THE 2003 JOHN L. MANION LECTURE

THE MYTH OF SHARED VALUES IN CANADA

Joseph Heath

OTTAWA, Ontario
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INTRODUCTION

Jocelyne Bourgon
President
Canadian Centre for Management Development

The Canadian Centre for Management Development's (CCMD) annual Manion Lectures are meant to be a learning experience, bringing together leaders of the public service and members of the academic community concerned with issues of contemporary, comparative governance and public management. The Manion Lecture is named in honour of CCMD's first Principal, John L. Manion.

During my tenure as President of CCMD, Manion lecturers have addressed pressing public policy and public management issues that affect the professional roles and responsibilities of public servants. CCMD has invited speakers from diverse backgrounds, professions and ideological perspectives. They have been encouraged to challenge orthodoxies, speak to the future and to broaden the horizons of federal public servants.

The 2003 Manion lecture was attended by approximately 300 federal public servants, and was delivered by Canada Research Chair in Ethics and Political Economy at the Université de Montréal, Professor Joseph Heath. His lecture was entitled "The Myth of Shared Values."

Shared values are very topical and the subject of great debate in Canada presently. The Department of Foreign Affairs and International Trade is promoting Canadian values around the world; the Romanow Report, *Building on Values: The Future of Health Care in Canada*, claims to be based on a core of values shared by all Canadians; and many politicians are advancing the notion that there is a set of common values that exists among Canadians. Among these "shared" Canadian values are democracy; universal respect for human rights; equity; fairness; diversity, and solidarity. More and more frequently, there is reference to Canadian values, or a set of values shared by all Canadians in the media and in the public and private sectors.

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But, is this necessarily true? Do Canadians have a set of shared values? This was the question addressed by Professor Heath who began his lecture by exploring the history and definition of values in philosophy and the social sciences. From values, Professor Heath explored the notion of shared values and their over-usage in Canada, which results in a pluralism of values, or 'value pluralism' as defined by philosopher John Rawls. With so many shared values at play, Professor Heath argued that values were vague and lacked substance. If it is the case, what should Canada's decision makers use to formulate public policy? Neutrality and principles, which lead to liberal neutrality, is the answer provided by Professor Heath.   Principles such as efficiency, equality, autonomy and non-violence enjoy the support of a great number of Canadians, including the proponents of shared values. According to Professor Heath, liberal neutrality does not imply that the state's actions are neutral, rather that Canada's actions not be grounded in a set of values that are contested. Instead, Canada's actions should be dictated by the idea of neutrality and an associated set of principles.

Professor Heath's thesis and critique of how public policy is made prompted much debate and reflection on whether the use of the "shared values" model requires critical reflection and appraisal. Creating such a debate is one of the core objectives of the Manion Lecture.   I am grateful to Professor Heath for launching such a debate.

THE MYTH OF SHARED VALUES IN CANADA

Address by Mr. Joseph Heath at the occasion of the 2003 Manion Lecture organized by the Canadian Centre for Management Development on May 15, 2003. Mr. Heath is Canada Research Chair in Ethics and Political Economy, at the Université de Montréal.

In philosophical circles, there is currently a lively debate concerning the status of what we call "folk psychology." This term refers to the psychological theory that people use, in everyday contexts, to interpret one another's talk and actions. We all generally suppose that people have desires, which they seek to satisfy, plans that they develop, beliefs about how best to achieve their goals, and so forth. There is a basic psychological theory implicit in such claims. The reason that we need such a theory is fairly self-evident. The factors that go into determining human behaviour are extremely complex, and for the most part hidden from view. Thus we need a model of how people typically behave, and what sort of psychological states inform this behaviour, in order to be able to predict or respond to their actions.

There is nothing wrong with this theory, insofar as it helps us to go about our business with a minimum amount of fuss. The problems arise only when we start to take it too seriously. This is because folk psychology, interpreted literally, is a false theory. To take just one example, if we assume that people actually have a collection of things called "beliefs" in their minds - as brain states - it quickly leads us into incoherence. The vast majority of people undoubtedly believe that moose in the wild do not wear raincoats. And yet very few people would actually have had such a belief in their brain, prior to reading the previous sentence, simply because the thought had never occurred to them. So in what sense can they have been said to believe it?

It is not my intention to enter into these debates. I mention them only as a way of introducing the suggestion that folk-psychology has a sister-theory, one which has received considerably less attention. I call it "folk sociology." In the same way that we all go about life with a more or less implicit theory of how people are wired up, we also engage in social interactions with a more or less

implicit theory of how society works. Again, the reason that a theory is needed in this department is fairly self-evident. There is something quite mysterious about the way that societies function - the way that sometimes they hang together, sometimes they fall apart, sometimes they are stable, sometimes they undergo radical changes, etc. Thus we posit a set of explanatory factors: institutions, traditions, values, classes, markets, interests, and so forth, as a framework for understanding these dynamics. This is our "folk sociology."

Again, there is nothing wrong with this theory, when used as a rough guide for interpreting political events and social changes. If, however, we intend to use this theory for more serious purposes, and in particular, if we intend to use some specific elements of it as a background set of assumptions in the development of public policy, then we had better be sure that it is correct. Our common-sense understanding of how society works should enjoy no special presumption of truth, any more than our common-sense understanding of human psychology.

I mention this because there is one central element of our everyday folk sociology that has, of late, begun to exercise considerable influence in public policy thinking. It is also an idea that, upon a moment's inspection, reveals itself to be false. The idea, simply put, is that societies are held together by shared values. More technically, the claim is that social integration is achieved through value-consensus. When speaking loosely, there is nothing wrong with such a claim. And there is no reason that politicians on the campaign trail should not appeal to "shared values" among Canadians. But we should not let this kind of talk mislead us into thinking that citizens of Canada - or any other liberal democratic society - actually have shared values. Such an assumption is at odds not only with everything that we know about the pluralistic character of our country, it is also in tension with some of the basic principles that govern our public institutions, not the least of which is the commitment to respect the rights of individuals.

In this presentation, I would like to explore the origins and consequences of the myth of shared values. I will argue that this idea, when formulated concretely, is subject to overwhelming empirical refutation. When formulated more abstractly, it becomes

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irrefutable, but also extremely unhelpful. The basic institutional structure of liberal democratic societies was designed with the specific intent of providing a framework within which citizens could engage in mutually beneficial co-operation *despite fundamental disagreements over questions of value*. In other words, the governing principles of our political institutions are provided, not by some set of shared values, but rather by the goal of providing a framework that will be neutral with respect to controversial questions of value. I will try to show, with a few examples, that thinking about public policy in terms of neutrality, rather than shared values, not only follows more closely the existing logic of our political institutions, but also provides more useful guidance when it comes to sorting out concrete questions of policy.

1. Origins of the myth

I would like to begin just by saying a few words about the origins of the myth of shared values. The modern era, as we all know, has been characterized by an unprecedented level of political, economic and social changes. Prior to the 16th century, there was a strong tendency among European thinkers to regard the social order as something timeless and immutable - not only part of the divine plan, but also imposed by divine will. Modern thinkers, on the other hand (and for obvious reasons), have been far more impressed by how unstable the social order can be. Underlying this instability is the characteristic of human beings that Immanuel Kant referred to as our "unsocial sociability." We are intensely social animals, relying heavily upon co-operation with one another in order to secure even the most rudimentary necessities of life. Yet given that we are so dependent upon one another, we are also remarkably difficult to get along with. A certain fractiousness seems to be endemic to every form of human association: religion generates schismatics and heretics, states generate secessionists and dissidents, even families produce black sheep and divorcés.

There is a longstanding tradition in political philosophy, dating back at least to Plato's *Republic*, that compares human society to a bee hive or an ant hill. Yet while one can see systems of co-operation among bees and ants that are comparable in complexity to those among humans, one never sees bee hives or ant hills dissolving in anarchy or civil war. There is something mysterious about social order among human beings, something which makes it more of an

achievement and less of an innate structure. Hence the central problematic of sociological theory: what is the "glue" that holds human societies together, and that sometimes fails to hold them together?[1]

Of course, there have always been thinkers who are prepared to deny that any such glue is required. At the end of the 19th century especially, the influence of economic modes of thought had popularized the idea that unbridled self-interest, when reconciled through the invisible hand of the market, would be sufficient to guarantee both order and prosperity. Most notable in this respect was the theory of "spontaneous order" outlined by Herbert Spencer and developed by Friedrich von Hayek. The thought was that, given a basic set of rights to property and personal liberty, people could be expected to establish their own stable set of cooperative relations, without external guidance. The problem with this theory, however, is that as an explanation for social order it begs all of the important questions. Given a set of rights, order may be possible. But how do we get these rights, or more importantly, how do we persuade people to respect the rights of others? Self-interest alone is manifestly insufficient, given the individual incentives that exist to engage in the use of force or fraud. Thus the question returns: what is the glue that makes a society hang together?

The answer that acquired increasing popularity in the early 20th century takes as its point of departure the observation that a key component of the orderliness of social interactions is our willingness to abide by a set of shared rules of conduct, even in cases where these rules impose some personal disadvantage or hardship. The question then is how a society can succeed in motivating people to act in a way that is contrary to their narrow self-interest. If everyone sat down and did a cost-benefit analysis before deciding whether to pursue a life of crime, the consequence would be a breakdown in social order. The actual rates of apprehension and punishment are simply too low to serve as an effective deterrent. What we rely upon, as a society, is simply the willingness of the vast majority of the population to "play along" with the rules, regardless of the fact that each could derive some personal benefit from crime or deviance.

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[1] For general discussion, see Jon Elster, *The Cement of Society* (Cambridge: Cambridge University Press, 1989).

So how do we explain the voluntary dimension of social order? The key theoretical breakthrough arose from the suggestion that the system of external sanctions need not provide full deterrence simply because the vast majority of individuals will have *already internalized these sanctions through a process of socialization*. To understand social order, according to this view, one need only look at the process through which children are transformed into adults. Of course, socialization is not simply a matter of conditioning. Unlike Pavlov's dog, the dispositions that children acquire through socialization tend to be extremely generalized, and symbolically structured. Thus it was concluded that what people acquire through early-childhood socialization is not a set of conditioned responses, but rather a *personality structure* that gives them a stake in the preservation and reproduction of a certain social order. They are willing to respect this order, and even to defend it at great personal cost, because some element of their personal identity is tied up with its stability.

One can find early versions of this theory implicit in the work of both Sigmund Freud, among psychologists, and Emile Durkheim, among sociologists. But the great synthesis of the two traditions was achieved in the early 20th century by the American sociologist Talcott Parsons.[2] It was Parsons who began to use the term *value* to describe elements of the *personality structure* that are, on the one hand, essential to the agent's personal identity, but on the other hand, functional for the reproduction of social institutions. In Parsons's view, each social institution is associated with some set of values. Social integration is achieved when agents internalize these values, since it is this process of internalization that gives them the incentive to fulfill the obligations that the institution imposes upon them. Thus a culture, in Parsons's view, is essentially a set of shared values. These shared values are reproduced over generations by becoming, in Parsons's classic phrase, "institutionalized in society and internalized in personality."

This theory is not without merit. In fact, it is because of its theoretical virtues that it became the dominant paradigm in the social sciences during the 1950s and 60s. Furthermore, an entire generation of American social theorists, who studied under

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[2] Talcott Parsons, *The Structure of Social Action*, (New York: McGraw Hill, 1937), also Talcott Parsons, *Social Structure and Personality* (New York: Free Press, 1964).

Parsons at Harvard, went on to apply this framework in anthropology, political science, and sociology proper. It is through these channels that Parsons's theory acquired wide acceptance, and went on to become the cornerstone of our "folk sociology." This is why, in the past 40 years or so, we have begun to encounter in popular discourse the suggestion that "values" are the glue that holds societies together. Of course, it is important to remember that, whatever its specific merits, the claim that societies are integrated through shared values is a *theory* - one that was invented at a particular time, and at a particular place, with the goal of explaining a very particular phenomenon. And like all theories, it may turn out to be false.

One of the ways in which shared values theory was most zealously applied was to the nation-state. The primary attraction seemed to be that it offered an explanation, not only of how national political integration is achieved, but also why multi-nation states and empires tend to be unstable, and why global political integration remains elusive. According to the theory, national political institutions entrench a particular set of values that are shared by their citizens. It is precisely because people identify with the national community, and with its underlying values, that they are willing to make sacrifices in its name. But meanwhile, because not all people share the same culture, and thus do not share the same values, there is little incentive for integration beyond the nation-state. The world is therefore divided upon into sovereign nation-states - reflecting precisely the absence of shared values on a global scale. Thus the theory of shared values explains why national boundaries tend to coincide with cultural groups, and why there is political instability when they do not.

One can see this theory playing a powerful role in the way that Canadians think about questions of national unity. For example, in the eternal quest for the Canadian identity, there is a widespread assumption that the discovery of such an identity depends upon the identification of some set of uniquely Canadian values. The background thought is that, in order to justify our existence as a nation separate from the United States, it is essential that our values be somehow different from theirs. The picture here, crudely put, is one of a world where different groups of people have different values, and so create their own nation states in order to protect and promote these values. Shared values are what make them cohesive as a group, but they are also what provide the

rationale for their political sovereignty. We as Canadians need our own state, it is then suggested, because we have our own distinct set of values. If we didn't, then there would be no reason to maintain our political independence, we could just as well join the United States.

It should be noted that this line of reasoning is not one that is confined to Canadian nationalists. The myth of shared values almost entirely dominates the sovereignty movement in Quebec as well.[3] Among sovereigntists the suggestion is that, because Canadians as a group lack shared values, it is not a "real" nation and therefore has no claim to the allegiance of its members. Just recently, former Quebec Premier Bernard Landry cited the strong opposition to the American attack on Iraq in his province as evidence that the values of Quebecers were fundamentally different from those of other Canadians. This was proof, he suggested, that we are two different nations, and should therefore become two independent states. Here Landry is repeating the same view that generations of Canadian nationalists have been peddling: that nations are defined by shared values, that the state exists to promote these values, and that the absence of shared values creates a barrier to social integration. His disagreement with Canadian nationalists is simply empirical: he believes that we have two sets of shared values, rather than just one.

I would like to dispute the assumption that underlies the claims of both groups. Canadians do not have shared values, nor do Quebecers. Nor do the citizens of any other liberal democratic society. That's because shared values are neither necessary nor sufficient for social integration. Not only is the idea that we have shared values a myth, but the idea that we *need* shared values is also a myth. In what follows, however, I will not be addressing the question of national identity. My colleague at the Université de Montréal, Wayne Norman, has already provided what I consider to be a decisive critique of the role that the theory of shared values plays in our constitutional debates.[4] Here I would like to focus on

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[3] This is largely due to the influence of sociologist Fernand Dumont. For an overview of the debate that this has engendered, especially as the development of multiculturalism has made shared-values talk more problematic, see Geneviève Mathieu, *Qui est Québécois?* (Montréal: VLB Éditeur, 2001).

[4] Wayne Norman, "The Ideology of Shared Values: A Myopic Vision of Unity in the Multi-Nation State," in Joseph Carens, ed. *Is Quebec Nationalism Just?* (Montreal: McGill-Queen's University Press, 1995).

public policy, and the role that this theory has played in structuring our thinking about the appropriate role of government in society.

2. Quest for the elusive values

I would like to begin my argument against the shared values theory with one little observation, drawn from Norman's discussion, which casts doubt upon the suggestion that shared values provide the basis of social integration in our country. If the theory were correct, then one would have to say that prior to the Quiet Revolution there were significant value differences between Quebec and the rest of Canada. Even setting aside the role of the Catholic Church, it would not be unreasonable to say that liberal values had a much more tenuous hold in the public culture of Quebec than they did elsewhere in Canada. Against this background, the Quiet Revolution was essentially a modernization process. As a result, Quebec and the rest of Canada now resemble each other much more than they did 50 years ago. The shared-values theorist is therefore forced to admit that the values of Quebecers and those of other Canadians have become much more similar over this period.

Yet if the theory of shared values were correct, one would expect this convergence of values to have increased the level of social integration. Its consequences, as we all know, have been quite the opposite. The Quiet Revolution spawned several decades of crisis, a brief bout of domestic political violence, and a credible, longstanding secessionist threat to the political order. Thus increasingly shared values, far from promoting integration, seem to have had the opposite effect. Canada and Quebec are hardly an exception in this respect. Modernization processes throughout the world have had a tendency to generate nationalism (to the extent that some theorists, such as Stéphane Dion, have suggested that it is precisely the convergence in values that generates the threat to identity, and thus provokes the nationalist backlash, as people strive to hold on to the few things that still make them unique in an increasingly homogenous world[5]).

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[4] Stéphane Dion, "Le nationalisme dans la convergence culturelle: le Québec contemporain et le paradoxe de Tocqueville," in Raymond Hudon and Réjean Pelletier, eds. *L'engagement intellectuel : Mélange en l'honneur de Léon Dion*, (Québec: Presses de l'Université Laval, 1991).

I mention this not because I consider the example decisive, but simply to show that the shared values theory is not self-evident. Much more work would need to be done in order to show that such values promote integration. However, it is difficult to evaluate the theory without being more precise about its underlying assumptions. In particular, we must state more clearly what a value is.

Political philosophers use the term "value" to refer to a "conception of the good." A value specifies, not what we desire, but rather what we *should* desire. It states, in other words, what we think is good. Thus a value serves as a standard that we use to evaluate our own plans and preferences. For example, I may have a tendency to be impatient with people, but my commitment to certain values of civility encourages me to overrule these initial impulses, on the grounds that acting upon them is ultimately not good. These conceptions of the good are intimately tied up with our personal identity - the values that one subscribes to essentially define what sort of person one would like to be.[5] It is because I do not want to be an impatient person that I try to stifle my initial impulses. In this sense, values are what guide all of the major decisions that we make in life: how much education to acquire, and of what type; whether to pursue a career, and if so, of what type; what role to assign to family, both extended and nuclear; where to live; how to spend our leisure time, and so on.

Yet if we reflect for a moment upon this definition of value, it should immediately be apparent that our society is marked by an enormous pluralism of fundamental values. Especially in a multicultural country like Canada, there is no single blueprint for how life should be lived. Some people enter the labour force as soon as they can, others stay in school for years. Some have children when they are 18, others have them when they are 40. Some aspire to buy a cabin in the woods and "get away from it all," others want to make money so that they can give their children "all the things that they never had." Some spend years in common-law relationships; others adhere to traditional marriage practices. Some value a life of military or public service, others consider such a life to be wasted. Some choose to respect traditional gender

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[5] For a powerful expression of this view, see Charles Taylor, *Human Agency and Language* (Cambridge: Cambridge University Press, 1985). Values, in Taylor's view, serve as the basis of our "strong evaluations."

norms, other choose to reinvent them, by entering occupations that are dominated by the opposite sex. The list goes on and on.

One of the great assets of our society is precisely its ability not only to tolerate, but even to encourage, such wide-ranging "experiments in living."[7] There are very few countries, in the history of the world, in which so many people have agreed to disagree about so much. But given this pluralism, it would be somewhat surprising to discover that there are any "shared values" to be found among Canadians. For example, many people's values are deeply tied to their religious convictions. Yet Canada, as we all know, has been remarkably tolerant of religious pluralism for well over a century. Many immigrants came here precisely to avoid religious persecution in Europe. So why would we expect to find shared values, when our social institutions encourage precisely the opposite?

This is why the majority of academic sociologists have by now abandoned the theory of shared values. In the 1970s, a series of very damning sociological studies were produced, which showed that, far from sharing core values, the American public in particular seemed to be deeply divided over every issue of substance. In fact, even commitment to basic democratic values was not shared by large segments of the population.[8] So if there were shared values, nobody seemed able to find them, or to say what they were. The situation in Canada is pretty much the same. In what follows, I will provide some examples of this, although I should emphasize that these are just examples. I think that one could find disagreements of this type at any time, anywhere, in any liberal democratic society.

One of the major candidates for a "shared value" among Canadians has always been the environment. The 1991 report of the *Citizen's Forum on Canada's Future*, which did an enormous amount to popularize shared values talk, identified "Attachment to Canada's Natural Beauty," as one of the seven "fundamental values" shared by Canadians.[9] Of course, reading Margaret

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[7] This is the phrase made famous by John Stuart Mill, *On Liberty* (Indianapolis: Hackett, 1978).

[8] The classic work here is Michael Mann, "The social cohesion of liberal democracy," *American Sociological Review*, 35, (1970): 423-439.

[9] Keith Spicer, *Citizens' Forum on Canada's Future* (Ottawa: Supply and Services Canada, 1991), CP32-57/1991.

Atwood's *Survival*, glancing at a painting done by the Group of Seven, and discovering the role that landscape plays in the Canadian artistic imagination, one might reasonably assume that Canadians enjoy a certain special relationship with nature, and that preservation of this natural beauty might constitute a particular Canadian value. Yet despite this elite consensus, when we start looking at public opinion data the picture is sobering.

There can be no doubt that many Canadians pay lip service to the idea of environmental protection. But when it comes to making sacrifices in order to protect Canada's natural beauty, they turn out to be a lot less enthusiastic. When asked whether they would be "willing to support price increases in order to protect declining or endangered wildlife from air pollution, acid rain, oil spills and pesticides," 48 per cent of Canadians said no.[10] That is a rather extraordinary number. More recently, when asked about the Kyoto Protocol, and whether they would "agree to an increase in taxes if the extra money was used to reduce greenhouse gas emissions and slow climate change," 40 per cent said no.[11] If assigning a value to something means being willing to make a sacrifice on its behalf, these numbers tell us that almost half of all Canadians assign zero value to the environment.

The environmental case is fairly typical. There are a large number of issues, which touch upon fundamental questions of value, over which Canadians are deeply divided. The most obvious example is homosexuality. In a 2001 poll, when asked whether they "personally approve," of homosexuality, 44 per cent of Canadians approved, while 37 per cent disapproved. On the subject of "allowing gay and lesbian couples to marry," Canadians were much more polarized, with 29 per cent strongly supporting it, and 30 per cent strongly opposing it (with 16 per cent somewhat supporting, 11 per cent somewhat opposing).[12] Canadians are also quite deeply divided over what sort of consensual sexual practices should be permitted, even among heterosexuals. For example, when asked whether clubs for sex between consenting adults

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[10] "The Importance of Wildlife to Canadians," *Canadian Social Trends* (Summer 1995).

[11] "Public Attitudes Towards the Kyoto Protocol," Ekos Research Group (June 10, 2002), http://www.ekos.com/admin/articles/10June02KyotoProt.pdf.

[12] "Most Canadians Favour Gay Marriage; Approval of Homosexuality Continues to Increase," Environics Research Group, (May 10, 2001), http://erg.environics.net/news/default.asp?aID=432.

should be legal (so-called "swingers clubs"), 48 per cent said yes, 45 per cent said no.[13]

It is worth noting that the distribution of opinion revealed in these surveys is different from the distribution that one finds in many other countries. Canadians, for example, express higher levels of tolerance for homosexuality than Americans. But this does not add up to any sort of "shared value" among Canadians; in fact, the suggestion that it does, willfully obscures the fact that Canadians are deeply divided over the issue. (Furthermore, the mere fact that 5 or 10 per cent more Canadians answer "yes" in an opinion survey than citizens of some other country does not show that Canadians have shared values. It just means that more people are of that opinion.)

As we all know, Canada is a multicultural society, and currently accepts a flow of immigrants that is, per capita, much higher than that of the other dozen or so countries in the world that are currently open to immigration. The mere fact that we allow immigrants into the country is relatively unique; the fact that we admit them in such large numbers might then be thought to reflect a set of uniquely Canadian values. Yet as we know, immigration is an extremely divisive issue, and support for the multiculturalism policy is weak. Even the most basic norms of impartiality and fairness in the system do not enjoy very broad public support. For example, in November 2002, 44 per cent of Canadians polled favoured restricting immigration from Muslim countries (while 42 per cent were opposed).[14]

Finally, the Canadian health care system is often put forward as evidence of the uniqueness of Canadian values. In fact, Roy Romanow's recent *Report on the Future of Health Care in Canada* relied very heavily upon shared values talk, with its suggestion that it was "Building on values."[15] But if there are values underlying the Canadian approach to health care, there is certainly no value *consensus*. While there is no doubt that the health care system in

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[13] "Freedom, Cherished but not Unfettered," Compass Poll (Dec. 2, 2002). http://www.queensu.ca/cora/polls/.

[14] Poll conducted by the Strategic Counsel for Maclean's magazine, Global TV and the Ottawa Citizen in November 2002.

[15] Commission on the Future of Health Care in Canada, *Building on Values: The Future of Health Care in Canada*, (Ottawa: Government of Canada: 2002). CP32-85/2002E-IN.

Canada is one of the major *institutional* differences between ourselves and the United States, this does not mean that there is one set of values that the system reflects. For instance, while the public health care system is often described as a manifestation of a commitment to equality and fairness among Canadians, only 44 per cent of Canadians consider equality of access a top priority in the health care sector, while 38 per cent consider maximizing the quality of services provided to be more important.[16]

These are all examples of what philosopher John Rawls described as "the fact of pluralism." Our society is marked by a set of fundamental disagreements about the nature of the good life. The question is whether we should find this surprising or undesirable. Rawls argues that we should not. Under conditions of freedom and equality, the exercise of human judgment and creativity tends to produce more, not less, disagreement about the nature of the good life.[17] Freedom encourages experimentation, and experimentation in turn produces diversity. Thus the pluralism of fundamental values that exists in our society is not a consequence of some people having made mistakes, which others might hope to correct. Value pluralism is for the most part the product of reasonable disagreement, among equally informed and intelligent citizens. And since this pluralism of fundamental values is *promoted* by liberal democratic political institutions, we should not expect it to disappear anytime soon. Value pluralism is not a passing condition, it is a permanent feature of modern societies.

3. The refuge in abstraction

Faced with such evidence of value pluralism, the standard response among shared values theorists has been to take refuge in abstraction. Instead of defining values in terms of the concrete goods that people care about, a set of values gets introduced that are sufficiently general to be shared by all. Thus values get defined in terms of extremely abstract ideas like "diversity," "community," "democracy," or "dialogue."[18] The values that emerge from such a process of redescription will be so abstract that almost anything

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[16] "The Romanow Report on Health Care," Ekos Research Group, (Dec. 6, 2002), http://www.ekos.com/admin/articles/6dec2002Romanow.pdf.

[17] To paraphrase John Rawls's remarks in *Political Liberalism* (New York: Columbia University Press, 1993), p. xvi.

[18] An especially clear example of this can be found in the 1991 Spicer report, *Citizens' Forum on Canada's Future*, pp. 34-45.

can be classified as a commitment to them, and so certainly all Canadians will turn out to share them. Of course, so will the citizens of every democratic society (who could be opposed to "dialogue" or "community"?). In fact, if one defines values so broadly as to paper over the absolutely fundamental disagreements that exist on the subject of, for example, same-sex marriage, then it will probably turn out that everyone on the planet has the same values. We thus lose the sense that these are somehow uniquely Canadian values, but we manage to salvage the idea that Canadians have shared values. If one is willing to accept this, then there is nothing *inherently* wrong with the verbal sleight of hand that is used to produce the consensus.

The real problems show up only if we fail to notice that, in order to identify a set of values that is shared, the values must be formulated at such a high level of abstraction that they become entirely lacking in substance. We say that Canadians "are united in their desire for change," while neglecting to mention that the changes people want are all different and incompatible. Or we say that Canadians value "freedom" and "choice," while ignoring the fact that the choices they make, when given this freedom, are all completely different. As a result, shared-values talk creates the illusion of consensus where in fact there is none. This can cause problems. First, it runs the risk of reducing shared-values talk to pure rhetoric. The values posited are so abstract that they can be used to justify pretty much anything. Thus we lose any sense that policy should be *guided* by values. The second problem is that values-talk easily descends into majoritarianism. Since value-consensus is impossible, in practice "shared values" winds up meaning "the preference of the majority." Yet there are very serious problems associated with allowing majority preference to dictate policy. Finally, shared-values theory creates a peculiar sort of inarticulacy when it comes to the true character of our political institutions. Despite having been invented only 50 years ago, shared-values talk is beginning to eclipse the indigenous vocabulary of our own constitutional and legal traditions, which date back over 400 years. The result is an unfortunate state of self-induced historical amnesia.

1. *Uselessness*. The first problem with the strategy of abstraction is that, at the end of the day, the shared values that are posited

among Canadians are so abstract that they can no longer serve as useful guides on any particular questions of policy. Canadians, for example, are said to be committed to "diversity." Now consider a contentious issue like school choice. Should community groups be able to create charter schools within the public school system, in order to create educational environments that are more precisely tailored to their specifications? Or should we set up a voucher system, and privatize the education system entirely, so that parents can select for their children the school that best meets their needs? On the one hand, "diversity" seems to favour charter schools and a voucher scheme, on the grounds that it would maximize school choice. Instead of a single, homogenous education system, community groups would be able to get together to create schools that reflected their own particular cultural traditions and religious convictions. Yet we also know that any move in this direction would be most eagerly taken advantage of by the most parochial religious groups. It would cater to the interests of those parents whose primary desire is to shelter their children from exposure to ways of life that are different from their own. In other words, the net effect of school choice would be to limit the extent to which students are exposed to other cultures and opinion. Thus universal public education would seem to be the most effective vehicle for promoting "diversity," since it actually brings together, under one roof, people from all different cultures and religions.

So how do we decide? That remains to be seen. One can be certain, however, that talk of shared values like "diversity" contributes absolutely nothing to the discussion. The value is so abstract that it can be appealed by both sides in the debate. Thus it provides no traction in the real world.

For another example of this, consider the Romanow *Report on the Future of Health Care in Canada*. Despite the claim that the report builds on values, it is not clear how any of the policy prescriptions flow from these values. For example, the report claims early on that "Canadians consider equal and timely access to medically necessary health care services on the basis of need as a right of citizenship, not a privilege of status or wealth."[19] This "core value" is then used as grounds for rejecting a "two-tier" health care

system (in which people would be able to purchase supplementary care in a parallel private system).[20] But this simply does not follow. Note that Canadians regard timely access to police protection, in cases when they are victims of criminal assault, as a right of citizenship, and not a privilege of status or wealth. But no one has even suggested that, because of this, people should be prohibited from purchasing the services of private security guards. The statement of "value" in question is simply too abstract to have any bearing upon the issue.

Just to be clear: I am not arguing in favour of two-tiered health care. What I am trying to show is that appeals to shared values are neither here nor there when it comes to settling such questions. At best, such appeals serve only as rhetorical bombast. At worst, they obscure the factors that really go into deciding such questions.

2. *Majoritarianism*. One of the greatest dangers of shared values talk is that it carries with it an intrinsically majoritarian logic. No matter how abstractly values get defined, it will generally be impossible to get a complete consensus. (Even the prohibition of torture, for example, has much less than unanimous support.) As a result, when we talk about the values of the community, or of Canadians, what we usually mean is the values shared by the majority of the members of the community, or of the country. But as we know, allowing majority values to determine public policy is a recipe for intolerable interferences in individual liberty. Shared values can easily become rhetorical cover for the "tyranny of the majority."

In general, the function of rights in our legal system is precisely to act as trumps, to prevent majorities from imposing their will upon recalcitrant individuals or minorities. So while it may truly serve the common good to expropriate my land, censor my books, or lock me up in prison, my rights to property, freedom of speech, and fair trial protect me. Similarly, the point of civil rights is to assign certain minority interests priority over the desires of the community at large. It doesn't matter how much Southern whites in the United States wanted to preserve segregation, the rights of blacks simply overruled them. And it doesn't matter how many employers would

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[19] *Building on Values*, p. xvi.
[20] Ibid, p. xx. Note that the "value" mentioned is shared by pretty much every European as well, even in states that have two-tier health care systems.

like to avoid hiring women, the rights of female job candidates overrule them.

In other words, rights are essentially a countermajoritarian institution. They are not a reflection of our shared values. They are trump cards that individuals can play in order to resist having to defer to the values of the community. To redescribe them in such a way that they appear to be grounded in shared values is to obscure this countermajoritarian quality (and implicitly, to deny considerable power to the judiciary). For example, a surprising 60 per cent of Canadians would like to see pornography made illegal, even if it contains no violence or degradation. Only 29 per cent are in favour of keeping it legal.[21] Thus the freedom to purchase pornography that people in our society enjoy is not a reflection of our shared values. It is a practice that is sustained contrary to the will of the majority, and the values of the majority, out of *deference to the rights* of the minority who want to consume it.

3. *Historical amnesia*. The incompatibility between shared values theory and liberal democracy should not be underestimated. It is not an accident, for example, that the government of Singapore chose to legislate a set of "Five Shared Values." It did so as an *alternative* to adopting a schedule of rights or a democratic constitution. It was intended, in other words, as an explicit repudiation of Western liberalism. In my view, the government of Singapore is absolutely correct in its understanding of the implications of shared-values talk. It is the government of Canada that is more often confused.[22]

The only way to understand the Canadian Charter of Rights and Freedoms, and to see how it differs from Singapore's Five Shared Values, is to recall its historical background. The whole idea of individual "rights" emerged out of the experience of the wars of religion in Europe. Medieval Christian political philosophy held that it was the duty of the state to promote the common good, and that it was authorized to use force in order to do so. Like contemporary Singapore, the old European states were all committed to what philosophers refer to as "perfectionism" - the view that state power should be used to promote a particular conception of the good.

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[21] Compass Poll, "Freedom, Cherished but not Unfettered," *op. cit.*
[22] For an insightful exchange between the two perspectives, see Daniel A. Bell, *East Meets West* (Princeton: Princeton University Press, 2000).

This worked tolerably well in Europe as long as there was a general consensus concerning the nature of the common good. Preserving that consensus was, of course, the primary function of the Church. However, with the Reformation came the development of intractable disagreement concerning the nature of the common good.

In other words, Europe in the 16th century saw the first large-scale eruption of value-pluralism. At the time, political institutions were not at all equipped to meet this challenge. Since rulers considered it their prerogative to use state force in order to promote their preferred conception of the good, value pluralism led quite quickly to religious repression, large-scale civil wars in many European nations, and of course centuries of interstate warfare. It is important to recognize that, throughout this period, most European rulers were acting out of a sense of profound conviction. They thought that they were promoting the good. Burning heretics was a way of protecting the people, saving their souls. In other words, the wars of religion were caused, not by the fact that people became evil, but by the fact that they had rival conceptions of the good.

It is against this backdrop that proposals for liberal political institutions were developed and gained popularity. The protection of individual rights, the division of state powers, limited government, separation of church and state, the right to civil disobedience - these were all developed primarily as a way of pacifying religious conflict. The core idea underlying all these institutions was articulated in the theory of the social contract. The thought was that government should be limited to exercising powers that all citizens would have been willing to surrender. Because people disagree about the nature of the good - because they have fundamentally different values - they would never grant the state the power to privilege one particular conception of the good over others, much less impose it through use of force. On the other hand, despite these disagreements people still have an overriding interest in protecting their personal security. Similarly, people with profoundly different values can still engage in mutually beneficial co-operation, but need to have their contracts enforced in order to do so. Thus there are certain powers that, when exercised by the state, generate benefits for everyone, despite the differences in their values. These include protection of property,

individual liberty, and the enforcement of contracts. Thus liberal political philosophers argued that the state should be limited to these powers, which all citizens would have agreed to transfer in a social contract. All other questions should be left to the sphere of individual choice.

What emerges out of this tradition is a state that strives to be neutral, as far as possible, with respect to controversial questions of value. Rather than ruling in the name of particular values, the liberal state rules through a strategy of neutrality, in recognition of the fact that there is no universally accepted set of values. Thus the characteristic institutions of liberal democratic society - majority rule, freedom of speech and association, not to mention the law of contract and tort - are all designed to enable social order in the absence of shared values. This does not mean that the actions of the state need to be neutral in effect - that would be a recipe for paralysis. The claim is simply that the justification for state action must be neutral. People must not appeal to controversial conceptions of the good when arguing for laws that will be imposed upon everyone.

4. Neutrality

When many people talk about "values," they are obviously not using the term in a technical sense. They use it simply as an all-purpose way of talking about normative standards, or "things that we care about." Thus when people make claims about shared values among Canadians, what they are usually saying is not so much false as it is imprecise. In order to be constructive, therefore, I would like to propose a few terminological distinctions, which will help us to articulate more clearly the underlying logic of our political institutions.

Political philosophers normally distinguish between values and principles. Values represent conceptions of the good - what is more or less desirable. Principles represent rules, specifying what is right and wrong - what is permissible or impermissible. The significance of the distinction is that principles do not always map directly on to values. It is possible to formulate principles that are neutral with respect to some controversial set of values. It is widely thought that liberal democratic political institutions (such as freedom of speech, majority rule, and human rights) are based

upon principles of this type, not shared values. (In English, the distinction between principles and values is often referred to in terms of a contrast between "the right" and "the good." In French, the distinction shows up most clearly in the contrast that is often drawn between "*une déontologie*" and "*une axiologie*").

In order to illustrate the significance of the difference, let me take one very concrete example. Citizens in liberal-democratic societies are often said to enjoy a right to privacy. Is this because we all value privacy? Or is it because, as a matter of principle, the state must respect the choices made by citizens in the private domain? Obviously, one can describe a right of privacy either way. The question is which description more adequately characterizes the logic of our institutions.

In this context, it is helpful to remember that the so-called "right to privacy" has its origins in American debates over the legal regulation of sexual behaviour. Prior to the 20th century, legislation in this area was entirely dominated by a "shared values" approach. The legal regulation of sexual conduct was determined by first asking what "good" was promoted by sexuality. Why was it valued? The traditional answer was "reproduction." The purpose of sexual activity was to make babies. Thus the state traditionally took it upon itself to promote this particular conception of the good - by essentially making illegal every form of sexual activity that did not promote this end. This included not just homosexuality and pedophilia, but even sodomy, fellatio and the use of contraception among married couples.

The problem with this strategy is that there is a considerable amount of reasonable disagreement over the nature of the good in this area of life. It is not obvious that reproduction is the only value that should be served through sexual relations. The development of safe, effective contraception naturally increased the level of disagreement. The lifestyle experimentation of the 1960s destroyed once and for all the illusion that we might be able to achieve any sort of consensus concerning the value of sexual activity.

But does this mean that society must throw up its hands, and refrain from legislating at all in this domain? Far from it. All it means is that we must not seek to legislate in the name of particular

values. This is the background to Pierre Trudeau's claim that "government has no business in the bedrooms of the nation." His suggestion was that the state should remain neutral with respect to the choices that citizens make in this area, and should not "take sides" when it comes to questions of the good. The state should restrict itself to imposing principles that all can accept despite the differences that exist over questions of value. For example, for the state to privilege reproduction would violate neutrality, because it is a goal not shared by most unmarried couples, not to mention homosexuals. But regardless of why people may choose to have sex, whether it is to have a baby or not, everyone can agree that such relations must be free from coercion. So while it is unreasonable for the state to insist that all sexual relations be aimed at reproduction, it is perfectly legitimate to demand that all sexual relations be consensual. Even in the post-Trudeau era, we fully expect government to break down the bedroom door when there is a rape going on.

Thus what we have seen in sexual politics in the past century has been a shift away from the traditional catalog of vices, which were all centred upon enforcing the goal of reproduction, and toward a sexual morality based upon neutral principles, such as consent. This is why rape has emerged as the most important category of sex crime, followed by sexual assault and harassment. Pedophilia has been retained as a sex crime, not because such unions are barren (which was the traditional objection), but rather because consent is lacking. In fact, pedophilia has essentially been redefined as sex with someone below the age of consent (as opposed to sex with a prepubescent). Thus what we refer to as "liberalization" of laws pertaining to sexuality is not simply decriminalization; it refers to a shift away from a "shared values" approach toward a set of neutral principles.

Social conservatives often argue against tolerance of homosexuality on the grounds that, if we permit one sexual perversion, it will be just a matter of time before we will permit them all. In particular, they argue that social acceptance of homosexuality will lead to the proliferation of pedophilia. This argument follows fairly naturally from a shared values perspective. Yet from the perspective of liberal neutrality, there is a clear distinction between the two cases. Homosexual relations are perfectly free and voluntary. With pedophilia, on the other hand,

consent is lacking. Thus tolerance of one is perfectly consistent with prohibition of the other. And of course, if we examine the development of sexual morality in our society, this is precisely what we have seen over the past two decades. Increased tolerance of homosexuality has coincided with the development of far more severe restrictions on juvenile sexuality, not to mention more censorious attitudes.

Thus I would argue that the liberalization of our legislation in the area of sexuality is incomprehensible unless we understand it as an attempt to respond to the fact of pluralism. It is precisely the absence of shared values in this domain that makes consent a principle of such overriding importance. The lack of shared values in the general public is what has been driving legislation and policy for over three decades. To describe the outcome of this process as one that is driven by the values of "consent" or "privacy" or "tolerance" is to obscure the forces that are generating social change. Consent and privacy are not values, they are principles - principles that have been developed with the specific intent of regulating conduct in areas that are marked by intractable conflict over questions of value.

It is not an accident that, in the discussion of sexuality, I mentioned Trudeau. The concept of neutrality was at the core of his conception of a just society, and not just in the domain of sexual morality. The neutralist perspective finds its highest expression in the Charter of Rights and Freedoms. Yet its most lasting impact may well be in the area of multiculturalism. What made the 1971 Multiculturalism Policy groundbreaking was precisely its explicit commitment to the doctrine of state neutrality (articulated most clearly in the preamble, which declared that the Canadian state would have "no official culture"). Before then, immigration policy had been dominated by what is now referred to as the "Anglo-conformity" model. Immigrants were expected not just to integrate into the basic institutional structure of society, but also to conform to its dominant culture and values. They were expected, in other words, to assimilate.

The ambition of the multiculturalism policy has always been to drive a wedge between these two processes, to suggest that one can integrate into the society " to respect the core principles

underlying its public institutions - without necessarily coming to share all of the particular values endorsed by members of the majority culture. Just as one can become a good citizen of the country without adopting all of the religious convictions of the majority, one can also become a good citizen without accepting all of the values of the majority. As long as one is prepared to play by the rules, and to respect the principles underlying the basic liberal institutional structure, then one has satisfied the requirements of citizenship. Thus the goal of the multiculturalism policy has been to make possible "integration without assimilation."[23]

The ambition of the multiculturalism policy implicitly assumes a distinction between principles and values - that one can have a state, and a social order, based upon a set of shared principles, which are independent of the fundamental disagreements that exist over questions of value. This is what makes it possible to have integration without assimilation. Yet according to the myth of shared values, such an outcome is impossible. The only way to secure social integration is to create shared values, and this means assimilating to the culture. This has led many shared-values theorists to conclude that the multiculturalism policy is doomed to failure. Neil Bissoondath, for example, argues that unless the state does more to promote shared values, "the center will not hold," and Canadian society will fall into disorder and distrust.[24] Without shared values, people will lack the motivation to respect public institutions.

The most extraordinary thing about this conclusion, which Bissoondath and others have drawn, is how many people find it persuasive despite the total absence of any evidence in its favour.[25] If multiculturalism were provoking a crisis of social integration in Canada, the first place that it would show up would be in the form of increased crime. Yet Toronto, the most multicultural city on earth, has an almost embarrassingly low level of crime. So why does anyone find these arguments credible, given the wealth of obvious counterevidence? It is the myth of shared values that is doing all the work. "Society is based on shared values," the critics reason. "These immigrants don't share our values, therefore their arrival will lead to a breakdown of society." The fact that no such

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[23] For the definitive discussion of these issues, see Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1996).
[24] Neil Bissoondath, *Selling Illusions* (Toronto: Penguin, 1995).
[25] See Will Kymlicka, *Finding Our Way* (Toronto: Oxford University Press, 1998).

breakdown has occurred should give us reason enough to question the idea that society is integrated through shared values.

Yet this confusion is hardly surprising. The language of shared values obliterates many of the terminological distinctions that we need in order to grasp what is at stake in contemporary debates over immigration and multiculturalism. For example, Bissoondath draws no distinction between the demand that immigrants accept the "Judeo-Christian cultural tradition," and the demand they accept the "charter of rights."[26] These are all subsumed under the category of "fundamental values," needed in order to promote social order. But a charter of rights is not a system of values. We can very easily respect the rights of fellow citizens without coming to share their values. This is precisely why we are entitled to expect immigrants to affirm the Charter of Rights and Freedoms in this country. The suggestion that they must accept the "Judeo-Christian cultural tradition," on the other hand, is scandalous. Insofar as shared values talk blurs such crucial distinctions, it becomes a source of intolerable mischief in our public discourse.

5. Principles

One of the deepest flaws in the shared values perspective, I have suggested, is the inability of anyone to actually specify what the shared values are. The reason for this, I have suggested, is that these shared values do not exist. However, in order to be fully persuasive, it is incumbent upon me to show that my own proposal is not subject to the same flaws. Thus I would like to briefly outline some of the principles that I take to underlie the basic institutional structure in our society, and show how they are structured by a commitment to liberal neutrality.

1. *Efficiency*. If a particular social arrangement is able to make at least one person better off, without making anyone else worse off, then it is said to be more efficient. For example, when two people voluntarily exchange goods on the market, each one is left better off at the end of the day - this is precisely what motivates the exchange - each one prefers ownership of what he or she bought to ownership of what he or she sold. Insofar as no third parties are harmed by the exchange, the transaction results in a more efficient allocation of goods in the economy. The important point is that the

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[26] Bissoondath, *Selling Illusions*, p. 206-207.

two parties to the exchange need not agree on the intrinsic value of the goods - in fact, it is precisely the difference between their evaluations of the goods that creates the possibility of a mutually advantageous exchange. All they need to agree upon is a price. Once the exchange is concluded, each is left better off *by his or her own lights*. Thus efficiency is a principle that is neutral with respect to people's values. Everyone prefers a more efficient arrangement to a less efficient arrangement, each for his or her own private reasons. (Efficiency is for this reason sometimes referred to simply as "co-operation").

Note that it is not just the market that generates efficiency gains. An efficiency gain is essentially a win-win outcome. Markets are very effective at enabling co-operation when it comes to certain sorts of projects. But property rights are often very cumbersome, and difficult or expensive to enforce. Under such circumstances, the market may fail to provide the guarantee of reciprocity needed to elicit co-operation. For example, it is very difficult to charge people for certain types of goods and services - such as the benefits of pest control, or the control of contagious diseases, or the use of infrastructure like roads and bridges. Under such circumstances, the state is often able to provide the appropriate guarantee of reciprocity, by raising tax revenue and directly financing provision of the good. Similar results can also be achieved through regulatory interventions, such as those aimed at protection of fish and wildlife, or control of greenhouse gas emissions. In so doing, the state generates efficiency gains. Thus the state is able to promote the public good, without relying upon any underlying value-consensus. When the state provides a balanced package of public goods to all citizens, each person is left better off, by his or her own lights, than he or she would have been in the absence of such provision. Thus efficiency is one of the most important principles structuring our institutions in both the private and the public sectors.[27]

2. *Equality*. One of the fundamental principles that govern public life is the imperative that the state, in all of its actions, treat citizens as equals. Not only are all citizens equal before the law, but every

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[27] I have developed this theme at much greater length in Joseph Heath, *The Efficient Society* (Toronto: Penguin, 2001). A brief *mea culpa*: in this book I refer to efficiency as a value, out of deference to folk-sociological conventions. Strictly speaking it is a principle, not a value.

domain of state activity is routinely scrutinized in order to ensure that the interests of one group of citizens are not being arbitrarily privileged over some other. In fact, this commitment to the equality of citizens is one of the most distinctive features of a liberal political order. Yet when we say that the state must treat all citizens equally, this does not mean that each must be treated identically. The thought is rather that each person's goals and projects must be assigned equal weight in public deliberation. No one's interests are to be discounted. Thus the state strives to be neutral with respect to the *content* of these projects. Within the scope of reasonable disagreement, it does not distinguish between more and less worthwhile forms of life. This is what makes the principle of equality so attractive in a liberal society. In order to treat people as equals, we need not judge the content of their preferences, or determine the value of their interests, we need only give them each the same opportunity to carry out these plans. Because we cannot agree about the fundamental values, we simply agree to give everyone's values equal weight. Thus, for example, in the education system, each student is encouraged to formulate her own life project, in accordance with her own cultural heritage and values. The education system strives to provide only the general resources and capacities needed in order to formulate and carry out such projects.

3. *Autonomy*. As we have already seen, consent plays an enormous role in a liberal political order. The fact that two people have voluntarily consented to a particular transaction generates an enormous presumption in its favour. This presumption is not always decisive, but in general the state tries to intervene in such arrangements only in cases where the consent is somehow defective - when it is obtained in a coercive manner, through fraudulent misrepresentation, or through some other mechanism that makes the agreement less than fully voluntary. On the whole, the liberal state tries not to interfere in cases where external observers merely object to the agreement on substantive grounds, either because they consider it unwise for one of the parties, or ethically objectionable in its content. In other words, the state strives to respect the autonomy of citizens - their right to make their own decisions, and the duty to live with the consequences.

One important effect of this commitment to autonomy is a constraint on the enactment of paternalistic legislation. In general,

the argument that "it's for your own good" is not regarded as sufficient to justify the coercion of citizens by the state. In order to justify state intervention, it is necessary to show that the proscribed action imposes some tangible harm upon some person other than the one who performs it. There are of course exceptions to this, most notably in the case of children and persons whose judgment is demonstrably impaired. Yet overall, value neutrality means that the state must refrain from judging the value of people's projects, even when others feel that the person in question is in danger of being harmed by his own choices.

4. *Non-violence*. The importance of consensus in interpersonal relations means that the threshold of tolerance for violence and coercion in private life is necessarily much lower in a liberal political order than in a traditional one. Because there is a presumption of correctness given the presence of consent - *volenti non fit injuria* - the state requires a powerful guarantee that this consent has been freely secured. Thus it is more important than ever that the state exercise a monopoly over the use of force in the society. This means that citizens in a liberal democratic society must entirely surrender their right to the private use of force (and accept restrictions on access to weapons of all sorts).

Many of these principles are implicitly recognized by those who are committed to shared-values talk. In fact, in the various lists of shared values that have been proposed, the majority of the values are usually just principles in disguise. For example, the Canadian Office of Values and Ethics has produced a list of values that it found in the Canadian Federal Public Service.[28] Of the "democratic values" listed, every one of them is in fact an instance of what would commonly be referred to as a principle, not a value. (To make matters even more confusing, "neutrality" is identified as a value, even though it is defined as "the requirement that the state refrain from imposing or subscribing to one particular conception of the good.") One can see that they are principles most clearly in cases where they conflict with our values, or with the will of the general public. When there is a conflict among values, the usual solution is to weigh one against the other. Yet when principles conflict with values, the principles act as trumps.

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[28] Treasury Board of Canada Secretariat, Office of Values and Ethics, "A Brief Lexicon of Values in the Canadian Federal Public Service." (**http://www.tbs-sct.gc.ca/veo-0bve/petitlexique_e.asp**).

Consider, for example, the extraordinarily high rate of divorce in our society. This offends the values of almost everyone (in the sense that we would all like to live in a world in which fewer couples saw the need for divorce). Yet we could easily eliminate the problem, simply by making divorces legally unobtainable. We do not do so, because we are not willing to let the value that we associate with family stability to override our respect for the choices that individuals make. Or consider the fact that, despite our enormous wealth as a society, our cities are plagued by persistent homelessness. Why? We have the resources to eliminate the phenomenon quite easily. The problem is that doing so would require violations of individual autonomy that most people consider intolerable (such as forcing chronic substance abusers into detoxification programs, or institutionalizing people with non-debilitating mental health problems). Thus the mere fact the homelessness is an affront to our values does not license the use of coercive or paternalistic measures in order to correct it.

Yet the list of values produced by the Office of Values and Ethics invites terrible confusion on this score. For example, "the rule of law" is identified as one of the 48 values that "characterizes Canada's federal public service" (mixed in with such genuine values as "resourcefulness," "innovation," and "collegiality"). Yet a resourceful civil servant might have to act in an uncollegial manner, on occasion, in order to bring about innovation. The appropriateness of this conduct would be evaluated by determining whether on balance value was maximized. Yet no matter how resourceful the civil servant may be, or how innovative, violations of the rule of law are never acceptable, even if on balance the outcome is good. Why? It is not simply because the rule of law is an extremely important value, more important than resourcefulness or innovation. It is because the rule of law is a fundamental principle, one which creates the framework within which each citizen can act in pursuit of his or her particular values. It is nonnegotiable, and inviolable, precisely because it is independent of all our values.

That's why it's called the "rule" of law, and not the "value" of law.

6. Some applications

It is worth reemphasizing that "liberal neutrality" does not require that the actions of the state be neutral in effect. What matters is that the justification for the state's actions not be grounded in some particular set of values, where there is reasonable disagreement over the appropriateness of these values. Laws that are adopted in such a manner may have a differential impact upon different groups in society, and this may result in certain values becoming less widely shared. For example, "liberal" family law makes it much more difficult to reproduce certain sorts of traditional family values. But whether or not these laws count as neutral does not depend upon these effects. What matters is that their justification does not depend upon the privileging of one particular set of values over some other.

I would like to clarify this claim with some examples, to show how one can use the idea of neutrality, and the associated set of principles, in order to think through some concrete policy questions:

1. *The environment*. As we have seen, Canadians are deeply divided over how much of a sacrifice they are willing to make in the name of environmental protection. Between deep ecologists and loggers, there is not a lot of common ground. So whose interests should prevail? The first step to thinking about this question is to recognize the fact of reasonable disagreement when it comes to the value of the environment. Some people derive enormous aesthetic appreciation from the wilderness. They are interested in its preservation primarily for recreational purposes: to go hiking in the woods, camping, or canoeing. Others view the natural world primarily as a source of resources and raw materials. Their appreciation is less aesthetic and more utilitarian. They are interested in mining, or farming, or fishing. Thus their primary concern is (or should be) sustainability. Finally, there are those for whom nature is essentially an inconvenience. They are interested in clearing forest, in order to make room for new suburban developments, or putting through highways. They have no particular interest in preserving the natural environment at all.

Each of these three attitudes reflects a fundamentally different set of values. Contrary to popular wisdom, I believe that it is a mistake to approach environmental policy by trying to determine which of these values are correct or incorrect. It is preferable to treat the problem as a straightforward conflict of interest. Because the resource is limited, and in many cases vulnerable, each of these groups creates a cost for the others when it seeks to satisfy its preferences. Land that has been strip-mined, or turned into a parking lot, no longer makes for good hiking. But similarly, land that is set aside as a nature preserve cannot be used for tree farming. What the government should seek to do, under such circumstances, is not to decide who is right and who is wrong, but simply to ensure that the decisions made by each of these groups fully reflects the cost that their activities impose upon the others.

This means, for example, that when the market mechanism is used to allocate the resource, that there must be complete internalization of all externalities. A company that pollutes a river, making the fish inedible, and therefore less attractive to sport fishermen, is not paying the full price that its activities impose upon society. As a result, its environmental footprint will be larger than its contribution to society would warrant. We cannot stop pollution, nor should we want to. What we should be striving to achieve is the socially optimal (i.e. most efficient) level of pollution. This can only be done through a system of "full cost" accounting - what the current system of environmental regulation is striving toward, but which it manifestly fails to achieve.

According to this view, there are very few environmental problems that are not, ultimately, externality problems. Note, however, that internalizing externalities will necessarily drive up prices. Thus the 48 per cent of Canadians who are not willing to pay higher prices in order to protect the environment will simply be out of luck. Liberal neutrality need not be neutral in effect. The preferences of those who oppose environmental protection get trumped, not because their values are wrong, but because the current system contains an implicit subsidy of their consumption, and as such, fails to treat all citizens with equal respect and concern.

2. *Same-sex unions*. The issue of gay rights, and in particular, the state recognition of same-sex spousal unions, is an area where the implicit majoritarianism of the shared values perspectives

becomes most troublesome. Consider, for example, Ralph Klein's suggestion that the province of Alberta might hold a referendum on the subject of homosexual rights. Such a proposal reveals a profound misunderstanding of the role that rights play in the protection of individual freedom. It is fundamental to the nature of rights that they are not enjoyed at the whim of the majority. Heterosexuals don't get to vote on whether they should be allowed to discriminate against homosexuals for the same reason that whites don't get to vote on whether they should be allowed to discriminate against blacks.

Yet if the rights of homosexuals were grounded in nothing more than our shared values, it would be difficult to say what was wrong with Klein's proposal. If homosexual rights reflected a widely shared commitment to "tolerance" or "diversity," for example, then there would be nothing to fear from a referendum. The problem is that a sizable chunk of the population does not subscribe to these values. It is precisely because homosexuality offends the values of so many people that homosexuals are in need of anti-discrimination rights in the first place.

Thus the correct way to think about the issue is in terms of neutrality, not values. What is at stake in this debate, what makes it politically salient, is the fact that the ability to get married gives heterosexuals access to a wide range of advantages (both obvious, such the tax deduction for a dependent spouse, and unobvious, such as the legal presumption of a fiduciary relation in many areas of decision making.) Since marriage is only open to heterosexuals, these advantages are only available to heterosexuals. Thus some justification is required to explain this *prima facie* violation of equality. Yet this justification must be neutral with respect to conceptions of the good. In other words, the claim that heterosexuality is in some sense "better" than homosexuality cannot be considered a valid contribution to the discussion. That is for individuals to decide; the state must remain neutral on this question.

The only plausible argument in defense of current arrangements is that the advantages associated with marriage are not intended as a state subsidy for heterosexuality, they are intended as a subsidy for childrearing. The advantages that flow from marriage, according to this view, are actually targeted at children. The

married couple represents only the mechanism for delivering these benefits to the child. Thus one can make a plausible case that, insofar as homosexual unions are childless, same-sex partners are not entitled to these benefits. But even setting aside the case of homosexual couples who do have children, the argument is weak. There was a time when the family as an institution had one specific function: reproduction. Yet the sexual revolution, and in particular, the development of safe effective birth control, the entry of women into the workforce, and the widespread availability of divorce, have driven a wedge between the institution of marriage and the goal of child-rearing. The state has chosen to remain neutral with respect to these choices. But as a result, many heterosexuals decide to marry in pursuit of goal and projects that are fundamentally no different from those pursued by homosexuals. Thus existing arrangements fail to exhibit neutrality toward homosexuals.

What to do? The most obvious solution is for the state simply to get out of the marriage business. The current predicament stems from the fact that marriage is both a sacrament and a legal institution. If constraints that have traditionally governed the sacrament are allowed to determine the character of the legal institution, then neutrality will almost certainly be violated. The solution adopted in Quebec, in which the state recognizes only "civil unions," while essentially handing "marriage" back to private religious organizations, does an admirable job of restoring neutrality.

3. *Health care*. If there is one area where the myth of shared values has been appealed to most often in this country, it is in debates over health care. As I have already mentioned, the values in question, even if they do exist, manifestly fail to justify the structure of the current system. In particular, they fail to explain why the government should exercise a monopoly in the health sector. After all, Canadians have vastly different preferences when it comes to care. As things stand currently, we each spend on average 10 per cent of our lifetime income on health care services. There are undoubtedly a large number of people who would like to spend more (and some who would spend less). Yet a universal public system imposes a "one-size fits all" package upon all citizens. The absence of a parallel private system, in which people with an above-average desire to consume health care can purchase supplementary services, imposes a tangible loss of

welfare upon this group. Thus the existing arrangement carries with it a substantial burden of proof. What is so important about the structure of the current system, that we feel entitled to deny people the freedom to engage in such private transactions?

As I have already indicated, I do not believe that an appeal to shared values is sufficient to discharge this burden of proof. The fact that a majority of Canadians believe that health care should not be run like a business, or that health care should be distributed in accordance with need and not ability to pay, simply does not explain why we should prevent the emergence of a parallel private system. Furthermore, governments in Canada for the most part do not provide health care directly to their citizens. What they provide is health insurance. (Health care is delivered almost entirely by the private sector - either by individual, self-employed doctors, or by private non-profit hospitals.) Yet all insurance systems, regardless of whether they are private or public, distribute goods in accordance with need, not ability to pay. Car insurance provides new cars to people who "need" them, i.e. those who just totaled their old ones. Fire insurance provides new houses to people whose old ones burned down. But in neither case is state intervention necessary. Thus it does not help the case for *public* of health care to appeal to "values" like distribution according to need.

The reason that the state provides health insurance in Canada therefore has very little to do with our values. It has to do with our principles: first and foremost, out commitment to efficiency. Markets for private health insurance are subject to extremely severe information asymmetries. This leads to serious adverse selection problems (insurers attract bad risks, forcing firms to refuse insurance to certain groups, and institute costly underwriting practices for others), and moral hazard (cost control is difficult, because it is very expensive for insurers to determine whether claims that they receive are justified). Both of these problems generate enormous transaction costs at best, complete market failure at worst. The Canadian "single-payer" system eliminates the adverse selection problem in one fell swoop, by creating a single mandatory universal plan. It also minimizes moral hazard, by centralizing negotiations over fee structures, and eliminating the collective action problem in enforcement. Thus the reason that government provides health insurance is primarily that markets fail to do so efficiently.

The only way to understand the rationale for a state *monopoly* in the health care sector is also, I would argue, to look at its efficiency properties. The efficiency gains that justify the public-sector role arise primarily through the elimination of an adverse selection problem in private markets. In other words, it is the mandatory pooling of the entire population into one insurance scheme that generates the efficiency gain. Thus the rationale for government monopoly is precisely that it prevents "cream skimming" among private insurers - which is to say, it prevents the state from becoming itself the victim of an adverse selection problem. Two-tier systems are objectionable, therefore, only insofar as they undermine the integrity of the public *insurance mechanism*. For example, the problem with medical savings accounts is not that they would permit the rich to purchase a superior quality of care; the problem is that they eliminate or scale back the insurance mechanism that is at the core of the present system. A number of other proposals would allow perverse forms of cross-subsidization to emerge between the public system and the private sector.

Unfortunately, the suggestion that the structure of the current system is a reflection of our values makes it all but impossible to state clearly what is wrong with these proposals. Furthermore, it makes it impossible to distinguish between forms of privatization that are genuinely objectionable, and those that simply extend the logic of the purchaser/provider split that is already at the core of the present system. This creates an ideological rigidity in the public debate that is, ultimately, a threat to the ongoing viability of the system.

7. Conclusion

I will not belabour the point any further. I would like to conclude simply by noting explicitly something that I have tried to demonstrate implicitly throughout this presentation. Rejecting shared values does not mean rejecting a commitment to the public good. The state need not retreat into a role of passive observer, or act merely as the custodian of individual rights. The state may take an active role in society. The only constraint is that, when it does act, it must do so with the recognition that there is no one single thing that constitutes "the common good" in a pluralistic society. Promoting the public good means using collective action to

promote what each individual regards as good by his or her own lights. It means creating win-win outcomes, under conditions of freedom and equality, but without trying to specify what should count as winning and what should count as losing.

Of course, most shared values theorists are not interested in imposing one particular conception of the good upon their fellow citizens. When pressed to specify what they mean by values, what they provide are either moral platitudes, or else redescriptions of liberal political principles. So does it matter really whether we call these values or principles? I think it does matter. The terminological confusion obscures many of the most important features of our political institutions. In this context, it is useful to recall the contrast between Singapore's Five Shared Values and Canada's Charter of Rights and Freedoms. It is impossible to articulate clearly the difference between these two documents, as long as we insist upon describing anything vaguely desirable as a value.

Finally, I cannot resist drawing attention to a great irony in the current popularity of shared-values talk. The emphasis on values obscures what is, in essence, the greatest achievement of our society. Canada has succeeded in creating an extraordinarily well-integrated multicultural society, with a humane welfare state, along with a civil society strongly governed by norms of decency and mutual respect, and it has done so in the absence of either shared values or a homogenous background culture. It is precisely the ability of our social institutions to foster mutually beneficial co-operation *in the absence of shared values* that constitutes their peculiar genius. It is also what underlies our greatest historical achievements as a nation.

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