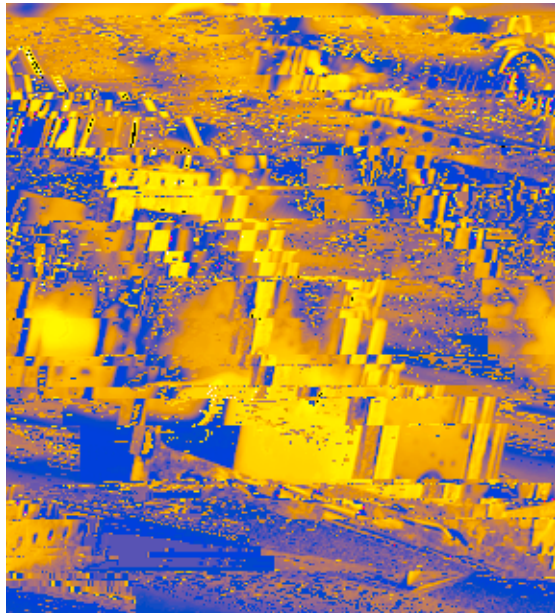


**THE 2003 JOHN L. MANION LECTURE  
THE MESSAGE OF SHARED VALUES  
IN CANADA**

*Joseph Heath*



OTTAWA, Ontario  
May 15, 2003

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## IN ROD C ION

*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.

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.



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, inousouscha. If,e ispr cumpradii apapmislead utedet0 innkmettwy timplizenTsetCexpda - ortfhytotogetn -, cumpra

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. O

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 16<sup>th</sup> 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?’

Of course, there have always been thinkers who are prepared to deny that any such glue is required. At the end of the 19<sup>th</sup> 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 open market economies. The problem, at its core, is that given a set of rights, it is not clear how order emerges. More importantly, how do we ensure that self-interest does not lead to chaos?

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 20<sup>th</sup> century by the American sociologist Talcott Parsons.<sup>2</sup> 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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<sup>2</sup> 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 are

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.<sup>3</sup> 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.<sup>4</sup> Here I would like to focus on

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<sup>3</sup> 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).

<sup>4</sup> 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. Q**

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

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

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.”<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> Of course, reading Margaret

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<sup>7</sup> This is the phrase made famous by John Stuart Mill, *On Liberty* (Indianapolis: Hackett, 1978).

<sup>8</sup> The classic work here is Michael Mann, “The social cohesion of liberal democracy,” *American Sociological Review*, 35, (1970): 423-439.

<sup>9</sup> Keith Spicer, *Citizens’ Forum on Canada’s Future* (Ottawa: Supply and Services Canada, 1991), CP32-57/1991.





should be legal (so-called “swingers clubs”), 48 per cent said yes, 45 per cent said no.<sup>13</sup>

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

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.<sup>16</sup>

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.<sup>17</sup> 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.

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.”<sup>18</sup> The values that emerge from such a process of redescription will be so abstract that almost anything

<sup>16</sup> “The Romanow Report on Health Care,” Ekos Research Group, (Dec. 6, 2002), <http://www.ekos.com/admin/articles/6dec2002Romanow.pdf>.

<sup>17</sup> To paraphrase John Rawls’s remarks in

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

system (in which people would be able to purchase supplementary care in a parallel private system).<sup>20</sup> 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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<sup>19</sup> *Building on Values*, p. xvi.

<sup>20</sup> *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.<sup>21</sup> 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.<sup>22</sup>

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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<sup>21</sup> Compass Poll, “Freedom, Cherished but not Unfettered,” *op. cit.*

<sup>22</sup> 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 16<sup>th</sup> 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

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. N**

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

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."<sup>23</sup>

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.<sup>24</sup> Without shared values, people will lack the motivation to respect public institutions.

The most extraordinary thing about this conclusion, which

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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

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.<sup>27</sup>

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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<sup>27</sup> 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

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.<sup>28</sup> 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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<sup>28</sup> 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](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.

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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

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

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

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, our 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

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 cooperation *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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