there's a mismatch between the "dominant conception" we have of what we're doing, and what we really are doing—that the patterns of actual judicial decision making better conform to his account than to the one that judges are

apt to invoke. As actually practiced, antidiscrimination law, in this view, does involve a management of “the natures and habits of men’s souls,” as Plato had it.

Post draws our attention to judicial interpretations of Title VII, where there is some mention of stereotypes, but the focus is not in the first place on normative stereotypes. The Court speaks of “stubborn but irrational prejudice” in *Lam v. University of Hawaii*—suggesting that cognitive problems, simply false or statistical stereotyping, are at issue. In *Donahue v. Shoe Corporation of America*, there is explicit mention of forming “opinions of people on the basis of skin color, religion, national origin, and other superficial features.” Similarly, in the ensuing discussion of state antidiscrimination statutes, there is talk of “stereotyped impressions about the characteristics of a class to which the person belongs,” which could also mean that the characteristics are incorrectly assigned either to the class (simply false stereotyping) or to the individual (statistical stereotyping).<sup>58</sup>

But there are hints all along that normative stereotyping is also in the offing. When Justice Brennan, in *Price Waterhouse v. Hopkins*, interprets the federal statute as insisting that “sex, race, religion and national origin are not relevant to the selection, evaluation, or compensation of employees,” he must mean that they are not relevant *in se*, since they are clearly relevant statistically. And to hold that they are irrelevant *in se* might seem to be to reject normative stereotypes that declare certain jobs suitable or unsuitable for African Americans or for women. Someone who didn’t engage in statistical stereotyping and had no false beliefs about the capabilities and character of women or blacks might still believe, by way of a normative stereotype, that each has a proper place that is different from the place of men or of white people.

How do we distinguish between *Wilson* (the case successfully brought by Southwest Airlines flight attendants) and *Craft* (the case unsuccessfully brought by the female TV news anchor)? Here we can say that the practice of offering airline service that is aimed at attracting heterosexual men of conventional tastes by requiring women to “act sexy” for them is demeaning to women in a way or to a degree that requiring a woman news anchor to “maintain professional, businesslike appearances, ‘consistent with community standards,’ ” is not. In fact the standards invoked by the television station KMBC in *Craft* presuppose that

women, though governed by different norms of dress, are nevertheless properly to be found in professional, business positions. This isn't to deny that the codes of dress for women in the "conservative" Kansas City market are likely to play a role in limiting the opportunities of businesswomen or reflect a lack of equal respect for them. But they do so to a significantly lesser degree than do the codes requiring airline attendants to engage in "sexy dressing."<sup>59</sup> The social engineering that antidiscrimination law involves is, indeed, piecemeal.

Normative stereotypes—which are close kin to what I've earlier called life-scripts—are central to an understanding of the place of identity and individuality in moral and civic life, in ways we've explored. But not just any normative stereotypes will do. They have to be consistent with the construction of a dignified individuality. To the extent that existing norms, enforced through public action, construct an identity as lacking in dignity, or have built into them the inferiorization of those who bear it, they fail to be so. As Post rightly insists, antidiscrimination law may be concerned with the reshaping of gender norms; it is not concerned with their abolition. The abolition of gender norms would be the abolition of gender and the radical transformation—perhaps beyond human recognition—of sexuality. But their reform could begin to make it less true that our society constructs women as inferior to men. Similarly, when everyday social practices—such as the provision of racially segregated public accommodations or the proscription of interracial relations—project "an inferior or demeaning image on another" (in Charles Taylor's formulation), proscribing such practices can be one way of reforming the social conception of the racial identity *black* with the aim of improving the success of the lives of black people through the reform of their identities. That is soul making par excellence; and for identities that have, historically, been wrongly derogated, such soul making, however piecemeal, can be one of the duties of a state that cares equally for all its citizens.

The example also shows why it's a mistake to think of soul making as something like brainwashing—to picture soul making as what happens when the state gets into your head. For, of course, the meaning of who I am isn't just in my head; my ethical projects flow from a universe of social facts. Inasmuch as our identities are social things—products of social conceptions and of our treatment by others—a shift in normative

stereotype changes who I am. At the same time, it is also open to me to contest the alteration of a social identity: perhaps what it means to be a man has changed, in the course of my lifetime, in ways I deplore. I can then resist the new scripts, the new normative stereotypes: public actions may change the meanings of social identities without eliminating the possibility of dissent and contestation. To have autonomy, surely, is to have the capacity to resist; as liberals, we may not impose a life upon someone against his or her will. But what may we do before people have a will at all?

### EDUCATED SOULS

“I think I may say, that of all the men we meet with, nine parts out of ten are what they are, good or evil, useful or not, by their education,” Locke wrote. “’Tis that which makes the great difference in mankind. The little and almost insensible impressions on our tender infancies, have very important and lasting consequences: and there ’tis, as in the foundations of some rivers, where a gentle application of the hand turns the flexible waters into channels, that make them take quite contrary courses, and by this little direction given them at first in the source, they receive different tendencies, and arrive at last at very remote and distant places.”<sup>60</sup> We may renounce Locke’s hopeful belief in some self-ratifying rationality; we may view the impressionable young as not quite so impressionable as he did. But there is no democratic society that does not take education—the French term *formation* is the argument in a word—with utmost seriousness, and none that does not contend with the prospect of educative soul making. It is a striking fact that, among developed countries, anyway, a program of universal education has indeed become universal.

Liberal-democratic approaches to education have typically involved those two concerns we touched upon at the beginning of this chapter. The first is to do with the good of the individual: preparing a child for an autonomous existence. The second is to do with the good of the polity: a self-perpetuating political order cannot be indifferent to the promulgation of at least some of its constitutive tenets. (It is a version of the dictum laid down by the architect of John Stuart Mill’s own

education, his father, James: “The end of Education is to render the individual as much as possible an instrument of happiness, first to himself, and next to other beings.”<sup>61</sup>

Still, this by itself does not tell us much about how government should play its part. One must not conclude that, because the state is bound to shape our identities, it should do so purposefully and with the good of each of us in mind, engaging freely in soul making. And neither the thought that some identities are obstacles to individuality nor the thought that they are instruments of self-creation establishes any real boundaries: it is preposterous to suppose that children could be aided—and equally unattractive to suppose that they *should* be aided—to reach adulthood with no social identities at all; but the fact that they will, perforce, have some set of identities underconstrains what we may do in shaping them during childhood. At the same time, it is abundantly clear that some parents view public education as a threatening and disruptive force in their lives. If your aim is to produce children who will hew to the luminous path of truth, then talk about self-creation, or, indeed, individuality is unlikely to put you at your ease. You will think not about the construction of character but about its corruption.

Here are two accounts of liberal education, the first from Bruce Ackerman, and the second from Michael Oakeshott:

The entire educational system will, if you like, resemble a great sphere. Children land upon the sphere at different points, depending on their primary culture; the task is to help them explore the globe in a way that permits them to glimpse the deeper meanings of the dramas passing on around them. At the end of the journey, however, the now mature citizen has every right to locate himself at the very point from which he began—just as he may also strike out to discover an unoccupied portion of the sphere.<sup>62</sup>

Each of us is born in a corner of the earth and at a particular moment in historic time, lapped round with locality. But school and university are places apart where a declared learner is emancipated from the limitations of his local circumstances and from the wants he may happen to have acquired, and is moved by intimations of what he has never yet dreamed. . . . They are, then, sheltered places where excellence may be heard because the din of local partialities is no more than a distant rumble.<sup>63</sup>

Despite the political distance between the two authors, both of these accounts are, in deep ways, strikingly consonant with the Millian vision. They eloquently express some widely shared (albeit liberal) ideals of what education should do for us: that it should, as we say, “expand our horizons,” that it should expose us to a broader world than the one we already inhabit. And, of course, these accounts emphasize the immediate benefits to the children, who may gain deeper understanding of the “dramas passing on around them,” who may be “emancipated from the limitations of . . . local circumstances.”

Yet almost any educational system, even one that avowedly relinquishes a civic mission, is going to have to contend with people who feel threatened by its manner or its substance. Take those two descriptions of liberal education. Both sound pluralist, humane, openhearted: and, for some citizens, this is just the problem. If you think you dwell in the City upon a Hill, you may not be pleased to see it reduced to a mere point on “a great sphere”; nor will the promise to reduce “local partialities” to a “distant rumble” necessarily please those whose partialities they are.

Here we should start with the assumption that the role parents play in the raising of children gives them rights, in respect to the shaping of their children’s identities, that are a necessary corollary of parental obligations. We do not believe that social reproduction should be carried out as it is in *Brave New World*. We believe that children should be raised primarily in families and that those families should be able to try to induct their children into the mores, identities, and traditions that the adult members of the family take as their own.

Of course, if your only goal were to secure the “reservoir of individuality, the springs of difference” that Horace Kallen identified with ethnic pluralism, you could imagine other means to that end. The state could take over the raising of children and assign them, more or less arbitrarily, to one of a range of “interesting” identities. The resources for self-construction available would depend solely on the imagination and the will of the state and its servants, along with whatever spontaneous inventions would occur among the adults in such a society. This alternative is a pretty far-fetched one. The intimacy of family life; the love of children for parents (and other relatives) and of parents (and other relatives) for children; the sense of a family identity, family traditions:

all these would be lost (along, I might add, with the meaning invested in family feuds). More than this, the state would be endowed with a quite enormous power in the shaping of the citizenry; a power whose potential for abuse is obvious enough.

Once we have left the raising of children to families, we are bound to acknowledge that parental love includes the desire to shape children into identities one cares about, and to teach them identity-related values, in particular, along with the other ethical truths that the child will need to live her life well. Alasdair MacIntyre puts it this way: “We enter human society . . . with one or more imputed characters—roles into which we have been drafted—and we have to learn what they are in order to be able to understand how others respond to us and how our responses to them are apt to be construed.”<sup>64</sup> A state that, in the name of a child’s future autonomy, actively undermined parental choices in that regard—this was, recall, one of the troubles with *Cartesia*—would be a state constantly at odds with parents: and that would not be good for their children.

These considerations don’t override the requirements of political order, but they will inevitably temper them, and the role that education does and should play in the creation of citizens has long been controversial. In a 1909 book that has served as a touchstone of one approach, Ellwood Cubberley, a prominent, progressive American educator, voiced alarm at the recent immigrant wave of “southern and eastern Europeans”:

Illiterate, docile, lacking in self-reliance and initiative, and not possessing the Anglo-Teutonic conception of law, order, and government, their coming has served to dilute our national stock, and to corrupt tremendously our civic life. . . . Our task is to break up these groups or settlements, to assimilate and amalgamate these people as part of the American race, and to implant in their children, so far as can be done, the Anglo-Saxon conception of righteousness, law and order and popular government, and to awaken in them a reverence for our democratic institutions and for those things in our national life which we as a people hold to be of abiding worth.<sup>65</sup>

The passage is a combination of the appalling and the appealing. His recent commentators have little time for the racist assumptions, the national stereotypes, the fear of ethnic differences—for the notion that

civic survival requires the imposition of a unitary Anglo-Saxon identity. On the other hand, as they recognize, the ideal of literate and self-reliant citizens who care about the rule of law and popular government is not a thing to discount. The enduring question is whether we can have the latter without some version of the former.

“A liberal democratic polity does not rest on diversity, but on shared political commitments weighty enough to override competing values,” Stephen Macedo writes, and he stresses that “the abstract ideals of liberal justice lay claims of mutual respect on every group in society, whereas the claims of particularity advanced by pluralists create no necessary claim for tolerance or respect.”<sup>66</sup> What he calls transformative liberalism suggests that one legitimate function of a liberal state is, and has been, to attenuate the strong, *Blut-und-Boden* identitarian commitments it encounters: to process the surly sources of alternative authority—whether Catholicism or English nativism—and leave something diluted by broader liberal commitments: call it Identity Lite. Historically speaking, this is precisely what the American republic has done, which is what some find so alarming. And yet it is not enough to find a balancing of interests between We the People and We the Peoples; we must also consider the interests of Me the Person, while acknowledging the enmeshment of them all.

No system of compulsory education can sidestep such tensions altogether. Indeed, if it has been common to view preparation for autonomy and citizenship as being at the heart of education in a liberal democracy, it has, in turn, been common to identify as a major source of conflict the tension between the present autonomy of parents and the interests (or, we could say, the future autonomy) of the child. What is in fact in the interest of a child may itself be a crucially contested matter. But even if you flatly identified the interests of the child with the project of “democratic” or “liberal” education, you’d still have to address the question of how to take parental desires into account. As Eamonn Callan points out, parents can make all sorts of bad choices that we’d never dream of interfering with. Suppose, he says, the parents of a musically gifted and engaged child can afford to buy him a piano, or take an expensive vacation, but not both; they decide to take the vacation. However much we might condemn the decision, he says, “scarcely anyone would think the parents were not within their moral right in choosing

as they did.” We may conclude, he says, that “just because a particular option is educationally bad it does not follow that parents have no right to choose it.” As he frames the problem, “the heart of the matter is how to distinguish bad educational options that are within the scope of parents’ rights from options that are bad in a way that puts them outside, all the while avoiding both parental despotism and its child-centered inversion.”<sup>67</sup>

Now, you might think that the state should intervene against parental preferences only when those preferences would severely diminish a child’s well-being. (After all, we don’t think parents would be within their moral rights if they chose to malnourish their young.) But our intuitions about when to intervene don’t track with magnitude of harm—with how greatly some act would diminish a child’s well-being. Suppose the child in question has an enormous musical gift, which brings him and others deep gratification. It may be that the parents’ decision (add ancillary stipulations to taste) will enormously diminish his well-being. Our disapproval grows—but most of us still wouldn’t think a liberal democracy should coerce them into making a better decision. Conversely, we can imagine plenty of scenarios in which, although a child’s well-being would be only modestly diminished, the state could legitimately infringe on parental choice. The parent’s wish to have a child educated at a particular school might be defeated if the state refuses to certify the school, perhaps judging it to be educationally inadequate; and the state would be within its rights even if the child would be only a little worse off. Social services will remove an abused or neglected child from its parents: but perhaps the occasional black eye will have diminished the child’s present happiness and future prospects far less than the missing piano. When we speak of the well-being of the child as the primary concern, then, the notion of it we have in mind is a satisficing, not a maximizing, one.<sup>68</sup>

Which doesn’t tell us much about what children may, and *must*, be provided. Let me return to our piano-deprived prodigy for a moment, and increase the stakes all around. Suppose, on the one hand, that the child’s parents belonged to a fundamentalist sect that had, as a core and constitutive commitment, the renunciation of all music. Because they view music as sinful, they have refused to let their child have any further exposure to it, and have expressly demanded that the school

accommodate their wishes. The issue of citizen-competence isn't at stake; playing the piano isn't an aspect of that. (And the belief that music is sinful, unlike, say, the belief that voting is sinful, doesn't directly undermine the civic aims of democracy.) A parent's ambition to raise a child of his or her own religious identity is something you'd infringe upon only with extreme reluctance, if at all. Are there any conceivable circumstances in which government officials properly could? Suppose we have reason to think that the child would thereby be deprived of his only real chance of flourishing: perhaps because the child is severely disabled in other respects. Surely it's just a fact that this vocation requires the acquisition of skills starting at an early age; you can't start only upon reaching majority and achieve real proficiency. So it's just possible that there could be circumstances in which, as a last resort, the state would be justified in intervening, maybe even in removing child from his family. Such an action would flow from the determination that the child will otherwise fail to reach a minimal level of well-being.

But states can and do make educational requirements that go well beyond baseline welfare; and conflicts between parental rights and a child's "rights in trust" (in Joel Feinberg's formulation)—or, less tentatively, conflicts between parents and schools—can be difficult to sort out. That's especially so when those conflicts are organized along identitarian lines.

First, a caveat. I will be moving on, in the next section, to focus on identity-related truth claims, and the focus will seem natural, given the prominence of the "creation science" controversy, and the like. But, as I've suggested earlier, we should resist thinking of conflicts between identity groups as simply conflicts between belief systems. Social practices aren't just sets of propositions; and the significance of an avowal—the recitation of the catechism, say—may lie primarily in its performance rather than in its assertoric force.<sup>69</sup> Just so, much of what we learn in the classroom isn't reducible to the official content of instruction, and identity-based clashes can arise even from pedagogic style.

Let me start with a minor example of such a clash. Suppose an instructor, intent on preparing her students for the demands of liberal democracy, establishes a rule that no discussion is complete until everyone has spoken. The idea is that everyone is of equal worth, and so

equally entitled to express his or her opinions and receive respectful attention. The instructor also makes a habit of asking children to explain what other children have said, for a dialogue of equals requires listening as well as speaking. These practices are meant to be ways of communicating equality of respect and the place of discourse and reason in the relations of people who respect one another. (Adherents of “constructivist pedagogy” are particularly partial to this sort of approach.) On this theory, a child who has learned spontaneously to attend to what other children say and who expects a discussion of a question to be one that requires everyone’s voice is learning about dignity and respect.

None of this sounds terribly controversial (putting aside, for a moment, the empirical questions about efficacy). But it already raises problems in our ethnically plural society. Not every social group in this country believes that children should be encouraged to speak up: some Chinese American families teach children that proper behavior calls for attentive silence in the presence of adults—and the teacher is an adult. Children know nothing, after all; or, at least, nothing of importance. They are in class to learn. From this perspective, the practices I have just described look guaranteed to produce children who chatter and expect to be listened to; children, in short, who are ill-mannered.<sup>70</sup>

I have said that, though parents have the central role in raising their children, the state can rightly intervene to protect the child’s growth to autonomy; if the sorts of practices I have described were necessary for that purpose, they could be warranted by that fact. But the parents do not lose their role because the state’s experts have a good-faith disagreement with them about what is best for their children. It would be open to our instructor to defend her pedagogical technique as something more than a sectarian preference: facility with language and its use in social life requires lots of practice; it may be that children who are talked to and reasoned with do better, on average, at cognitive tasks that are broadly useful in modern life. But Chinese Americans have not been having a hard time preparing their children to perform well at the cognitive tasks by which our schools measure their success and failure; and it is not an unreasonable hypothesis that the capacity for careful attention and for sustained intellectual work is connected with being able to sit quietly in the presence of adults. Our instructor could, for her

part, explain to parents that her practices place value on listening as well as on speaking: and that both of them are consistent with, for example, insisting that children also learn to work quietly together and alone. In all events, an amicable solution would not seem out of reach; neither party is likely to see the other as a looming peril.

At the other extreme from these practice-based conflicts are concerns about the content of the curriculum, which can get quite heated even when they don't frontally involve identity issues. There are curricular questions, for example, about what weight to place on various topics. How much American history should children in America know? Within that history, should the focus be on individuals or on social processes; on America's failures or her successes? In recent years, some critics have objected to a history curriculum that has too much of Harriet Tubman and not enough of Thomas Jefferson; and they have also objected to a curriculum whose discussion of Thomas Jefferson focuses too much on his betrayal of liberty—in his persistent failure to emancipate his slaves—and not enough on his place as the author of the Declaration of Independence, as liberty's champion. No doubt a focus too lopsided shades off into simple untruth: the real debates here, though, are not about what happened but about what narratives we will embed them in; they are about which of the many true stories we will tell.

From the point of view of democratic politics, these questions aren't terribly daunting. We need to prepare children with the truth and the capacity to acquire more of it. Because—like us, but more so—they cannot absorb the whole truth, in all its complexity, all at once, we must begin with simplified stories; sometimes, even, with what is literally untrue. The obvious model where untruth prepares the way for truth is physics: the easiest way, we think, to prepare children for Einstein and Schrödinger is to teach them Newton and Maxwell first. But Newton and Maxwell did not know about relativity or about the indeterminacy of the fundamental physical laws, and so their physics, which assumes absolute space and deterministic laws, is just not true. And the teaching of history is full of cases where we can delve deeper as we grow older into stories we first heard, in simplified versions, in first grade. Because it is on the way to the truth, or because it is the closest thing to the truth that, at a certain age, they can understand, such misinformation (and misinformation is what it is, strictly speaking) can be seen

as aimed at helping children develop toward an autonomy rooted in the best available understanding of the world. The hard cases, of course, are the ones where the controversy is about what the truth is.

### CONFLICTS OVER IDENTITY CLAIMS

The greatest controversies about education in democracies, as we know, tend to occur when people feel that their own children are being taught things that are inconsistent with claims that are crucial marks of their own collective identities. I shall call a claim—whether moral or not—that is, in this sort of way, implicated with a certain collective identity an *identity claim*. Much debate over what shall be taught in the schools about identity claims is thus centrally concerned with insisting on the state’s recognition of some identities (say, Christian) or its nonrecognition of others (say, lesbian and gay). Now, it will immediately be clear why the notion of raising children to autonomy—with its corollary that we should equip them with the truths they need—does not help much in deciding what should be taught about these particular questions. It does not help because there is substantial social disagreement as to what those truths *are*; and, in the cases where the claims in dispute are identity-related, such disagreements, we can predict, will not be settled by the appointment of commissions of experts to resolve them. “In regard to religion, I do not think it right either oneself to teach, or to allow anyone else to teach one’s children, authoritatively, anything whatever that one does not from the bottom of one’s heart & by the clearest light of one’s reason, believe to be true,” Mill wrote in an 1868 letter to a certain Charles Friend;<sup>71</sup> it is a precept that has been taken to heart most zealously by his opponents.

You might think the answer should be to stress the democracy in liberal democracy. Let us have public debate among equals and then vote for what should be taught. But one option, in that public debate, is to declare that on some topics we may require the state to step back and leave the matter to the parents. It is not the case (though this seems often to escape notice) that the only option—even in a majoritarian system)—would be to teach what the majority believes to be true.

Here, by way of an unphilosophical compromise, is one proposal: where identity-related propositions are at stake, parents are permitted to insist that their children not be taught what is contrary to their beliefs; and, in return, the state will be able to insist that the children be told what other citizens believe, in the name of a desire for the sort of mutual knowledge across identities that is a condition for living productively together.

Thus it seems reasonable to teach children about the range of religious traditions in the communities within which they live (indeed, in the world), without requiring them to assent to any of them, so that, to begin with, at least, they will assent only to the religion they have learned at home. This allows the children the knowledge to make identity choices as they themselves grow to autonomy; but it gives parents a special, primary, place in shaping those choices. Only where a parent's choice seems to compromise the possibility of an autonomous adulthood (as would be the case with a refusal, on religious grounds, to allow one's children to learn to read) must the liberal state step in. The proposal is inherently vague—just when have a child's prospects for autonomy been substantially compromised?—and how civic-minded liberals will feel about an inherently vague proposal like this will depend, in part, on how they balance the contending claims; on whether my notion of “good enough” autonomy is good enough for them. But the proposal will not necessarily satisfy all those seeking exemptions either, which I suppose is what makes it a compromise.

Consider the case of *Mozert v. Hawkins County Board of Education*, in which a group of fundamentalists objected to the adoption of the Holt, Rinehart and Winston “basic reading series” in their local elementary school. (The case, which started making its way through the courts in 1983, has been widely analyzed, and its history ably recounted in a book by Stephen Bates.)<sup>72</sup> Some of the parents saw Satanism in stories that involved, say, invisibility or the ability to read minds; others objected to passages that celebrated women for accomplishments outside the home. The U.S. Court of Appeals, in ruling against the plaintiffs, was struck by their intolerance: they had made it clear that the mere exposure of their children to the offending themes—such as magic, feminism, and telepathy—was intolerable, whether or not these things were presented as true. And, indeed, Vicki Frost, the plaintiff

who testified at greatest length, said that it would be acceptable for the school to expose her children to the beliefs of other religions or philosophies only if they were identified as erroneous. So my proposal would not satisfy these parents. Indeed, if one took them at their word, one might despair of reaching any lasting compromise with so uncompromising a group.

But when one descends to the messy particulars of the situation as it developed—attends to all the missed opportunities for conciliation and the hardening of positions on both sides—one is struck by how readily the whole battle might have been avoided. The pedagogical theories of the plaintiffs were extreme. Not so their specific demands: that they be allowed to keep their children enrolled in the school but opt out of the reading classes. (Testing could have been conducted to ensure that their children’s reading proficiency kept pace with the required standards; and the parents would have accepted the additional burden of providing alternative reading instruction.) The goals of democratic education are advanced only if the illiberal stay in school; and the in-or-out stance of the Hawkins County School Board ill-served that purpose.<sup>73</sup>

By invoking prudential considerations, I don’t mean to sentence the civic-minded to a career of reflexive conflict-avoidance: to what might be termed “aversive liberalism”—the sort that aims only to give no offense. The reason that political officials have to exercise caution and discretion in these circumstances is simply that education is compulsory. And, on its face, there is indeed something coercive about a system of universal education. This should worry us—up to a point. A blind man undergoes sight-restoring surgery against his will; that doesn’t mean that subsequent decisions based on what he can see are coerced.<sup>74</sup> There *can* be a coercive element in what we blandly term the provision of information, make no mistake, but the element of coercion needn’t carry through.

As you’d expect, public schools already maintain a gingerly reticence about the more salient identity claims. In the United States, public-school students will be instructed in arithmetic and science and history, but their teachers will not promulgate views about God’s existence or Christ’s benevolence; and given the thinness of our “civic religion,” this suits most people just fine. Many identity groups that make thicker

claims are resigned to being at odds with the official curriculum. Where they are not, the concern for the child's prospective autonomy does have bite. The proposal we've discussed has as a consequence that if intolerance of other identities is built into an identity, or if learning the views of others except as shameful error is one of their norms, we will be seeking, in public education, to reshape those identities so as to exclude this feature. This is liberal soul making, again. Actually existing liberalism, of almost any description, is more than a procedural value: it places a substantive weight on creating a social world in which we each can have a good chance at a life of our own.

It bears repeating that my aim in this chapter has been to venture an account of where soul making fits into a liberal-democratic politics; it has not been to expand or diminish its purview. Because we are persons, our autonomy ought to be respected; because we are encumbered, socially embedded, selves, we will use our autonomy to protect and preserve a wide variety of extraindividual commitments. Finally, because we are human beings, we are frail, and we are *formed*; it is our nature to shape our natures. Earlier I mentioned the seeming paradox that Mill's paramount concern for freedom as noninterference enfolded a concern for governance that had a positive influence on the character of its citizens: what he understood was that the "self" in "self-development" had to be the object of the process before it was its subject—that the cultivation of individuality was the most social thing of all. "What self-culture would be possible without aid from the general sentiment of mankind?" Mill asked in an 1854 essay, "Nature." Soul making is a part of politics, if not in that Platonic sense wherein it is the purpose of politics, then at least in the sense that political decisions must take into account the effects they have on the character of citizens. And so it would be pointless to praise or dispraise soul making in itself, to characterize it as an ally or adversary of individuality: a knife in the hands of an assailant can take a life; a knife in the hands of a surgeon can save one. "The duty of man is the same in respect to his own nature as in respect to the nature of all other things," Mill wrote in the same essay, "namely not to follow but to amend it."<sup>75</sup> The verb "amend"—rather than, say, transform, eradicate, or harness—is a modest one, and properly so. There's a reason that the various discussions in this chapter

have concluded with some gesture toward a necessary equilibrium—between our bare and “informed” or “rational” preferences, between a concern for people as they are, and for people as they might be, the identities we have and those we might achieve. In each case, to ignore the first term is tyranny; to give up on the second is defeatism, or complacency. We have other choices.