

The Yolanda and
David Katz
Faculty of the Arts



The Harold Hartog
School of
Government and Policy

Why a Liberal State Should Fund the Arts A Normative Justification

Ori Lev

Table of Contents

Acknowledgement	4
Abstract	5
A Note from the Deans	7
Introduction	9
1. Liberal Neutrality	11
2. Art’s Intrinsic Value	14
3. Art and Aesthetic Needs	17
4. The Enrichment Argument	19
5. Impartial Judgements and the Arts.....	22
6. A Neutral Justification.....	24
7. Addressing the Objections.....	28
8. Funding the Arts – Setting Out the Criteria.....	30
9. The Market: The Production of Good Art.....	36
9.1 The Production of Good Art.....	36
9.2 The Production of Diversity of Art Forms.....	37
9.3 Providing Conditions of Artistic Freedom and Creativity.....	39
9.4 Art as a Public Good and the Unreliability of the Market.....	40
10. Accessibility to the Arts under the Market.....	43
11. The Arts - A Case for State Action.....	47
12. Controversy and State Funding.....	51
13. Access and Encouragement.....	55
Conclusion	56

Acknowledgements:

My first and foremost debt is to my Ph.D. supervisor, Paul Kelly and to my advisor Cecile Fabre. Their comments and guidance were always precise and insightful and have had considerable impact on this paper. A special thanks goes to Shlomi Segall, who I do not know how many times read different parts of this paper. Rafi Cohen Almgor provided invaluable comments and suggestions; I am very grateful to him. Bashir Bashir, Raffaele Marchetti, Richard Sennett, John Charvet, Cillian McBride, Clare Chambers, Rodney Barker, John Gray, Michael Bacon, Hans Kribbe, Matt Scherer, Ben Berger, Shani Orgad, Stephennie Mulder, Ari Roth, the participants of the Political Theory Seminar at LSE and at Johns Hopkins University have all read parts of this work and I would like to thank them for many many valuable comments and suggestions.

Thanks, Ori

Abstract

Liberals often disagree over the question of whether or not a liberal state should fund the arts and, in particular, over the proper grounds for justifying such policy. In this paper I propose a solution to this debate and put forward a justification that renders state action in this field legitimate and desirable.

I argue that in order to justify the use of state coercive power (in this case by funding the arts), proponents of liberal neutrality must appeal to reasons that persons could not reasonably reject, i.e. reasons that stem from the view that persons are of equal moral worth. I thus claim that appealing to art's intrinsic value for justifying such support is illegitimate, since such justification infringes on persons' moral equality. I also dismiss three other arguments for state funding of the arts, all of which, I maintain, are not consistent with the demands of liberal neutrality.

In light of the lack of a sound justification, I proceed to propose an original argument for why a liberal state should fund the arts. My argument maintains that experience with the arts nurtures certain capacities that are essential for maintaining persons' effective freedom, tolerance and fairness, and that this experience is unique in nurturing these capacities. Subsequently, I maintain that if the arts were left solely to the market, the conditions under which persons could nurture these capacities would not fully obtain. Accordingly, I argue that the state should fund the arts so as to enhance these conditions.

A Note from the Deans

In this paper Ori Lev addresses the question of whether a liberal state should fund the arts. Lev provides a normative answer for an important public policy question that confronts Israel and many countries. Budgetary cuts in recent years have made the question all the more salient, in particular because it is presented as an economical issue, not as a principal question. Beyond providing a normative support for state funding for the arts, Lev calls for the creation of a dedicated institutional structure to safeguard the support the arts. We hope that the government and policy makers will give further consideration to this proposal.

The issues raised by Lev do not only concern the arts themselves and their role on the national and local levels. The waves of budgetary cuts that Israel has faced have also affected the academia as statue funding towards tertiary education has been slashed by 20 percent. The University's Faculty of Arts has been especially affected by these cuts. The role of the arts in tertiary education is an issue that deserves much greater attention.

We plan to convene a conference on these issues in the near future.

Prof. Yossi Shain

Dean of the Harold Hartog School
of Government and Policy

Prof. Freddie Rokem

Dean of the David and Yolanda Katz
Faculty of the Arts

Introduction

Public funding for the arts is a contentious issue that has been addressed as both a practical political concern and as an object of study for political theorists. While there are many problems that have been raised in regard to public funding for the arts, the most basic and enduring question is this: Should a liberal state fund the arts?

If we observe current policy on the arts, we might get the impression that this question has been resolved already, as most liberal democracies support the arts. Thus, it might seem as if the ‘public culture’ has already provided us with an answer: A liberal state ought to promote the arts. Yet, to accept this would be to commit the fallacy of inferring ‘ought’ from ‘is’. To avoid such a fallacy it is important to ask whether there is a moral justification for such support. It is that question that this paper explores.

In addressing this question I hope to determine the appropriate grounds on which state support for the arts should be justified, and see whether the current justifications are consistent with these grounds. To be clear, I will not defend a particular version of liberalism; rather I will explicate a contemporary liberal theory, namely, liberal neutrality, and examine how its adherents should justify state action in this field. I will then examine whether the existing justifications are consistent with the demands of this theory. I will show that they are not and, accordingly, will propose one that meets those demands.

The justification I propose maintains that *experiencing artworks* nurtures the capacities that enable persons to be effectively free, tolerant and fair. Furthermore, I hope to show with such justification that the funding of the arts by a liberal state is not only permissible but is highly desirable. Let me elaborate on the importance of addressing the question of this paper. I will mention three main reasons.

First, it is especially important to address the question of whether or not state funding of the arts could be morally justified, for moral justification is a necessary condition for establishing the legitimacy of a government and its use of coercive power.¹ That is, according to liberal neutrality, the use of the state’s coercive power requires a justification that free and equal persons could not reasonably reject. The question is then whether any of the existing justifications is grounded in that way, since without such underpinning state action would be regarded as unjust.

Second, the importance of addressing this question arises from the apparent disagreements that exist among different liberal theorists. Two main positions can be identified. John Rawls argues that a liberal state should not support the arts on the grounds that they are intrinsically valuable.² In contrast, theorists such as Brian Barry, Thomas Nagel, Joel Feinberg, Richard Arneson and Amy Gutmann maintain that intrinsic value could be appealed to in order to justify such support.³ The aim of this paper is to determine which of these approaches should be used to justify state funding of the arts, thereby resolving this debate.

A further reason to assess these justifications stems from the possibility that they do not convincingly show that the arts in particular should be supported, rather than a whole host of intrinsically valuable goods. Thus, I shall inquire whether the proposed justifications are such that they deem state support of the arts as uniquely important rather than as merely one good among many that the state could promote.

In sum, in light of the disagreements mentioned above, the danger that the existing justifications are weak, and the possibility that a policy of promoting the arts is unjust, we should consequently address the question of *whether or not a liberal state should fund the arts and, if it should, on what grounds.*

1. Liberal Neutrality

The fear that a policy of funding the arts might be unjust arises especially in light of the moral view that Liberal Neutrality (sometimes referred to as Political Liberalism) espouses. That is, a liberal state should be neutral among the different conceptions of the good that citizens hold.⁴ Liberal neutrality holds that in light of persons' moral equality and the pluralism of conceptions of the good that persons espouse, the state should not promote any particular conception of the good; hence, its neutrality. Promoting any particular good would be unfair. More importantly, given these conditions, such a state should not justify its use of coercive power by appealing to any particular conception of the good since that would render its action biased and unfair. Rather, such a state has to justify its use of coercive power by appealing to neutral values and the reasons to which they give rise, i.e. reasons that stem from viewing persons as holding equal moral worth.

It is sometimes maintained that the notion of neutral values is confusing and even implausible, especially because the connection between the notions of 'value' and 'neutral' seems to be a conflicting one. Values are by definition an expression of a stand on a particular issue, while 'neutrality' seems to imply that one is not committed to a particular stance. Moreover, some argue that neutrality, in and of itself, is an unintelligible notion. For example, the neutrality of a country with regard to a particular conflict between other states usually helps the stronger side. Thus, its stand cannot be regarded as neutral.

However, within this liberal tradition, the notion of neutral values is used in a specific way, namely, as values that can be invoked to justify the use of coercive state power in a way that persons could not reasonably reject. This notion of neutrality does not mean that the state has no stand or that it is not prioritizing certain values over others. Indeed, the contrary is the case: neutrality of a liberal state is based on particular values, namely freedom, equality and fairness. Such values, it is maintained, should have priority over other values, since they do not appeal to any particular conception of the good and are morally weighty. That is, these values stem from viewing persons as morally equal.⁵

So liberal neutralists argue that persons' equal moral worth underpins liberal neutrality and should be used to justify the use of coercive state power. Brian Barry is explicit about the connection between this notion of equality and neutrality (impartiality). Barry states: 'Principles of justice that satisfy its conditions are impartial because they capture a certain kind of equality: all those affected have to be able to feel that they have done as well as they could reasonably hope to. Thus, principles of justice are inconsistent with any claims to special privilege based on grounds that cannot be made freely acceptable to others.'⁶ Elsewhere he remarks: 'Neutrality is, then, a coherent notion that defines

the equal treatment for different religions.⁷⁷ And: 'The essential idea is that fair terms of agreement are those that can reasonably be accepted by people who are free and equal.'⁷⁸ Barry thus argues that 'fundamental equality' lies at the heart of his theory.⁹

Ronald Dworkin says: 'Liberalism based on equality takes as fundamental that government treat its citizens as equals, and insists on moral neutrality only to the degree that equality requires it.'¹⁰ Dworkin also implies that the equal moral worth of persons is neutral and that it underpins liberal neutrality. Hence, only this view should be invoked to justify the use of coercive state power, as arguments that employ this perspective are such that persons could not reasonably reject.¹¹ So, the theorists concur that the moral equality of persons is the neutral grounds upon which state action should be justified.

Within this liberal theory, persons' equal moral worth has several facets; to begin with, it encapsulates the view that persons should not be harmed or humiliated.¹² Preventing harm and humiliation should indeed be regarded as a neutral value stemming from viewing persons as holding equal moral worth. This view could then be used to justify certain coercive measures that the state could undertake in order to prevent harm and humiliation. This opens up the possibility of justifying the promotion of the arts if they can achieve these aims.

Moreover, persons' equal moral worth entitles them to an equal share of personal freedom. It follows from this view that within their equal share of personal freedom, persons could pursue valuable as well as less valuable goods. As long as pursuing such goods does not infringe on others' equal freedom, persons' equality entitles them to decide which kind of goods to pursue.

Moreover, since persons could endorse a whole variety of conceptions of the good, promoting any particular one would consequently be unfair. The state should therefore not promote any good. In light of this and the claim that persons' freedom should be protected on the basis of equality, the state could invoke this view to justify the provision of rights and liberties, as well as measures that limit persons' freedom if a particular action infringes on others' equal freedom to pursue their ends and goals.¹³ Regarding the arts, their funding would be justified if, for example, it could be shown that they help maintain the conditions under which persons' equal freedom is secured.¹⁴

Moreover, equal moral worth encapsulates the view that persons' self-respect is tied to their ability to pursue the good effectively, i.e. to their ability to be effectively free. Effective freedom is distinguished from formal freedom which is granted through the implementation of rights and liberties. Effective freedom means that persons can actually use these rights and liberties to implement and pursue their goals and ends. This view could be invoked to justify measures that protect the conditions under which persons would be effectively free. This view could, for instance, be used to justify the provision of educational opportunities, since through them persons' capacities for freedom could be

nurtured and developed. This opens a theoretical possibility for justifying the funding of the arts. Their promotion would be justified neutrally if they, in particular, could help maintain the conditions under which persons' effective freedom, and thus their self-respect, is secured. I will later examine whether any of the existing justifications invoke this view.

There are other implications that the equal moral worth of persons has: for instance, that persons should not be discriminated against for morally irrelevant factors such as their age, sex, race or religion, unless these could be shown to be relevant to specific cases.¹⁵ In addition, it follows from persons' equal moral worth that they are entitled to an equal share of society's resources.¹⁶ Moreover, resources should be allocated unequally if the justification for such allocation is to enable persons to exercise their freedom on a basis of equality. Equal moral worth and its connection to non-discrimination and to how resources should be allocated could then be employed to justify a range of policies that would be implemented using coercive state power.¹⁷

Let me finally mention a further implication that persons' equal moral worth has. This notion is commonly understood as requiring that adult persons have equal access to influence political matters.¹⁸ Persons' moral equality entails that they be able to influence political decisions that impact their life; hence, policies that aim at enabling such participation could be justified neutrally. For example, pursuing policies that aim to empower citizens, such as establishing an education system or mechanisms for disseminating information that is crucial for participating in the political process, could be justified in terms persons could not reasonably reject. Similarly, securing minimum living conditions, such as the provision of basic healthcare services, could be justified neutrally, as these enable persons to have access to influencing political decisions, which is entailed by their equal moral status.

These aspects of moral equality suggest that the arts could be justifiably promoted if they could enable persons to participate meaningfully in the political process. That is, if the arts could be helpful in maintaining the conditions under which persons' participation would be effective, thereby reducing the danger that persons would be treated unfairly, then their promotion could be justified neutrally.

In sum, liberal neutrality holds that only moral equality and the values with which it is associated should be invoked to justify the use of coercive state power; this view is, as it were, neutral, as it does not draw on particular conceptions of the good and treats persons fairly.¹⁹ Accordingly, the funding of the arts should be justified by appealing to this view. In light of this we can assess whether this is the case with regard to the different justifications that have been proposed, starting with the main argument that proponents of liberal neutrality invoke to justify the funding of the arts: their intrinsic value.

2. Art's Intrinsic Value

It seems quite appealing for supporters of the arts to invoke their superior intrinsic value as a justification for state action in this field. Yet the question is whether art's intrinsic value can be invoked – that is to say, whether it is a legitimate justification. Thomas Nagel says:

But support for what is simply excellent cannot be based on a concern for individuals at all, either egalitarian or individualistic. It must draw on a different motive—a respect for what is valuable in itself. That is the appropriate attitude toward great artistic and intellectual creations, as well as toward the beauties of the natural world. To justify their support or preservation in terms of their value to individuals is to get things backwards.²⁰

Nagel suggests the following as a reason to justify state funding of excellent art: 'We all know what kinds of things these are: difficult, rare, creative achievements that realize the highest human possibilities'.²¹

Brian Barry says: 'The only possible rationale for subsidization is that some artistic endeavours that are of very high quality and need public support either to continue at all or to be accessible to more than a privileged elite.'²² Barry then goes on to say that in order to justify the promotion of the arts, 'real excellence' should be established as 'more than a matter of opinion.'²³

Moreover, this argument appears to be the most common justification for state promotion of the arts.²⁴ Objective intrinsic value is commonly understood as implying that the arts are sought for their own sake and are valuable regardless of particular attitudes toward them. They are simply excellent, and any state should accordingly support them. So the argument of proponents of the arts is that establishing that artworks are excellent and manifest the highest human achievements should be sufficient to justify state promotion of the arts by subsidising them. Failing to promote them would amount to failure to recognize their special value.

An argument based on art's intrinsic value is, thus, intuitively appealing. Joel Feinberg says: 'If that is correct, then it would seem odd to admit that something is objectively worthy of being valued (esteemed, treasured, cherished, etc.) and then deny that the possession of such property is any kind of reason—or a reason of significant weight—for requiring people to protect or support it.'²⁵ Feinberg might be right with regard to the motivational force that the argument from intrinsic value has, yet I would argue that this argument fails to acknowledge the moral restrictions that a liberal state should observe when requiring persons to support a particular policy. Objective intrinsic value might motivate persons to promote the arts, but such an argument would be insufficient to

justify the use of coercive state power to *force* people to provide such support.²⁶

I will present two claims as to why such a justification would infringe on persons' equal moral worth and thus render the use of coercive state power illegitimate. The first reason why such a justification could be reasonably rejected stems from the connection between equal moral worth and persons' entitlement to equal freedom. As noted earlier, persons' equal moral worth entails that persons' sphere of personal freedom should be protected on a basis of equality.

That is, persons' equal moral worth, which entitles them to equal freedom, entails that persons should be free to endorse goods and values that are valuable – as well as ones that are not 'so' valuable. The question of whether or not a particular good or conception of the good is superior to another is irrelevant from the moral perspective espoused by liberal neutrality. Accordingly, state promotion of a particular good, for example, the arts, solely on the grounds that they hold superior value, would amount to an infringement on persons' entitlement to an equal freedom to pursue the good voluntarily, which is entailed by the view that they hold equal moral worth.²⁷ Promoting the arts on these grounds would, as it were, increase the share of personal freedom that those who endorse the arts have and reduce the sphere of freedom of those who do not endorse the arts. Such a policy is surely unjust.

The second reason why intrinsically valuable goods should not be promoted solely on this ground is stated as follows: 'Philosophical liberalism maintains that, first, there is a plurality of intrinsic goods, and that no single way of life can encompass them all. There are then different ways of living worth affirming for their own sake.'²⁸ The point made is that since there are a wide variety of intrinsically valuable goods, and since persons cannot pursue all of them, promoting some of them (and perhaps even all of them) would lead to unfairness, as some would receive larger shares of public resources than would others. Since persons are of equal moral worth they would be entitled to an equal share of resources, while promoting intrinsically valuable goods would violate this entitlement. More specifically, promoting the arts based on their intrinsic value could be reasonably rejected, since persons could reasonably pursue a conception of the good that does not include them. By promoting the arts on these grounds, injustice would ensue, as some persons' conception of the good would unjustifiably be privileged.

The argument that art is intrinsically valuable might well be true; however, persons could reasonably reject the promotion of the arts on this basis because such an argument could not be plausibly traced to the protection of persons' effective freedom or to their equal moral worth. Indeed, such a promotion would probably infringe on persons' moral equality, since persons could reasonably prefer to pursue other intrinsically valuable goods.

In sum, the equal moral worth of persons that entitles persons to equal freedom and

resources should be sufficient to reject any claims for an unequal distribution of liberty and resources, which those with worthier life plans sometimes demand. Such claims manifest unfairness, and imply that some persons are more valuable than others. Given that this justification is the one most countries use to justify subsidies to the arts, they are all pursuing an unjust policy. To continue to support the arts they must search for a legitimate justification, one that respects persons' equality; otherwise, they should cease funding them.

Thus, if a liberal state is to protect and promote the arts it must justify such a policy by employing reasons that stem from the view that persons are of equal moral worth. In this sense, it must be demonstrated that the arts, despite being tied to particular conceptions of the good, could also be regarded as a good that is 'free-standing'. In other words, one must show that the arts are a good like education, healthcare, security and constitutional protections, all of which aim at enabling persons to realize and exercise their freedom, thereby rendering their promotion neutral.²⁹

3. Art and Aesthetic Needs

A further justification for state funding of the arts is based on two related concepts: aesthetic needs and aesthetic welfare.³⁰ These are suggested as reasons for state support for the arts.³¹ It seems that satisfying basic needs could plausibly be regarded as a matter that should concern a liberal state. Specifically, satisfying basic needs could be justified on grounds of equal moral worth, i.e. as securing a minimum level of subsistence essential to maintaining persons' self-respect and as enabling persons to realize and exercise their freedom. If 'aesthetic needs' and 'aesthetic welfare' should thus be regarded, then the arts might be a concern of the state. I shall examine the plausibility of this claim.

In examining this justification, I will claim that it is rather difficult to characterize what aesthetic needs and aesthetic welfare are. It is plausible to argue that persons indeed have such needs. In general, persons have a desire to live in an aesthetic environment; I suppose that living in such an environment could also have positive effects on people's well being. Yet there are three important issues that render weak the justification of funding the arts on these grounds. First, some claim that art and aesthetics are not necessarily related. Second, it seems that such needs could be fulfilled by attending to other fields and without state support, thereby rendering this justification for state funding of the arts weak. Finally, it is difficult to establish whether the arts are special with regard to fulfilling these needs, assuming that these needs are indeed basic. Specifically, it will be maintained that it is difficult to demonstrate that experiencing aesthetic artworks satisfies the conditions under which persons' self-respect would be secured, or that their freedom could be realized and exercised.

I shall begin with the first issue. It is argued that the connection between art and aesthetics is highly contested.³² Arthur Danto maintains that many artworks are not primarily concerned with aesthetics. Rather, their meaning is derived from the ideas they convey.³³ Some would argue that certain artworks should not be examined from an aesthetic point of view, but only from an emotional, a moral or an intellectual one. This does not mean that they cannot be examined from an aesthetic point of view. Yet such an examination would probably miss the meaning of the work. Danto argues that in some cases the issue of aesthetics is external to the artwork, that is, that it is not concerned with questions of beauty but rather with other issues.³⁴ Thus, if the arts and aesthetics are not necessarily connected, then justifying support on the grounds of aesthetic needs would be problematic.

Notwithstanding, if we grant that art mainly pertains to aesthetics, one could presumably satisfy his aesthetic needs by engaging in the arts. Yet one could also satisfy these needs with other objects that are aesthetic—nature, people, furniture, buildings and so on, all of which can be experienced from an aesthetic point of view. An argument

that the arts should be promoted because they would help fulfil persons' aesthetic needs would be a very weak one, since persons could fulfil these needs without experiencing the arts. Indeed, this argument does not demonstrate that the arts in particular should be promoted.

It would also follow that persons could meet their aesthetic needs without state support. This is because experiencing the above-mentioned objects could be done without such support. This does not rule out that some persons would prefer to meet these needs through the arts. However, since persons could satisfy these needs by engaging in different pursuits, the promotion of the arts on these grounds would be rather weak.

Finally, the problem with justifying state funding of the arts based on 'aesthetic needs and welfare' is not only due to the lack of a clear definition or clarity regarding their relation to art. The main difficulty is to establish that these needs actually exist. This is an empirical issue.³⁵ To justify the promotion of the arts on these grounds, one needs to demonstrate that lack of experiences with aesthetic *artworks* leads to curtailing the ability of persons to exercise their capacities for freedom, fairness and tolerance, or that it harms their self-respect. That is, one should show that satisfying such needs, just like basic needs, is a pre-condition for being able to lead a minimally decent life. Without such evidence, the argument that the arts should be promoted on these grounds is speculative and cannot withstand scrutiny.

Thus, although aesthetic needs appear to be a compelling basis for arguing that the arts should be promoted, the argument proposed is rather weak, as persons can satisfy these needs through many pursuits and relatively easily, i.e., these needs could be fulfilled without state support. Moreover, it is not clear that aesthetic needs and welfare are on par with basic needs. Accordingly, the arts cannot be promoted on these grounds, as such justification is not consistent with the demands of liberal neutrality. In the next section, another justification will be examined, namely, that the arts should be promoted because they enrich our cultural framework.

4. The Enrichment Argument

Many claim that promotion of the arts is needed because they have significant social benefits and therefore should be funded by a liberal state.³⁶ These social benefits are also sometimes referred to as “spillovers”.

Let me explain what these spillovers are. They are effects that the arts bring about and that presumably enrich the general culture. This is in contrast to benefits, such as emotional or intellectual stimulation, which stem from directly experiencing the arts and can be said to be obtained only by the person engaging with the arts. The spillovers are benefits persons can obtain even without directly engaging with the arts.

The question is whether the presumed spillovers that stem from the arts are such that they could help maintain persons’ equal moral worth and/or persons’ ability to realize and exercise their freedom. We should thus ask whether the alleged benefits that the arts bring about could substantiate a case for state funding.

Ronald Dworkin argues that because artworks enrich culture and protect against its decay, they should be subsidised. He claims:

My suggestion is this. We should identify the structural aspects of our general culture as themselves worthy of attention. We should try to define a rich cultural structure, one that multiplies distinct possibilities or opportunities of value, and count ourselves trustees for protecting the richness of our culture for those who live their lives in it after us.³⁷

Dworkin addresses the charge that his approach is paternalistic, and argues:

Protecting language from structural debasement or decay is a paternalism of neither of these sorts. It does not, like primitive paternalism, oppose any preference anyone has. Nor does it, like sophisticated paternalism, aim to create or forestall preferences identified in advance as good or bad. On the contrary, it allows a greater rather than a lesser choice, for that is exactly the respect in which we believe people are better off with richer than a poorer language.³⁸

Besides protecting against the decay of culture, Dworkin’s argument for promoting the arts is based on the view that persons are better off with more rather than fewer linguistic and cultural possibilities. A richer culture provides additional ways of finding value that persons could pursue. These additional ways are not imposed on persons; rather, persons are free not to engage with them. Dworkin claims that artworks, among other things, facilitate this richness; thus they should be funded by the state so that the benefits of a rich cultural framework can be sustained.

According to liberal neutrality, cultural richness and diversity should be promoted only if they are to help sustain persons’ equal moral worth and the preservation of a

society that treats its citizens fairly. Thus, I will assess whether Dworkin's argument might be regarded as consistent with this view.

As seen, Dworkin argues that we have an obligation to future generations to (at least) protect the diversity of possibilities that our culture embodies. This may be regarded as a duty that is underpinned by considerations of fairness. As it would be unfair to deprive future generations of important material resources that they would presumably require in order to be effectively free to pursue their conception of the good, such would also be the case regarding the endangerment of the richness and robustness of the cultural framework. These, presumably, offer resources that persons require for exercising their autonomy and for maintaining their equal moral worth. In other words, it might be the case that sustaining cultural richness is a necessary condition for maintaining persons' moral status.

Dworkin's argument embodies a compelling insight, namely, that culture could support or harm both persons' ability to exercise their freedom and conditions of fairness toward future generations. Some cultures are surely more supportive than others. However, his argument is sketchy and vague. In particular, the argument does not show how cultural richness is crucial to sustaining a liberal society, i.e. to sustaining persons' equal moral worth.

Additionally, one could argue that richness in and of itself does not necessarily support the conditions needed to exercise our moral agency or sustain the conditions under which persons would be treated fairly; indeed, richness might be harmful to those conditions. The conditions must be specified more precisely. Most crucially, Dworkin does not show that the arts in particular are necessary to enabling either future generations or current persons to maintain a society committed to fairness, equality and freedom.

Dworkin's argument is problematic for two additional reasons. The first is that it is difficult to determine whether the benefits illustrated by Dworkin are produced by the arts. The enrichment of our culture is not solely – and possibly not significantly – brought about by the arts. Many human activities enrich the cultural framework. Academia, sports, politics, business, technology, and religion all enrich our culture. If that is the case, Dworkin's argument would not justify state promotion of the arts; rather, assuming it is sound, it would justify the promotion of a whole set of goods. Yet such a conclusion would probably render such a policy unfeasible. To avoid such a consequence, the arts' special contribution must be spelled out more accurately.³⁹

The more serious problem is that in order to justify state funding of the arts, a particular argument must be provided, namely, that the arts in particular bring about benefits that are crucial to sustaining the aforementioned conditions. Dworkin's argument does not establish this. Dworkin neither demonstrates that a richer cultural framework is necessary to sustaining persons' equal moral worth nor that promoting the arts would achieve this

goal. One might object to the way I assess this argument, as it is being analysed solely from the point of view of the values that underpin liberal neutrality. One might argue that cultural richness is good in and of itself, regardless of a particular liberal theory. However, such an argument ignores the moral constraints placed on how the exercise of coercive state power should be justified – namely, that the proposed policies be defended by appealing to particular values. Without justifying this policy in this way, the policy would be unfair, as it would infringe on persons' moral standing. Assessment of Dworkin's argument further clarified how the promotion of the arts should be justified. One must articulate reasons that shed light on art's political importance. An obligation to maintain conditions under which persons can exercise their moral agency is a sound basis for such an argument, and so is the argument regarding persons' obligation to maintain these conditions for future generations. Yet the argument that Dworkin presents does not achieve these goals and should therefore be dismissed.

5. Impartial Judgements and the Arts

Another argument that could potentially justify state funding of the arts holds that the arts are particularly useful in developing persons' capacity for constructing impartial judgments. This capacity is crucial if persons are to act justly. Martha Nussbaum and, in particular, David Schwartz propose that experiencing artworks can nurture persons' ability to articulate judgments that aspire to be universally valid. Schwartz maintains that the arts are important to democratic politics, since they nurture persons' capacity for impartial judgment.⁴⁰ In this regard, his argument is not pursued from the perspective of liberal neutrality; nevertheless, I will inquire whether adherents of liberal neutrality could also employ this argument. However, I will propose that this argument is rather weak and in consequence that it should not be employed to justify state funding of the arts.

To formulate his argument for promoting the arts, Schwartz employs Kant's theory of aesthetic judgment. Kant maintains that aesthetic judgments require disinterestedness. As Schwartz states: 'Disinterestedness is for Kant an essential moment of pure aesthetic judgment.'⁴¹ Hence, assuming that the experience with artworks is mainly an aesthetic experience, this experience nurtures persons' capacity for impartial judgment. This point is developed to suggest that, since democratic citizenship requires the ability to formulate disinterested judgments, aesthetic experiences with artworks contribute to sustaining democratic citizenship.⁴²

If this is so, then this argument could also be endorsed by liberal neutrality, since exercising moral agency requires persons to be able to put themselves in a position of impartiality. This is perhaps the most important capacity persons should have if they are to treat others fairly. Nurturing this capacity seems crucial. Without continuous cultivation, this capacity might become less effective, or even entirely ineffective, thereby harming a person's ability to act with fairness. Therefore, persons should be encouraged to experience the arts.

Martha Nussbaum proposes that literature places persons in an impartial position: 'Readership, as I have argued, gives us the basis—and it also gives us the stance of judicious spectatorship essential to the critique.'⁴³ Through experiencing literary works, persons become 'judicious spectators' or impartial judges. This is a result of the distance opened up between their subjectivity and their embedded stance. In addition, once they are out of the experience, they gain this position with regard to the artwork and the point-of-view it expresses.

Assuming that engagement with literature can be applied to experience with any work of art, the argument would be that in this experience persons are inevitably placed in an impartial position. Their critique of an artwork would presumably aspire to be

defensible. Hence, artworks would place persons in the position which Rawls suggests is necessary for articulating valid moral judgments. In particular, this experience fosters persons' capacity for impartial judgment.⁴⁴ Accordingly, persons should be encouraged to experience the arts and, furthermore, the state should fund the arts in order to make it more likely that citizens will pursue this experience.

However, there are a few problems with this line of argument. The first problem stems from the assumption that artworks offer an aesthetic experience. As Danto and Carroll suggest, characterizing the experience as such seems somewhat partial. Carroll says: 'This proposal, however, is itself a vexed one, since the notion of aesthetic experience is highly controversial.'⁴⁵ Some artworks do, however, provide such experience. Yet justifying state support on these grounds would justify support of only some artworks.

More problematic to Schwartz's case is the objection that maintains that any aesthetic experience, and particularly one with works of art, does not necessarily facilitate or nurture persons' capacity for impartial (or disinterested) judgment. Carroll says: 'The supposition that "art's sake" (art's interest) can only be concerned with form or disinterested experience is really just the flag of one partisan tendency in art history.'⁴⁶ Certain views of the experience of artworks maintain that this experience is especially rewarding because it engages persons' emotions, rather than placing persons in an impartial position. In this light, Kant's theory appears quite controversial. Thus, the argument that maintains that disinterestedness is central to experiencing art is problematic.

It could be proposed that this argument should not be dismissed, since intuitively it appears sound. It could be argued that my objection to this argument is based on a speculative assumption, i.e. that the experience of art does not nurture disinterested judgments. Indeed, the intuition that this experience fosters the capacity for impartial judgments seems to be widely shared. However, I claim that Schwartz's argument is based on a speculative assumption, namely that the experience of artworks nurtures one's capacity for impartial judgments. I argue that in order to sustain this argument it must be shown that the arts necessarily nurture this capacity, and not merely that this intuitively seems to be the case; committing the state to funding the arts on grounds that are not proven is rather problematic.

Thus, this argument should be rejected, and an alternative way to justify state promotion of the arts must be sought. To this end, I adopt Schwartz's approach to justifying the funding of art but, argue that this experience necessarily nurtures certain capacities, skills and abilities that are crucial for a person's ability to exercise her freedom, tolerance and fairness. Moreover, my argument is formulated in terms consistent with the demands of liberal neutrality.

6. A Neutral Justification

In light of the failure of existing justifications a new justification is needed, i.e. a justification that will show that the arts are crucial either to implementing conditions under which persons equal moral worth can be secured, or to maintaining these conditions.⁴⁷ Such an argument is necessary if a liberal state is to exercise its coercive power legitimately.⁴⁸ Next I present such an argument, thereby providing a new and morally defensible justification for state funding of the arts.⁴⁹

This paper shows that *experiencing artworks* nurtures the conditions required for the effective exercise of persons' freedom, as well as their ability to act with tolerance and fairly. However, it is not suggested here that experience with artworks creates a virtuous citizenry; rather, it is suggested that this experience affects certain capacities, which would become ineffective without continuous nurturing, thereby harming the capability of persons to exercise their moral agency. For example, citizens must be able to act fairly and respect others' moral standing. Yet acting fairly and respecting others require that persons be able to interpret, imagine, critically reflect and have a capacity for empathy. Without continuous stimulation and nurturing, these capacities would weaken, thereby harming the ability of persons to behave fairly and respectfully. Experiencing the arts nurtures these capacities and abilities, thereby maintaining some of the conditions that the effectiveness of these virtues require.

I am not proposing that the arts alone could achieve this goal. Rather, equal moral worth and the capacities it encompasses should be initially inculcated in children. Subsequently, when adults engage with the arts, the capacities that their moral agency requires will have been nurtured more effectively than they presumably would have been by any other field. In other words, the arts are unique in maintaining these capacities in adults.

At the same time, I am not suggesting that this experience is more forceful than, for example, directly guiding persons in what a liberal morality requires. Yet since our focus is on adults, it seems that utilizing the arts by making them more accessible is a more plausible way to nurture their effective freedom, for instance, than is encouraging persons to take classes that would enhance this capacity. Given the constraints that arise when dealing with adult citizens, i.e. that they should not be forced to pursue particular activities such as attending liberal education classes, turning to the arts becomes appealing.⁵⁰

Turning to the argument, it will be suggested that critical reflection, self-knowledge, interpretation skills, and the capacities for imagination and empathy are all nurtured by experiencing the arts. Moreover, without nurture these would decay thereby endangering persons' ability to be effectively free, tolerant and fair. Accordingly, persons should be

encouraged to experience the arts.⁵¹ Let us look at empathy. Possessing this capacity is essential to being tolerant of others. Without empathy, tolerance is not possible, and the conditions under which a liberal society can function properly are undermined. Accordingly, empathy should be nurtured.

Experiencing the arts, it is commonly held, nurtures empathy. By engaging with artworks, persons gain insight into how another feels and thinks. Acquiring another perspective and realizing what another feels or thinks might nurture persons' acknowledgment that others hold special moral worth. As a consequence, persons' capacity for empathy would be nurtured. Given the importance of empathy, persons should be encouraged to experience the arts.

Interpretative skills are equally important for tolerance, freedom and fairness. Interpretive skills are crucial to being able to derive meaning from one's circumstances, thereby enabling one to be effectively free. For example, discerning another's behaviour or understanding a pattern of events in which one is involved and reacting to it in the proper way requires employing our interpretative skills. As citizens, persons interpret political events and try to understand the implications they have for them. Interpretive skills are thus central to leading one's life independently. These examples also show how crucial these skills are to being tolerant and behaving fairly. Without an ability to interpret, these would not be possible.

To see more clearly why these skills are crucial for maintaining persons' equal moral worth, it would be useful to look at communities that try to suppress their development. Certain communities try and block their members' exposure to new ways of interpreting their way of life. They sometimes try to block their children from developing their interpretative skills, due to the fear that if those are developed, their traditional way of life will be undermined.

Yet by placing restrictions on the development of interpretative skills, persons' effective freedom and tolerance is undermined. Interpretive skills should thus be inculcated and then continuously nurtured lest they decay, thereby harming persons' moral status.

Let me now illustrate how experiencing the arts nurtures interpretive skills. Noel Carroll suggests that this is the most profound feature of the experience of artworks.⁵² He says: 'The hypothesis that art is a matter of rhetorical ellipsis, notably metaphorical ellipsis, moreover, reinforces the notion that art involves interpretation by further specifying the nature of the relevant interpretation – to wit: filling-in rhetorical ellipses by identifying and exploring the metaphors at work.'⁵³ Artworks force, as it were, persons to interpret them and to 'achieve' their meaning. Persons engaged with artworks tend to ask 'what did the artist mean?' or 'what does this work stand for?'. To answer these questions one has to interpret the work and construct a plausible answer.

Interpreting artworks involves closely studying a work and discerning its meaning.

Persons tend to look for coherency, for the message and intention of the artist and the work. All of these employ persons' interpretative skills. Thus, engaging with artworks, regardless of their format and content, fosters persons' interpretive skills, thereby maintaining the conditions required for persons to exercise their freedom, tolerance and sense of fairness. Moreover, the opaque character of works of art makes them more effective in nurturing these skills than presumably any other field, especially with regard to those fields that aspire to transparency and clarity.

A capacity for imagination, I now wish to suggest, is similarly crucial to maintaining persons' effective freedom and tolerance. For William Galston, imagination is necessary to pursuing one's economic plans, especially in the economies of modern democracies. He suggests that imagination should be understood as a liberal virtue.⁵⁴ For Martha Nussbaum, imagination has a rather crucial moral role, as it enables persons to realize and even seek new ways of living, as well as to see how others may find value in their lives.⁵⁵ In this sense, imagination is required if persons are to effectively exercise their freedom and respect others.

Imagination has an additional moral significance. When educating children, most programs include courses that aim at fostering this skill. Why is that so? To begin with, decisions such as 'should I go home, meet a friend, or go to the cinema?' require some imagination. Not only do persons need imagination to realise the full range of things they might want to pursue, they should also be able to imagine themselves in those situations and judge which one they prefer. Imagination has particular moral and political relevance when persons are asked to decide for whom to vote or which policy to support. Imagination helps persons realize what their life might be like under different circumstances, and thereby informs their decision-making process. Hence, imagination has an impact on their actions as free persons.

In light of the importance of imaginative skills to a person's moral agency, it follows that this skill should be nurtured. I argue that experiencing the arts effectively nurtures this capacity. For example, when leaving the theatre, persons usually experience the difference between the world they inhabited for two hours and their everyday world. The world they have just inhabited stretched their imagination. Children's reaction to stories exemplifies this, as they sometimes cannot discern the difference between the 'worlds'. Art opens alternative worlds, some of which are intelligible and some of which are not. Nonetheless, persons' imaginative skills are fostered. Patrick Dobel claims: 'Good art possesses the power to engage emotions, stretch moral imagination, and influence judgment.'⁵⁶

Imagination is fostered independently of an artwork's specific character. Although artworks with moral contents presumably have a more direct effect, any artwork fosters persons' imaginative faculty; consequently, the experience helps create the necessary

conditions under which persons' effective freedom can be exercised. Once persons' imaginative skills are nurtured, their ability to act independently is made possible.

The arts nurture two additional important abilities, both of which are central to being effectively free and also to acting fairly and with tolerance. Engaging in or with artworks, it is commonly held, opens up a distance between a person's 'normal' stance and his embedded stance; that is, while experiencing the work, persons adopt a point of view other than their own, thereby gaining 'distance' from their perspective. Such a process tends to stimulate critical reflection. Through critical reflection one gains self-knowledge. Hence the cliché 'art is like a mirror'.⁵⁷ Engaging with artworks therefore makes at least two further contributions to the cultivation of persons' moral agency. First, persons acquire self-knowledge and consciousness, which are crucial for moral agency. Second, this experience stimulates and nurtures persons' capacity for critical reflection and, as a result, their capacity to act freely, fairly and with tolerance.

The importance of the two should be appreciated. Self-knowledge plays a crucial role in our ability to be effectively free. Without self-knowledge, one would merely be drifting arbitrarily without realizing how one's actions affect one's own well-being and that of others. Hence, experience with artworks is highly valuable to creating the necessary conditions for maintaining persons' independence.

Turning to critical reflection, being free requires that persons be able to examine available social forms and their suitability to the ideals they hold or hope to adopt. For someone to 'know', understand, evaluate, and finally choose a course of action, one should have the ability to critically reflect. This capacity enables one to look at his life from the 'outside', as it were, thereby enabling him to realize how he is being treated and how he treats others. Critical reflection thus enables one to have control over his actions and self-direct his life. In addition, critical reflection is necessary for one to realize whether or not she is treating others fairly and respectfully. Given the significance of this ability to maintaining persons' moral status, persons should be encouraged to experience the arts; this would thereby maintain the conditions under which persons' special moral standing would be secured.

It seems, then, that the arts may be especially valuable in fostering and nurturing the mental capacities that enable persons to be effectively free and tolerant. However, this argument may face a few objections. First, one might propose that the benefits that stem from experiencing the arts are not such that they warrant state involvement. Second, one might claim that the benefits attributed to the arts could arise more effectively from other practices, such as direct education, such that a policy of supporting the arts is unnecessary. I will address these objections next.

7 Addressing the Objections

As for the first claim, namely that this argument is too weak, it seems that in light of the need to constantly reinforce and nurture persons' mental capacities so that their moral status is secured, engagement with the arts is rather important. One may hold that the main weakness of the argument rests with the fact that experiencing the arts nurtures only what can be considered secondary elements. Yet without nurturing, these elements are in danger of decay, and this would create a situation in which a person would not be effectively free or act fairly. For example, without effective interpretive skills, persons' independence cannot be exercised. Since experiencing the arts nurtures this capacity, this experience helps maintain persons' ability to be effectively free.

Thus, a liberal state should be concerned with creating citizens whose capacities are effective; yet once persons, as it were, 'enter' adulthood and are left free to pursue their life plans, there is little possibility to foster these capacities. This might happen in the public sphere, but then again it might not. The belief that political participation itself inculcates and nurtures liberal virtues is, as one writer suggests, 'overly optimistic'.⁵⁸ In such a context, the state should establish opportunities for nurturing persons' mental capacities. Since the arts can nurture these capacities, and since the arts are already available, to a certain degree, the state can exploit their existence to further such important goals. This might be done by making the arts more available and by encouraging persons to experience them. Thus, the argument of this paper is sufficiently strong and warrants addressing the question of whether the state should support the arts.

Let me consider the second objection, namely that the benefits ascribed to experience with the arts could come about more effectively from other fields. One could argue that direct education would be especially effective in nurturing persons' aforementioned capacities.⁵⁹ One could also suggest that particular religious streams would be conducive to maintaining them. It might be proposed that creating art could achieve that aim, but that perhaps a whole host of other activities could be effective, and presumably even more effective than experiencing the arts. Such a claim suggests that even though my argument might be valid, it still does not entail that the state do more than simply encourage persons to experience the arts. Indeed, the state should support other fields that are presumably more effective than the arts.

To address this challenge, two claims are proposed. First, such claims should be substantiated, otherwise their force is presumed rather than proven. This is a major weakness in proposing them. To be sure, if an argument about the effectiveness of a particular practice is to be proposed and proven, then the state should give such a practice higher priority. Yet as noted earlier, those who, for example, have claimed that civil society itself would maintain persons' tolerant attitudes or capacity to act fairly

have been proven wrong. Thus, turning to the arts is attractive. Moreover, assuming that education or even learning political philosophy is indeed effective in nurturing persons' effective freedom or their tolerance, it nevertheless seems like implausible that the state would provide liberal education to adults. It would be more reasonable to use existing institutions, such as arts that persons view or wish to view, and to exploit them to further political aims, such as fostering persons' moral abilities.

Furthermore, the arts, in contrast to religion, for example, do not involve controversial assumptions about the good. The arts are a practice that appears to be consistent with most conceptions of the good; thus, encouraging persons to pursue it would probably be less objectionable than encouraging persons to pursue religious activities that sustain their autonomy, or to attend political philosophy classes that presumably achieve this aim, as well.

Moreover, experience with artworks simultaneously nurtures a wide range of capacities, which no other field seems to do. Some activities nurture certain capacities, but not all those mentioned here. For example, it might be the case that participating in sports events, as either a participant or a spectator, nurtures persons' empathy; or that following the news nurtures one's capacity for interpretation. Nonetheless, these activities do not nurture all of the capacities that experience with the arts nurtures. Thus, the arts hold an extensive list of benefits, which presumably makes them more attractive than any other field.

Let me clarify: different arts nurture different capacities and abilities. Music probably nurtures certain capacities more than others. Similarly, every art form and perhaps each artwork, probably enhances a different capacity. Yet overall, experiencing the arts nurtures the capacities and skills I mentioned. The fact that the arts hold such an extensive list of benefits renders them especially valuable.

8. Funding the Art - Setting Out the Criteria

So far it has been suggested that the arts have unique political significance. However, it might be that other reasons could be invoked to argue that state involvement is unnecessary or even harmful. It might be the case that the market is sufficiently reliable in promoting the arts. Many argue to that effect, pointing out that the greatest works of art have often not been funded by the state. Furthermore, it could be that the state, for various reasons, would harm the arts.

I now wish to show that the market does assist—but only to a certain extent and rather unreliably. Consequently, I suggest that the state could be effective in complementing the market, and thus could help create the conditions under which persons could experience the arts and nurture the capacities that their moral agency requires.

Let me first make a few clarifications. To begin with, in addressing the issue of whether the market could create the conditions under which persons' capacities would be nurtured, I assume that, in the context of a liberal society that is committed to freedom of choice and freedom of commerce, persons would be free to buy and sell works of art. I also assume that such societies have a reasonable standard of living as well as quite developed markets; accordingly, the arts would initially be left to the market. Thus, I assume that with regard to the arts, the market should, at least initially, be relied upon, unless proven unreliable in creating the conditions under which persons could experience the arts.⁶⁰

This requires that as part of their personal freedom, artists and art organizations could decide to sell their products in the marketplace. Moreover, they could seek donations or government support (if justified). All of these mechanisms could exist alongside each other. In this sense, unlike, for example, primary education and basic healthcare services, which most liberal egalitarians maintain should only be provided by the state, the arts should be available in the marketplace. The justification for excluding healthcare and education provisions from the market is that equality of opportunity requires limiting the power of citizens to acquire advantage by using their wealth.⁶¹ This position implies that the freedom of educators and healthcare professionals to sell their 'products' is also limited. Although art, I maintain, is essential, it is by no means as crucial to maintaining equality of opportunity as are education and healthcare. Therefore, citizens should be free to purchase artworks and artists to sell them. This should be so, as long as such a free market does not result in the exclusion of a substantial number of citizens from experiencing the arts.

Let us turn to outlining the criteria that will be used to assess whether the market would create the conditions under which persons' capacities could be nurtured. Currently, the arts are being funded by most western democracies. The extent of this

funding varies, as do the methods.⁶² In Scandinavia funding for the arts is relatively high, compared with the direct funding provided by the federal government of the United States. The methods vary from indirect funding, such as tax deductions and copyright protection, to direct government funding or funding by municipalities, city councils and universities. Alongside public support there is private funding, which may aim for profit or be motivated by philanthropy.

Different considerations are usually appealed to in discussing the institutional setting that best serves the arts. On one hand, some think there is something in the arts that is antithetical to a market mechanism and its logic. Others maintain that the market best serves the arts.⁶³ However, since this paper argues that experiencing the arts could play a crucial role in maintaining persons' moral agency, assessing which institutional framework would best serve this end requires that particular conditions hold. That is, the political role of the arts requires that they be accessible, first and foremost, but also that they be of reasonable quality and represent a wide spectrum of artistic preferences. The latter conditions are necessary to achieving effective accessibility, on which I will elaborate shortly. It is thus necessary to examine whether the market would achieve these:

- (1) Produce enough reasonably good art as a precondition for satisfying the need to provide broad accessibility to the arts.
- (2) Provide persons with reasonable access to good art, since experiencing it nurtures the capacities their effective freedom, tolerance and fairness require.
- (3) Enable the diversity of art forms to be reflected in the marketplace. This requirement is an extension of the accessibility condition. That is, in order to ensure effective accessibility (labeled here as 'engage-ability'), persons' artistic preferences should be manifested to a reasonable degree.
- (4) Secure artistic freedom and creativity, since these are necessary to enabling artists and art institutions to reflect the diversity of tastes and perspectives that exist, as well as to enabling them to exhibit challenging artworks. Both of these are needed in order to achieve effective accessibility to the arts.

Let us now clarify the notion of production used here, as well as what is meant by 'sufficient production'. The notion of production applies to reproducing and exhibiting old artworks as well as to the production of new artworks. The argument pertains *not* primarily to the physical creation of, for example, a book, a painting, or a play, but mainly to the ability to exhibit them (in the case of paintings and plays) or to produce quantities of them (in the case of books). For instance, it is not enough that we have Shakespeare's writings; rather, the institutional framework should be assessed in light of its ability to produce these plays so that people can experience them. Similarly, the notion of production applies to the ability to put on new plays by new playwrights.

Thus, the notion of production applies to the availability of exhibitions, performances, concerts and plays, all of which are needed in order to satisfy the primary objective, namely accessibility to the arts.

The notion of a 'sufficient level of production' presents some complex issues. Determining what is a sufficient level is difficult not only in the arts, but in the case of many other goods. Similar difficulties arise with relation to goods like security and education. Determining a proper level of production in these fields is done through research on questions like what threats a country faces and whether there are sufficient tools to deal with them and, for example, how much crime exists and whether it is being prevented. In education, we ask about the number of schools and teachers and whether they are sufficient for the number of students a country has. Other research explores the rate of illiteracy and its connection to the availability of educational institutions.

Similarly, research into the arts could be carried out in order to determine the level of production and whether it is sufficient (i.e. whether there are enough opportunities for persons to experience the arts). There has already been some research into the numbers of movies, plays, operas and exhibitions created in a particular year. We could then assess whether the amount of production is sufficient or not. Making comparisons on an annual basis, together with researching factors such as the number of people attending artistic events, as well as research into factors preventing production such as taxation, regulation and competition from other fields, could help determine what a sufficient level would be. Such research would be complex and probably not decisive, but it could provide better tools for assessing what should be the proper level of art production and, accordingly, the financial assistance needed to sustain that level.

For the sake of argument, I assume that judgments about sufficient art production could be made. In many cases, such as in remote areas or poor cities, it seems that one would be able to conclude that not enough art is being produced. Hypothetically, one could count the number of artistic opportunities and the number of people living in a particular place and make such an assessment. This could be done regardless of attendance; the examination would pertain only to production and the number of opportunities offered.

In contrast, one could reasonably argue that in places like London or New York, a sufficient level of art production is taking place. Reviewing the amount of artistic events that take place in these cities in a given day, week, month and year could help make this assessment. In any case, for my purposes, sufficient production amounts to the existence of artistic events such as exhibitions, plays, movies and publication of books on a more or less regular basis, and their distribution to a potentially wide audience.

I now turn to clarify why the production and access to diversity of art forms is necessary to obtaining the political benefits that experience with the arts bestows. The

main reason why a diversity of art forms should be available is due to a concern with universal accessibility.⁶⁴

The notion of 'universal accessibility' used here has three facets: first, it refers to 'financial' accessibility to the arts. Second, it applies to the 'physical' ability to attend presentations of the arts. Third, it indicates a possibility of engaging in the available arts. I will start by focusing on the first two notions. By universal accessibility I mean that persons with reasonably limited problems both financially and physically could attend the arts. This does not imply that the arts should be free, nor does it imply that people should be able to attend art productions wherever they are. Rather, we could determine whether a reasonable degree of universal accessibility exists by assessing whether the price of attending the arts could be afforded by most people. Here we should have in mind those with limited resources.

In terms of physical accessibility, the examination should be whether or not artistic experiences take place relatively frequently and nearby enough. My notion of accessibility does not imply that every person would be able to experience every artwork, but rather that meaningful opportunities to do so would be available. More specifically, one might argue that in many places (for example, London) such accessibility exists, while in other places such accessibility does not exist.

As mentioned, I use the concept of accessibility in another sense, namely as 'possibility to engage with'. This notion could also be named 'engage-ability'. Accessibility to the arts, in the financial and physical senses, would be less effective if the artworks available were to suit only the artistic preferences of certain persons. If one cannot engage with available artworks, accessibility to them, in the first two senses, would be unhelpful. Persons having tastes that were not being reflected would, in practice, be excluded from experiencing the arts.⁶⁵ An institutional framework should therefore be assessed by determining whether or not it produces a variety of artistic forms. Subsequently, I shall evaluate the extent to which it provides accessibility in the physical and financial senses.

The above claim does not suggest that persons cannot engage with artworks that represent other outlooks. On the contrary, one of the main contributions of the arts is their ability to bridge cultural gaps. Nonetheless, persons would probably find it easier to relate to artworks that employ ways of expression with which they are more familiar.⁶⁶ These artworks are not necessarily reaffirming of one's identity; they might also be challenging and present other outlooks, while employing a vocabulary one can understand. Thus, it is important that artworks reflect the diversity of preferences, so as to ensure reasonable 'engage-ability'.

For example, universal access to literature only would be insufficient, since many would prefer to engage with other art forms. In this sense, such access would give effective

engage-ability only to some persons. By providing universal access only to some art forms, persons holding other artistic preferences would be essentially excluded. When assessing the institutional framework, we should therefore ask whether it provides 'effective' accessibility.⁶⁷ As suggested, this is in order to maintain persons' moral powers, thereby enabling their effective freedom and securing their moral status.

The claim presented here does not intend to imply that every single taste should be catered to, nor does it imply that expensive tastes should always be satisfied just for the sake of 'engage-ability'. The intention is to set out an ideal situation in which most people would be able to engage with the arts. Reality will be examined in light of this ideal, in an attempt to assess whether the market could achieve the ideal or at least get close to achieving it. If not, I will seek to establish the extent to which the state could intervene.

The proposal I put forward does not intend to establish a 'quota system', as Brian Barry calls it, but rather to address the conditions under which persons could experience the arts and thereby nurture their moral agency.⁶⁸ My claim is that if the arts are to fulfil their political role, they must represent to the highest possible extent the artistic preferences citizens hold. Weil presents such view: 'Finally, there is a response that argues for a sort of "proportional representation" in grant making. The public, so this argument goes, has a wide range of preferences. Even though a majority may find something repugnant, a minority may favour it. The minority has rights too.'⁶⁹

Indeed, 'proportional representation' would be consistent both with equality and 'engage-ability'. So the principle appealed to is not diversity as such, but rather diversity as a manifestation of equal concern. Since the arts are crucial for maintaining persons' capacities, the mechanism that supports them should be tested through inquiring whether it provides reasonable options for meaningful engagement with the arts.

Let me clarify one last point. I aim to address the issues as they stand in contemporary society. I assume that the market is quite developed, and consequently that the state has enough resources to distribute in order to provide for the basic needs of citizens as well as some assistance to fields such as the arts, sports and the sciences. The case proposed is not entirely empirical. Rather, the observations presented here inform various theoretical concerns. The problems identified stem from the current situation and are then abstracted to formulate a theoretical basis that could explain their existence. These theoretical observations may provide grounds for the claim that most of the problems identified would probably persist even if resources were distributed more fairly than they currently are.

So far, it been as clarified how the question of this part should be conceived. To be clear, when assessing how the market fares with regard to production, questions of attendance are not addressed. It might be the case that the market sufficiently produces good art, yet

other factors such as educational and/or financial barriers prevent wide accessibility to these products. The next section focuses on the production of good art, since a sufficient production of such art is a precondition for obtaining the political benefits that would arise if persons experience it.

9. The Market: The Production of Good Art

This section unfolds as follows: I first address the issue of production of good artistic events.⁷⁰ Next, I deal with the subject of producing diverse art forms. Subsequently, the question of whether the market provides the conditions of artistic freedom needed for the exhibition of diverse art forms, as well as challenging productions, will be tackled. Finally, concern with *sufficient* production will be dealt with.

9.1 *The Production of Good Art*

It is commonly maintained that the market encourages excellence because of its competitive character. In particular, the logic of the market arguably implies that better products gain an advantage over inferior ones. There is some evidence to support this view also when it comes to art. Many works of art that are universally considered excellent were produced under a market mechanism. The motivation to succeed in the marketplace pushes people to improve their products, thus surpassing competitors. Hence, the market encourages excellence. It then follows that leaving the arts in the hands of the market would contribute to the production of excellent artistic presentations.

However, I claim that producing good art is and would sometimes be compromised in the marketplace, since producing such art involves taking risks with resources, thereby discouraging producers of artistic events as well investors, patrons and artists from pursuing it. That is, regardless of whether the art produced is for profit or not, producing good art in many cases requires substantial resources that could be lost if persons do not find these works of art appealing; this issue alone raises the probability that the market would not always produce such art. Indeed, this 'structures in' an incentive to produce art that is less expensive and that has a better chance of being sold. Thus, the market embodies conflicting tendencies, i.e. it propels towards excellence and compromise, both due to financial considerations. I argue that it is hard to predict which tendency would prevail, thereby endangering the production of reasonably good art.

My claim is that this phenomenon renders the market only partially reliable in producing good art. I am not suggesting that the market would not produce good or excellent art. Rather, my claim is that it would be unpredictable and unstable. It seems that competition in the artistic marketplace does not always lead to rising standards; in many cases, the contrary takes place. In the non-profit sector, similar problems arise, but not as frequently. However, non-profit artistic institutions usually need to sustain themselves financially, and thus are subject to financial considerations similar to those that exist in the for-profit sector. The potential failure of excellent productions could mean financial problems. Furthermore, producing such works would probably mean

expensive admission prices, which many would not be able to afford. Many opera houses are non-profit organizations, yet without government support, they would probably have to compromise the quality of their productions, otherwise they would not be financially viable. The same applies to different orchestras, theatres, museums and galleries. Producing and maintaining art institutions that uphold high standards requires funds that cannot always be generated from ticket sales. Indeed, maintaining the quality of these institutions usually requires government support. Hence, even in the non-profit sector the production of good art would be unstable. Again, this does not mean that good art is not being or would not be produced. Nonetheless, due to the aforementioned considerations, such production would not be guaranteed. Let me clarify, as claimed in section 8, that the notion of production I use refers to exhibiting old and new works, not to their existence. It is quite possible that good art would be produced by individuals without the need for considerable resources. However, presenting it so that people can experience it is usually costly. The danger of compromise arises, especially when the issue of exhibiting these works comes up. Since the argument of this paper pertains to the conditions under which persons could experience the arts, this issue becomes vital.

9.2 *The Production of Diversity of Art Forms*

Here I will assess the production of diverse forms of art under a market mechanism. As noted, engage-ability is crucial to creating the conditions under which persons' moral powers can be nurtured. I will therefore inquire whether the market would propel the production of a wide range of art forms, thereby creating the conditions needed for achieving 'effective' accessibility.

As noted in section 8, the notion of diversity of art forms does not mean that every single taste or preference should be fulfilled; however, the market will be assessed in light of its ability to meet this requirement to a reasonable degree. Here I do not assess whether the market supports diversity in every city or village; rather, I inquire as to its general tendencies with regard to this issue.

Concerning diversity, Tyler Cowen argues that: 'Well-developed markets support cultural diversity.'⁷¹ He maintains that competitive markets encourage diversity, since art producers are driven to find niches that have not been explored, thereby gaining an advantage in the market. Thus, the market promotes and encourages diversity. This includes the artistic expression of minorities, as they bring novelty to the market place and in doing so gain an advantage over mainstream products.⁷² Indeed, the logic of the market, to some extent, supports diversity. The manifestation of such diversity can be witnessed in places like London, where almost every artistic preference can be satisfied (some of them with the help of the government).

Yet the market tends to support diversity only to a certain extent. This is so perhaps because producing certain artistic forms is either too expensive, or because the size of their audience is too small to sustain these forms. For example, poetry and certain types of music and film are frequently under threat in a market setting, because producing them is relatively expensive and the audiences they attract are usually small. However, from the perspective of the argument of this paper, such audiences 'deserve' to have these art forms, for through experiencing them their capacities are nurtured, and therefore their moral status as free and equal persons is maintained.

I claim that the market would probably fail to achieve reasonable diversity because its main purpose is not moral or political but rather financial.⁷³ In the for-profit sector, it is highly likely that the market would invest in art productions that are likely to be financially sustainable and produce reasonable profits. In that case, art productions that are reasonably good but manifest minority tastes would diminish.⁷⁴ In the non-profit sector, art organizations would probably strive to maintain those minority art genres, but the relatively small audiences and the financial support that could be obtained from philanthropy would probably not be sufficient to sustain all of them in the long run.

If the production of diversity in the arts were left to the market, it would be, to employ an example, like failing to provide public transportation services to distant or small places.⁷⁵ In many cases, private transportation companies provide services only to places that yield profit or that can be sustained without loss, thus leaving many places 'cut-off'. To provide services to those places, the price of tickets must be very high, one that most people are not able to afford. Consequently, under a market mechanism, services to such places would probably not be provided.

Assuming transportation is a basic service that citizens are entitled to, the state in many cases steps in and provides such places with service. In this example, there is no appeal to preferences or tastes; people simply live far from centres of employment (usually but certainly not always for financial reasons). Similarly, the preferences people have in the arts are to a certain extent determined by their cultural belonging. These are perhaps not on par with living location; moreover, to a certain extent they are modifiable. Nonetheless, artistic preferences are a central part of one's identity and self-awareness.

Thus, it is plausible to argue that the market would probably promote only part of the scope of artistic preferences that liberal societies embody. Since reflecting the artistic preferences of persons is crucial to obtaining the political benefits of the arts, a mechanism that will minimise these shortcomings is needed. I shall later suggest that subsidizing minority genres could amend this situation to a certain extent.⁷⁶

9.3 *Providing Conditions of Artistic Freedom and Creativity*

Let us turn to an assessment of whether the market provides conditions of artistic freedom, since these are needed to create the conditions under which artistic institutions could produce art shows that manifest the diversity of preferences persons have. It seems that if they did not have such freedom, artistic organizations would be forced to produce works with a restricted range of outlooks – mainly those of the majority.

It is commonly maintained that with regard to artistic freedom, the market best insulates art organizations from political influence and other pressures, and thus secures their artistic freedom.⁷⁷ Cowen says: 'Wealth and financial security give artists the scope to reject societal values. The bohemian, the avant-garde, and the nihilist are all products of capitalism. They have pursued forms of liberty and inventiveness that are unique to the modern world.'⁷⁸ To be sure, since a market economy allows persons to accumulate scarce resources, those who are successful gain varying degrees of independence. The more successful the art organization, the greater its freedom to pursue projects it finds fulfilling and sometimes even risky. More specifically, some art organizations rely on resources they have received as a donation, others rely on profits, while some artists work at 'day-jobs' in order to maintain their artistic independence. The market allows for these to take place.

Moreover, many challenging art productions have been and are produced in the context of a market economy. In the non-profit sector, sponsors and patrons do not always place pressure on the shows produced. In the for-profit sector, wealthy art organizations have the liberty to produce art shows that they find worthy. So, in both cases it seems as if the market tends to provide artistic independence and create the conditions under which a diversity of works are produced.

However, as artists, curators and other art professionals testify, the market often places shackles on artistic freedom.⁷⁹ This does not mean that it always does; as noted, in many cases such pressures are not present. Yet increasingly it appears that the market is inclined to pressure artists and art organizations to produce art events with particular outlooks, thereby undermining the production of challenging shows and particular art forms.

I claim that, as was the case with artistic excellence, in this, too, the market embodies conflicting tendencies. In arguing to this effect I am not suggesting that artistic freedom cannot be achieved in this context, but rather that there are reasons to suspect that the market would not always guarantee such freedom. Such randomness is a source of concern if the arts are to confer their political benefits.

The first reason why the market tends to restrict artistic freedom is that providing such freedom could lead to the production of artistic events that audiences would not easily engage with, and thus financial sustainability would be endangered. Another

reason why artistic freedom is not always guaranteed is because such freedom might lead to the production of artistic expressions that happen to stand in opposition to the tastes of investors, sponsors or politically and economically powerful groups. Since such productions are crucial to creating the conditions under which persons' moral capacities could be nurtured, a way to minimize these problems should be explored.

In the non-profit sector, the problems that would arise are quite similar. In many cases, sponsors and audiences would on the whole be interested in promoting works that do not undermine or challenge their own outlooks or artistic preferences.⁸⁰ Thus, in the non-profit sector, effects similar to those in the profit sector would probably ensue, i.e. artistic freedom would not be guaranteed, and indeed in many cases it would not be provided. As noted, this would affect the production of a diversity of art forms and of challenging works, both of which are needed to obtain the benefits of the arts.

9.4 Art as a Public Good and the Unreliability of the Market

I now turn to examine whether the market would produce a sufficient level of art. Here the arts in general are addressed, and the claim that the market cannot ensure the production of reasonably good art, challenging art and a diversity of art forms will be incorporated into the findings of this examination.

With regard to the production of art, it is commonly argued that the market will promote the arts because persons value them and will therefore pay to benefit from them.⁸¹ This is enough to ensure that the arts will be sufficiently produced. Tyler Cowen says: 'Capitalist wealth supports the accouterments of artistic production.'⁸²

However, various reasons might render Cowen wrong. First, I maintain that in contrast to the common view, the arts should be regarded as a public good and that therefore they would be under-produced.⁸³ The notion of 'public good' I employ should be understood in its economic sense and not as a normative notion, i.e. only as a good that has externalities that give rise to a free rider problem. I do not hold that the arts are a 'pure' public good, but rather that they have positive externalities that embody public good features. Consequently, the problems of free-riding would arise and market inefficiencies would be likely to develop.⁸⁴

A public good is defined as a non-excludable and non-rival good. These goods can be enjoyed by people who do not pay for them; their consumption does not diminish the goods' quantity or quality. Such goods raise the problem of free riding, efficiency and fairness.⁸⁵ National defence is a typical example of a public good. Since its feature, namely the provision of security, is non-excludable and non-rival, market failure is likely to occur. It would occur because there would be no incentive for anyone to set up such a system since the recipients of its benefits could free ride. This case also illustrates the

issue of positive externalities and their relation to public goods; namely, people could get the benefits of security without paying the costs involved in producing them.

This is also illustrated by education. The main benefits that education confers are excludable, namely gaining direct knowledge and developing certain skills. However, education also has certain positive externalities that are not excludable and non-rival. In this sense, education is not a 'pure' public good. One such benefit is the contribution education has to the efficient running of a modern democratic society.⁸⁶ These are benefits that people could receive without paying for them; they are non-excludable. In addition, these benefits are non-rival; their consumption by some does not diminish their overall quantity. As such, these externalities create a free rider problem, resulting in market inefficiencies. Moreover, such positive externalities raise the issue of fairness. Persons receive these benefits without paying for them. Due to consideration of fairness, the state could intervene and ensure that all contribute to the scheme. In doing so, the state would ensure that the benefits would persist and that everyone would share the burden of paying for them. Varian describes this problem as follows: 'Conventional economic theory claims that the amount of a public good will generally be undersupplied in a market. More precisely, if each agent makes an independent decision about how much he or she will contribute to a public good, the resulting allocation will be Pareto inefficient.'⁸⁷ Thus, under a market system the education system would probably be under-funded, as many would prefer not to pay since they can get the secondary benefits anyway.

The case of the arts, I claim, is to an extent similar to education. The arts have particular benefits that are excludable, such as directly deriving value from experiencing them, yet they also confer positive externalities that could lead to a free-rider problem and to market inefficiencies. In reference to positive externalities resulting from the arts it is claimed that:

These exist where there are incidental benefits accruing to others from a firm or individual's activities, for example, gains to social cohesion due to participation in cultural activities. In these situations, we can anticipate a sub-optimal level of activity, and in some cases there may be no provision at all.⁸⁸

The above claim suggests that the arts contribute to social cohesion, and the argument here proposes that the arts have externalities with regard to fostering persons' moral capacities, which in turn contributes to stability and tolerance. Importantly, persons could get these benefits without paying for the arts.⁸⁹ These externalities would probably lead to market inefficiencies.

Assuming that enough people pay to experience the arts, others could free ride on the 'incidental benefits' that accrue, i.e. they would benefit from a more tolerant and stable society. Once persons experience the arts and their capacities are nurtured, others

could evade paying for the arts and still get certain benefits. This is similar to the case of vaccination, in which it is sufficient that a number of people get vaccinated in order for everyone – including those who were not vaccinated – to enjoy a more healthy society. Under such circumstances, the incentive to get vaccinated is undermined.

Returning to the arts, I assume that most people would prefer to pay for the arts regardless of the possibility to free ride on their ‘incidental benefits’, since they are interested in experiencing the arts directly. However, some would free ride even though they wish to directly experience the arts. This would happen because they would be able to get certain benefits without paying for them. More specifically, I hold that these ‘free’ benefits would ‘disturb’ the incentive structure, thereby giving rise to market inefficiencies.

The externalities claim is not the only reason the arts would probably be produced inefficiently in the market. A further reason to suspect that the arts would be in danger of not being produced consistently in the market is that the market is not neutral and does not always reflect what people need or are willing to pay for.⁹⁰ Market forces promote their chosen preferences and, in many cases, try to instill these in people.

The market does not always reflect what persons want or need, but is an active factor in determining these. There is ample evidence that in a field such as news coverage the market does not produce what people need, while in other fields the market shapes persons’ preferences.⁹¹

Hence, it appears that market forces could for different reasons promote goods other than the arts. Since market forces are not usually motivated to produce something owing to its moral value but rather are motivated to produce what can generate consistent financial returns, they might not invest in the arts if they cannot ensure sufficient returns. The production of the arts in this context would be unpredictable and unstable. This would apply to for-profit and non-profit actors alike. I now turn to examine how the market would fare with regard to accessibility to the arts.

10. Accessibility to the Arts under the Market

As suggested, experiencing the arts nurtures the capacities and dispositions that enable the exercise of certain capacities that persons need in order to maintain their moral agency; accordingly, a reasonable degree of accessibility is of prime importance.⁹²

Let me clarify two points before addressing the issue of accessibility. In this section I address this issue on its own, that is, independent of the conclusions of the previous section. I will assume that the arts are to some extent produced. Yet if the conclusions of this section establish that the market fails to provide reasonable accessibility, then the conclusions reached in earlier sections will add up to the suggestion that the market should be complemented in both respects, namely, production and accessibility.

Moreover, this section focuses on the issue of accessibility, and not attendance. It only asks whether the market would provide 'enough' opportunities to experience the arts. It may be the case that the market provides meaningful opportunities to attend the arts, but persons do not pursue this experience for reasons other than accessibility.

At first glance, one could argue that the market provides universal accessibility to the arts. One could argue that most arts are available free or nearly so. Music, movies, literature and perhaps even theatre, opera, dance and the figurative arts can be experienced almost for free. Television, radio, internet, books and other such tools make the arts available for relatively little expense; indeed, anyone can afford them. Music can be listened to on the radio, painting and sculptures can be viewed in books, dance, theatre and opera can be experienced on television. Thus, most if not all of the arts are today available to nearly everyone. Is this enough to generate the political benefits attributed to the arts?

I claim that such distribution is only partially effective in obtaining the political benefits that stem from experiencing the arts. These benefits would be achieved more effectively if engagement with 'real' artworks were pursued. Here I assume that a rather crucial aspect of experience with artworks is to engage with them in the medium in which they were designed. I believe that this is a critical part in the ability of the artwork to 'work'. Of course, the experience could be pursued through other means, but these would be only partially effective. Experiencing the 'real' thing seems crucial to nurturing persons' capacities and skills. For example, the process of engagement and critical reflection would presumably happen more effectively when a person experiences the artwork in its original version. Thus, accessibility through other means might be useful, but not as effective. In light of the above, I will examine the extent to which the market would make 'real' artworks accessible.

Let me now explicate why universal accessibility to the arts is crucial to obtaining the political benefits that experiencing the arts confers. Experiencing the arts plays a fundamental role in nurturing those capacities that enable persons to be effectively free,

tolerant and fair. Achieving this goal is crucial to maintaining persons' moral status, thereby sustaining a stable liberal society. For this reason the arts should be universally accessible. Therefore, what is needed is maximal accessibility, so that issues such as financial ability do not prevent persons from pursuing this experience.

The crucial point is that if the arts were left to the market, it is plausible to claim that universal accessibility to 'real' art would not be achieved. Private organizations, whether for profit or non-profit, could ensure a certain level of accessibility but not a universal one. In the 'for-profit' sector the case appears straightforward, namely, that prices would have to be very low to ensure accessibility, but then institutions would probably be financially unsustainable or relatively high; as a consequence, many would not be able to attend artistic activities. Non-profit organizations could expand accessibility, but like 'for-profit' organizations, they, too are subject to financial sustainability, which limits accessibility.⁹³ So even if the arts were to be produced sufficiently, the market would probably not provide universal accessibility.

Moreover, the market would most likely not provide effective accessibility to those who live in the periphery.⁹⁴ It is likely that both for-profit and non-profit organizations would be active in the big cities, and that opportunities to experience the arts would be fairly limited in the periphery. This is because bringing the arts to the periphery increases their cost. Moreover, even if the arts were to be brought to these places, not all persons would be able to afford them due the high cost involved in bringing them.

Finally, as suggested earlier, the market is likely to fail in producing minority art forms, thereby curtailing 'engage-ability'. Some persons, whether they live in a city or in the periphery, would not have effective accessibility under a market mechanism. Thus, even if the market were to produce sufficient art, it would not provide universal accessibility or 'engage-ability'.

Given the importance of nurturing persons' powers, it appears that a way to mitigate these problems should be explored. Specifically, due to the moral importance of experiencing the arts, the state should find ways to ensure that the arts are produced at a sufficient level, but more crucially that they are in fact accessible.⁹⁵ In the next section, I inquire as to whether the state could effectively supplement the market in achieving these goals.

11. The Arts - A Case for State Action

In light of the shortcomings of the market, we should examine whether the state should be involved in the arts in order to help create the conditions under which more persons could nurture the aforementioned capacities, thereby maintaining their moral status.

I will claim that the state should fund the arts – specifically, that the state could complement the market in maintaining diversity in the arts, help achieve a more stable level of production of reasonably good art, and provide conditions of artistic freedom. Most importantly, the state could help make the arts more accessible. Thus, state involvement in promoting the arts is essential, as it helps create the conditions under which the mental capacities that persons need in order to maintain their moral status could be nurtured.

I will make the case for state funding of the arts by addressing the objections to such state involvement. To begin with, one could object to state involvement in the arts on the grounds that the state cannot fund the arts in a way that will meet the abovementioned conditions, since politicians influence funding decisions. Consequently, decisions are not made according to the criteria set out earlier, but rather according to partisan politics.⁹⁶ For example, political involvement is likely to harm the funding of particular art forms either because they are unpopular or because they are critical of certain views. So state funding could lead to politicizing of the arts and using them for improper political purposes; therefore, a state institution would not be able to fulfill its presumed role.

However, the state could set up an independent institution, whereby the potential of political influence is minimized. Let me explain what I mean by an ‘independent institution’. Such an institution would be set up in a similar fashion to the way the judiciary is set up in many democracies. The independence of such an institution could be achieved by taking three steps: politicians would be legally forbidden to intervene in decision-making; those in charge of the institution would be appointed through an a-political process; and budgetary decisions would be taken out of politicians’ hands. If such measures were taken, it would become more likely that the institution would make decisions according to the criteria set out earlier, and not according to particular political and moral views. The institution gains independence by creating conditions in which it cannot be subject to threats of economic or political pressure.

One might argue that independent institutions encapsulate greater dangers than benefits. For example, if judges cannot be pressured, they would not have an incentive to operate according to the law or the common good. Such independence insulates them too much. This is indeed a danger; yet the only way to ensure that the dangers of political pressure do not exist is by providing such independence. Moreover, through implementing a particular process of selection and mechanisms of accountability, the

dangers of independence could be minimized. I propose that this view be employed in the setting up of an institution that supports the arts. This model informs the institutions that exist in countries such the UK and the USA. The way this could be achieved would be by setting up an institution that the state sufficiently funds through an a-political mechanism or by guaranteeing a portion of the budget for the arts. Moreover, the authority for how these funds would be allocated should be given to the officials working in the institution, thereby further curtailing political pressure. In addition, politicians would not be involved in appointing the officials and would not have the authority to dismiss them (except for extreme cases, which could be specified in law). That is, committees that are a-political (headed by persons such as a Supreme Court judge or a university president) would appoint the officials who would be in charge of the institution. The criteria that should be used to appoint those who will head such an institution should be expertise in the arts. In this way, political pressure would be minimized.

The only 'restriction' that would be placed on this institution is that the funds would be directed toward the goals specified earlier, i.e. to make the arts more widely available and produce artworks of high quality that manifest diverse artistic preferences.⁹⁷ To ensure that these goals are met and that the institution would not abuse its independence, the public should hold the institution accountable. This could be done by making the decision-making process as transparent as possible.

One might argue that using such ways to keep an institution accountable opens it to populist pressures, thereby undermining the goals it was designed to achieve. However, by being independent, the institution does not have to abide by this pressure; rather, it should justify its decisions in light of the criteria set out for it. Such a public justification would not curtail all public pressure, but it could sufficiently reduce it.

Moreover, to ensure accountability and protect the institution from populist or political pressure at the same time, citizens should be able to challenge decisions made by the institution. Here I propose that art organizations or communities that feel they are not being treated fairly should be able to contest the institution's decisions. The challenge would be addressed by the institution itself, thus maintaining its independence. Nonetheless, the possibility of appeal would force the institution to demonstrate that it is working according to the criteria set out for it. The process of appeal would, as a result, further enhance the institution's accountability and credibility.

The institution's independence should nonetheless be infringed if it violates its role in an extreme way. The institution would be independent to a point. Specifically, if extreme circumstances should arise, i.e. complaints of bias are substantiated, a public commission could be set up to determine whether the institution had violated its mandate. In this way, political influence would be minimized and the proper operation of the institution would further be secured.

Let me further clarify how this institution would operate. To ensure that the state institution would operate according to the principles set out for it – for example, providing artistic freedom, making decisions according to quality and representing the diversity of the arts – it should make its procedures, processes and reasons for its decision transparent and publicly known.⁹⁸ In this way the institution could demonstrate that no one was barred from applying for support, that each case received equal consideration, and that the reasons to accept or reject a proposal were based on the quality of the proposed project and the need to provide reasonable accessibility. Another proposal would be to include in the decision-making process representatives from the general public who would oversee and influence decisions to a certain extent.⁹⁹ Decisions would remain mainly in the hands of art experts (on which I will elaborate shortly), yet people could oversee the rational and procedural aspects of the decision-making process. This would grant the decisions greater legitimacy.

In addition, a state institution should encourage the press, citizens and other social organizations to examine the reasoning that underpins its decisions. Such transparency and involvement would generate legitimacy and maintain the trust and accountability of the institution. Such mechanisms of accountability would both indicate to the officials responsible for funding that they were being scrutinized, and would provide them with a context in which they could work without threat to their independence.

Such an institution should, in one respect, be set up differently from the judiciary. The officials running this institution should not be appointed for life; rather, they should be appointed to fixed and relatively short terms. Here we could look to the USA's National Endowment for the Arts, which sets up ad-hoc panels that recommend who and what should be funded. In this way, if they operate with some bias, the fact that they are appointed to fixed terms minimizes the danger that such bias would persist.

Most crucially, for the successful operation of this institution, the officials who would run the institutions, like those in the judiciary, should be such that they can make informed decisions as to which art institutions or art productions should be supported. They should be able to judge good art from bad art, recognize those minority art forms that the market does not support, and discern which art institutions deserve support in order to increase accessibility. The institution should employ art experts to make its decisions.¹⁰⁰

More precisely, the decisions should be made by *panels* of experts, which should be broad enough to represent different artistic outlooks. The diversity and size of these panels would reduce the possibility of social, political or artistic bias. If the panels are wide enough to be effective but also sufficiently wide to minimize the chances that a single opinion would have greater influence, the decisions will probably be unbiased. As noted, the panels could be formed on an ad-hoc basis, thereby making it even harder

to pressure or manipulate them. The experts would be employed for short-term projects, and the public officials running the everyday operations would have fixed terms.

Such an arrangement does not guarantee that all decisions would be purely professional, that is, that they would be according to the guidelines set out for the operations of the institution.¹⁰¹ For example, it might be the case that these panels would not always recommend funding for the best available candidates, or that they would be concerned with bringing the arts to the periphery or providing conditions of artistic freedom.

As in the market, people would make up these panels. Consequently, bias and interest might influence decisions. This is an objection that, for example, is frequently raised against art experts who work for the National Endowment for the Arts and the Arts Council. The claim is that these experts represent only certain perspectives of what counts as good art.¹⁰² Another claim is that these experts implicitly or explicitly signal to art producers, art organizations and artists which ideas and ways of expression are more likely to succeed in receiving grants.¹⁰³

The first objection maintains that diversity is not observed. Nonetheless, such criticism only reveals the advantage a state institution has over the market. In the market, such criticism could be voiced but no one would have the moral or legal obligation to address it. In the state case, since the body responsible for funding the arts would be a public institution, such criticism would have to be dealt with and, if found correct, the situation would be amended. As suggested at the beginning of this section, mechanisms of appeal and oversight should be established to prevent problems like this from arising. Thus, this process could ensure that bias toward some forms of art would not manifest, and diversity would be obtained.

Regarding the second critique, since a state institution would be independent, political bias could be at least legally curtailed. Other influences, such as those that the experts could place on art producers, art organizations and artists, could also be minimized. Ideally, experts would be guided by professional standards rather than by other standards. Yet in order to curtail the moral or political influence that the experts themselves could place on art producers, art organizations and artists, I suggested earlier that the decision process be transparent and open to challenges. This could go some way towards curtailing such pressures. In addition, by exposing the pressure placed on them, those subject to it could play a significant role.

However, it would be rather complicated if not impossible to curtail all such influence; in a sense, the influence is inevitable. This only reinforces the need to make the funding processes as transparent as possible. In the market, such influence is legitimate. It could be challenged, but there are no formal measures that could be taken. Moreover, transparency is not required. In this sense, the only solution that could curtail these influences would be public involvement. In the state case, since the institution is public

and should be accountable to public standards, its transparency would make it more likely that bias or pressure would be minimized.

In light of the above, let me explicate how production level, accessibility, and artistic freedom would fare under such an institution. First, the state could use the resources available to it to increase accessibility to some degree and fund art organizations so that they could operate in the periphery. Moreover, it could invest so that artistic shows of good quality would be produced, including minority art forms to which the market would not cater. The state could select various art institutions and fund them so that they would not compromise the quality of their work, and help them to reduce the prices of tickets so that they would be affordable.

In terms of providing conditions of artistic freedom, the state could fund individuals and organizations to an extent that would allow them to experiment and produce artworks that could not easily be produced under a market mechanism. The state would not dictate to these artists and art organizations what to produce, but would leave them free to decide on their own, thereby providing them with the conditions under which artworks that are considered too risky to be produced under a market mechanism could be produced.

I now turn to address an objection to the argument. This objection pertains to the notion of 'art expert', on which part of the case for state support depends. To clarify, if the state had no way of discerning good art from bad art, its involvement in the arts would be questionable. Yet I assume that experts can tell good from bad art. This assumption is made on empirical grounds, as every society acknowledges certain works of art as excellent. For example, western societies, on the whole, deem Picasso's paintings, Mozart's music or Shakespeare's plays as excellent. This demonstrates that there is a way to make such judgments. Here I do not show *how* such judgments can be made; rather, I only maintain that such judgments can be made. Moreover, I claim that, for the most part, 'art experts' could make such judgments and therefore should be in charge of making funding decisions. The question is then whether the notion of 'art expert' is intelligible.

In general, the notion of an 'expert' seems to be contentious; many are suspicious of it, since it raises issues of hierarchical authority. However, on the whole, most democracies employ experts to help design public policy. Experts are employed in fields such as security, economics, jurisprudence, education and health. In one sense, liberal societies allocate special rights to experts on the grounds that they are best qualified to make decisions in particular spheres.¹⁰⁴

Becoming an 'expert' is achieved through proper training, experience and having particular knowledge. Doctors become experts when they go through particular training and prove that they know how to identify an illness and cure it. This does not mean that anyone who claims to be an 'expert' is indeed an expert, or that experts are always in

agreement or that they never make mistakes. Yet overall it is rather reasonable to argue that the notion of an 'expert' is plausible. It is also reasonable to argue that 'experts' are best situated to make judgments in particular spheres.

With regard to the arts, most societies, formally or informally, recognise certain individuals as experts. Art critics, curators, conductors, teachers in art departments and art schools as well as artists are commonly seen as experts in the arts. These individuals are perceived as best situated to make judgments about the quality of particular works of art. In short, the notion of 'expert' in the arts is to some extent established. This does not mean that it is not contested or problematic in ways similar to those that an expert in other fields is.

However, I claim that since there are grounds to maintain that some people are better positioned to make judgments on the arts than others, the state should delegate responsibility to them. In any case, I am not suggesting that they can discern a good artwork in the same way that a doctor identifies an illness. Yet art experts are much more like academicians who can identify good academic work, or like sports experts who can identify good gymnastics. All make mistakes, but their experience and knowledge make them more reliable judges on these matters.

In sum, I hold that the proposed institution would be effective in promoting the arts, thereby helping to ensure that the conditions would obtain under which persons could nurture those capacities that their moral agency requires. However, the state could help create those conditions only to some extent, as the limited resources available to it would probably mean that not all deserving artists and art institutions would be supported. Nevertheless, such support would, to a certain extent, mitigate the contingencies and shortcomings that the market would probably embody. Supplementing the market is crucial in light of the potential benefits that the arts have for sustaining a liberal society.

This section has defended a particular way in which the state should fund the arts. Nevertheless, there are still further issues that pertain both to the desirability of state action in this field and to how this policy should be implemented. In the next section I will address these further concerns.

12. Controversy and State Funding

Here I deal with the following objection: it is sometimes argued that using public funds to promote particularistic artistic expression is biased, partial and would stir controversy, and would consequently defeat the purpose of promoting the arts, which is to maintain the state's liberal character.¹⁰⁵ I will maintain that this objection can be shown to be rather weak.

One problem associated with state funding of the arts, which commentators point out, is that funding particular artworks and art institutions can cause controversy. That is, a policy in the arts can endanger stability and conditions of tolerance rather than enhance them. This argument is based on the view that using public funds to promote particularistic artistic expression would probably offend certain segments of society.¹⁰⁶

The charge of controversy is usually directed at 'offensive' artworks. These artworks, advocates maintain, should not receive public funding. In this sense, the objection is not to the general case of government funding of the arts, but rather to specific cases in which the government funds 'offensive' or 'controversial' works. The objection to government involvement in the arts would have a more significant character if the controversies were frequent and caused instability, yet this is not the case. I propose that the claim that offensive and controversial art should not be eligible for public support should be dismissed for several reasons, but especially because it overlooks why and how the arts should be funded. I have argued that experiencing the arts nurtures certain capacities that enable persons to be effectively free and tolerant. Moreover, it has been argued that the state should complement the market in making the arts more accessible, and that to achieve effective accessibility, the state should fund a wide array of artistic forms and styles, since persons hold diverse preferences. Thus, to achieve the moral benefits that the arts could bestow, the state should fund artworks that some would find 'offensive' but that others would find engaging. In other words, to ensure effective accessibility, such artistic expressions would have to be funded, as well.

Crucially, the argument proposed here applies only to art that persons can choose whether or not to engage with. The state should fund artworks that one could choose to avoid if one wishes to. This would protect persons' freedom of choice. The exhibition of art that one cannot avoid, like certain 'outdoor' artworks, could be probably justified on other grounds – aesthetic or educational. However, the argument I present here would not justify the funding of such artworks because they are, as it were, 'imposed' on persons. Outdoor art, specifically of the type that persons cannot avoid, takes persons' freedom of choice away. As a result, it could in some cases do more harm than good, since some would be offended by it.

Since funding would only go to works of art that persons could avoid, the claims of

those who wish to restrict the funding of artworks they find offensive is considerably weakened. They have the choice of not confronting the artwork and, as a consequence, of not being offended. This is one reason for dismissing this objection. However, they might still claim that they are offended by the fact that these works were funded with their tax money.

Here concern with treating persons as equals, which is embedded in the general justification of why the arts should be funded, should help dismiss this modified objection. As noted, to achieve effective accessibility, the state should fund a range of artistic styles and forms, including those that some find offensive. Excluding any art category from being eligible for funding requires a particular justification, specifically, one that establishes that the funding of that category would be inconsistent with the general justification, otherwise the exclusion would be unfair. For example, banning a category of artistic expression could be justified on the grounds that those exposed to it would harm others' rights and liberties. The question then is whether 'offensiveness' can be appealed to to justify such exclusion.

Let me use an analogy. It is commonly maintained that political parties should receive public funding in order to achieve a measure of equality in the competition over voters.¹⁰⁷ Yet the agenda of most political parties usually offends some people. Such offensiveness is inevitable; however, the banning of these parties from being funded on these grounds would be implausible. That is, if their agenda does not aim to curtail others' basic interest or undermine the functioning of a liberal democracy, they should be eligible to receive funding.¹⁰⁸

Being 'offensive' in this way is necessary, so to speak, to articulating the party's views and goals. Under these circumstances, persons should agree that offensiveness that does not curtail persons' basic rights and liberties is a weak basis to argue for placing limitations on eligibility for funding. The justification of why political parties should be funded should override the concern with this type of offence. This type of 'offensiveness' should be overridden, for accepting these grounds for limitation would render the policy unfeasible, as every political party would demand that the other parties be barred. In light of this, persons would agree that given the importance of funding and given the need to 'offend', such an argument should be dismissed, thereby basing the policy on equal treatment.

Similarly, employing the argument from 'offensiveness' as a justification for excluding a class of artworks that is otherwise considered legitimate expression from being eligible for funding would be inconsistent with the general justification of how and which arts should be funded. Consequently, this argument should be dismissed. Accepting it would amount to curtailing the policy. Hence, in light of the importance of the experience with the arts, persons should agree to base the policy on equal treatment, as the general

justification warrants. Thus, it would be unjustified to bar ‘offensive’ yet permissible artistic expression from being eligible for funding, in the same way that it would be unjustified to withhold public funding from political parties whose agenda offends some, or to forbid political demonstrations on publicly-funded sidewalks (because these demonstrations would offend some) or restrict public funding to academic works that might offend certain people.¹⁰⁹ In the case of the arts, like academic works but in contrast to political parties, this claim is even more forceful, since persons can avoid being exposed to the work and in this way the offence can be avoided.

To be sure, the state could legitimately withhold funding to artworks that are of low quality, or on the grounds that in the overall allocation of resources, a type of artistic expression is sufficiently represented and accessible. Such decisions would be justified, since they would be consistent with the overall justification of what should be supported. However, categorical restrictions of certain types of expression (that are otherwise legitimate in a liberal society) would be unjustified.

Indeed, the state has no obligation to fund particular art organisations or artworks; rather, the obligation is to fund an array of artistic expressions. This means that by banning a defined category of artworks that do not aim to undermine a liberal-democracy or do not incite to harm, but that express a view some find appealing and some appalling, it is unjustifiably acting partially.¹¹⁰ In addressing the Helms amendment that called for the exclusion of homosexual artistic expression from the NEA’s charter, Harry Brighouse writes:

It should be obvious that homosexual men and women have a reasonable complaint. The complaint is not merely that some benefit – the artistic representation and promotion of their way of life – is being provided which they will not receive. Instead the complaint is that they are being deliberately excluded from the benefit, and are being singled out in law for exclusion, even though the law tolerates their way of life and their way of life does not and is not thought to present a threat to the functioning of more or less just basic institutions. The state that constrains funding decisions on these grounds violates the constraint of neutrality as I have outlined it.¹¹¹

The banning of ‘controversial’ artworks, (in the above case, artworks that express homosexuality), cannot be justified. by appealing to the justification of why the arts should be funded or to the political values that underpin a liberal society. Moreover, such exclusion would undermine the success of the proposed policy, which is to provide conditions under which persons would have effective accessibility to the arts.

The position I have proposed so far makes a particular assumption, namely, that artworks that are overly racist, incite to harm, or aim to undermine the functioning of a

liberal-democracy can be discerned. However, discerning the intention of artworks is not always easy. There is a fine line that distinguishes artworks that are critical and offensive from those that aim to undermine persons' basic interests. In other words, whether or not an artwork would cause substantial psychological or physical harm is not easily discerned.

However, I assume that such determinations could be made by art experts and perhaps by other persons who closely study the arts. They would not always be right, but given the context in which such artworks were made and the personal identity of the artists, such a determination could be made. In any case, such artworks would probably have a rather limited impact on the overall operation of the institution that funds the arts. Most of its decisions would pertain to works that are recognised as non-harmful.

13. Access and Encouragement

So far I have argued that the state can and should complement the market in order primarily to achieve a greater degree of effective access to reasonably good art. Furthermore, I have maintained that persons should not be coerced or forced to attend the arts. One might argue that under such circumstances, i.e. a policy in which the arts are being funded but there is no mechanism to make sure that persons actually attend them, the policy is in danger of being wasteful and ineffective. More precisely, such a policy cannot guarantee that the goal of nurturing persons' capacities would be obtained.

Indeed, the argument of this paper and the policy it recommends cannot guarantee that people will in fact attend the arts. However, the policy as illustrated so far, together with programs to encourage persons to attend the arts, could make it more likely that the goals would be achieved.

To begin with, the state could put more emphasis on educating children about the importance of experiencing the arts. It could also create public campaigns that convey this message to adults. Such campaigns should first make the existence of artistic events widely known, as this would be an initial step in creating the conditions under which persons would voluntarily pursue the arts. Subsequently, the benefits that stem from experiencing the arts should be publicized. These steps, if pursued continuously, would create a context in which persons would not have to be encouraged to pursue the arts but rather would seek this experience independently.

Another step the state could pursue in order to encourage persons to attend the arts is to give tax incentives. In the same way that citizens can currently get tax deductions on donations to various organisations, tickets to recognised artistic institutions and events could be tax deductible, as well. I believe that subsidies and tax deduction on tickets would lead more people to pursue this experience more frequently. Hence, although the state cannot ensure that persons will experience the arts, through various mechanisms it could make this more likely.

Conclusion

This paper has set out to examine whether the state should fund the arts. I have proposed that the state could, to a degree, complement the market and thus enhance the conditions under which persons could access the arts and have their moral capacities nurtured. In light of this, state action in this field is not only legitimate but necessary.

I have argued that in order to promote the arts the state should set up an independent institution that would be responsible for funding decisions. Moreover, I have suggested that the creation of such an institution must be carefully mediated, so that the goals of funding the arts could be obtained and that problems associated with such action would be minimized.

I have also argued that objections to state involvement in the arts, which stem from concerns that pertain to accountability, the use of experts and the funding of controversial art, could be either dismissed or shown to be quite weak. It was then suggested that the state could not ensure that the political benefits attributed to experience with the arts would be obtained, since persons should decide for themselves whether or not to pursue the arts; yet I claimed that the state could make it more likely that they will.

Endnotes

- ¹ A similar approach is being taken toward human rights. Human rights seem to be ingrained in the public culture, yet justifying them still occupies the work of a number of leading philosophers such as Henry Shue and Thomas Pogge. The justifications aim at finding the 'right' grounds and not merely contingent congruence. Anthony J. Langlois writes: 'Human rights has been called a movement in search of a theory.' Anthony J. Langlois, 'Human Rights and Modern Liberalism: A Critique', *Political Studies*, 51/3 (2003); pp. 509-10. See Thomas Pogge, *World Poverty and Human Right* (Cambridge: Polity Press, 2002); Henry Shue, *Basic Rights – Subsistence, Affluence, and U.S. Foreign Policy* (2nd edition), (Princeton, NJ: Princeton University Press, 1996). Similar concerns are raised with regard to environmental policies. There, too, different theorists try to construct a liberal case for protecting the environment. See Derek Bell, 'How Can Political Liberals Be Environmentalists?', *Political Studies*, 50/4 (2002): pp. 703-724.
- ² John Rawls, *A Theory of Justice – Revised Edition* (Cambridge, Mass: Harvard University Press, 1971, 1999): pp. 291-292.
- ³ Brian Barry, *Culture & Equality – An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001): p. 199; Joel Feinberg, 'Not With My Tax Money – The Problem of Justifying Government Subsidies for the Arts', *Public Affairs Quarterly*, 8/2 (1994): pp. 101-123; Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1987): pp. 256-257; Thomas Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991): pp. 133-134; Richard J. Arneson, 'Liberal Neutrality on the Good: An Autopsy', in Steven Wall and George Kolsko (eds.), *Perfectionism and Neutrality – Essays in Liberal Theory* (Lanham, MD: Rowman & Littlefield Publishers, 2003): pp. 215-216.
- ⁴ Harry Brighouse, 'Neutrality, Publicity, and State Funding of the Arts', *Philosophy & Public Affairs*, 24/1 (1995): p. 40.
- ⁵ Peter De Marneffe, 'Liberalism, Liberty and Neutrality', *Philosophy & Public Affairs*, 19/3 (1990): p. 253; John Rawls, 'The Priority of Right and Ideas of the Good', *Philosophy & Public Affairs*, 17/4 (1988): p. 263; Will Kymlicka, 'Liberal Individualism and Liberal Neutrality': p. 884 .
- ⁶ Brian Barry, *Justice as Impartiality* (Oxford: Clarendon Press, 1995): pp. 7-8.
- ⁷ Barry, *Culture & Equality*: p. 29.
- ⁸ Barry; *Justice as Impartiality*: p. 115.
- ⁹ Brian Barry, 'Something in the Disputation not Unpleasant', in Paul Kelly (ed.), *Impartiality, Neutrality and Justice: Re-reading Brian Barry's Justice as Impartiality* (Edinburgh: Edinburgh University Press, 1998): pp. 187-188.

- ¹⁰ Ronald Dworkin, 'Why Liberals Should Care about Equality', *A Matter of Principle* (London: Harvard University Press, 1985): p. 205.
- ¹¹ Ronald Dworkin, 'Why Liberals Should Care about Equality': p. 205; Bruce A. Ackerman, *Social Justice in the Liberal State* (London & New Haven: Yale University Press, 1980): p. 11.
- ¹² Bernard Williams, 'The Ideal of Equality', in H. Bedau (ed.), *Justice and Equality* (Englewood, NJ: Prentice-Hall, 1971): pp. 116-37; Avishai Margalit, *The Decent Society* (Cambridge, Mass: Harvard University Press, 1996): pp. 9-11.
- ¹³ Harry Brighouse, *School Choice and Social Justice* (Oxford: Oxford University Press, 2000): pp. 8-9.
- ¹⁴ John Rawls, *A Theory of Justice*: pp. 328-329 and p. 332.
- ¹⁵ Elizabeth Andersen, 'What Is the Point of Equality?' *Ethics* 109/2 (1999): pp. 287-337; Robert E. Goodin, 'Support with Strings: Workfare as an "Impermissible Condition"', *Journal of Applied Philosophy*, 21/3 (2004): p. 298; To be clear, persons could be favoured on grounds of age, for example, if they suffered disadvantages for which they are not responsible, or if this feature is shown to be relevant to the policy in question. For example, the state could justifiably provide only the elderly with certain benefits if such benefits were to enable the elderly lead a decent life, i.e. these benefits were justified on grounds persons could not reasonably reject. Such discrimination could be justified neutrally, i.e. by appealing to persons' equal moral worth and to the notion of the person it encapsulates.
- ¹⁶ Ronald Dworkin, 'What is Equality? Part 2: Equality of Resources', *Philosophy & Public Affairs*, 10/4(1981): pp. 283-345.
- ¹⁷ Thomas Scanlon, 'Nozick on Rights, Liberty, and Property', *Philosophy & Public Affairs*, 6/1 (1976): p. 9; For example, treating persons as moral equals entails that the state could justifiably place taxes on inheritance, as such a measure would stem from the view that persons only deserve what they have worked for. Those who were born to wealthy families and would receive larger amounts of resources would be receiving an advantage to which they are not entitled as they did not contribute to its creation. Similarly, those who received small or no inheritance would suffer from a disadvantage for which they are not responsible. Thus, treating persons as moral equals would require that inheritances be taxed and allocated fairly.
- ¹⁸ Steven A. Lecce, 'Contractualism and Liberal Neutrality: A Defence', *Political Studies*, 51/3(2003): p. 536; Harry Brighouse, 'Political Equality and the Funding of Political Speech', *Social Theory & Practice*, 21/3 (1995): pp. 473-475.

- ¹⁹ To qualify, I have suggested that moral equality and the values to which it gives rise are the only grounds on which the use of coercive state power could be justified, yet, it might be the case that other values could also be regarded as neutral and thus could be invoked. However, such values would have to be consistent with treating persons as moral equals. In any case, I shall not deal with this issue here as it has relatively minor bearing on the question of the arts. That is, the question of the arts could be effectively dealt with within this framework.
- ²⁰ Thomas Nagel, *Equality and Partiality*: pp. 131-2; also Thomas Nagel, 'Public Benefits and the Arts and Humanities', *Columbia Journal of Art and the Law*, Vol. 9 (1984): p. 237.
- ²¹ Nagel, 'Public Benefits and the Arts and Humanities': p. 237. All the philosophers surveyed here refer to artworks and not to the experience with artworks. However, it seems intelligible to claim that their claims are about the experience and not about the works themselves, as there is no sense in which the works are good themselves. Moreover, the excellence that the philosophers attribute to the arts presumably applies only to certain artworks and not to all artworks.
- ²² Brian Barry, *Culture & Equality*: p. 198.
- ²³ Barry; *Culture & Equality*: pp. 198-9.
- ²⁴ Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987): p. 258; David T. Schwartz, 'Can Intrinsic-Value Theorists Justify Subsidies for Contemporary Art?' *Public Affairs Quarterly*, 9/4 (1995): p. 331; For simplicity's sake, I shall sometimes use the phrase intrinsic value or objectively valuable rather than objective-intrinsic-value.
- ²⁵ Feinberg, 'Not With My Tax Money': p. 120.
- ²⁶ Regardless of whether or not the argument that a liberal state should fund the arts because they possess intrinsic value is defensible, the argument would fail if the arts did not hold such value. Daniel Nathan questions the assertion that art is intrinsically valuable and argues that this position might be unfounded. Daniel O. Nathan, 'Liberal Principles and Government Support for the Arts', *Public Affairs Quarterly*, 8/2 (1994): p. 145.
- ²⁷ John Rawls, 'Justice as Fairness: Political not Metaphysical', in Samuel Freeman (ed.), *John Rawls: Collected Papers* (Cambridge, Mass.: Harvard University Press, 1999): pp. 394-395.
- ²⁸ Samuel Freeman, 'Illiberal Libertarians: Why Libertarianism is Not a Liberal View', *Philosophy & Public Affairs*, 30/2 (2001): p. 105; Freeman refers to Justice as Fairness as a philosophical liberalism.

- ²⁹ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996): p. 106.
- ³⁰ David T. Schwartz, *Art, Education and the Democratic Commitment*: p. 17.
- ³¹ Noel Carroll, 'Can Government Funding of the Arts Be Justified Theoretically?': pp. 24-25.
- ³² Carroll, 'Can Government Funding of the Arts Be Justified Theoretically?': p. 28.
- ³³ Arthur Danto, *The Abuse of Beauty – Aesthetics and the Concept of Art* (Chicago: Open Court, 2003): pp. 7-12.
- ³⁴ Danto, *The Abuse of Beauty – Aesthetics and the Concept of Art*: p. 13.
- ³⁵ Carroll, 'Can Government Funding of the Arts Be Justified Theoretically?': p. 27.
- ³⁶ Ronald Dworkin, 'Public Benefits and the Arts and Humanities', *Columbia Journal of Art and the Law*, Vol. 9 (1984): pp. 148-9; Nozick, 'Public Benefits of the Arts': p. 162.
- ³⁷ Dworkin, 'Public Benefits of the Arts': p. 152.
- ³⁸ Dworkin, 'Public Benefits of the Arts': p. 154.
- ³⁹ Nozick, 'Public Benefits of the Arts': pp. 162-3.
- ⁴⁰ Schwartz, *The Democratic Commitment*: p. 80.
- ⁴¹ Schwartz, *The Democratic Commitment*: p. 87.
- ⁴² Schwartz, *The Democratic Commitment*: p. 88.
- ⁴³ Martha Nussbaum, *Poetic Justice* (Boston: Beacon Press, 1996): p. 77.
- ⁴⁴ Schwartz, *The Democratic Commitment*: p. 88.
- ⁴⁵ Noel Carroll, 'Art and Ethical Criticism: An Overview of Recent Directions of Research', *Ethics* 110/2 (2000): p. 358.
- ⁴⁶ Carroll, 'Art and Ethical Criticism: An Overview of Recent Directions of Research': p. 359.
- ⁴⁷ Harry Brighouse, 'Neutrality, Publicity, and State Funding of the Arts': p. 44-5.
- ⁴⁸ Thomas Scanlon, 'Contractualism and Utilitarianism', in Amartya Sen and Bernard Williams (eds.), *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982): pp. 103-128; John Rawls, *Justice as Fairness – A Restatement* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 2001): p. 91; Thomas Nagel, 'Moral Conflict and Political Legitimacy', *Philosophy & Public Affairs*, 16/3 (1987): p. 229; Peter De Marneffe, 'Liberalism, Liberty and Neutrality', *Philosophy & Public Affairs*, 19/3 (1990): p. 253; John Rawls, 'The Priority of Right and Ideas of the Good', *Philosophy & Public Affairs*, 17/4 (1988): p. 263; Will Kymlicka, 'Liberal Individualism and Liberal

Neutrality', *Ethics*, 99/4 (1989): p. 884; Ronald Dworkin, 'Why Liberals Should Care about Equality', *A Matter of Principle* (London: Harvard University Press, 1985): pp. 205-213; Brian Barry, *Justice as Impartiality* (Oxford: Clarendon Press, 1995); John Rawls, *Justice as Fairness – A Restatement*: pp. 89-94; John Rawls, 'The Idea of Public Reason Revisited' in Samuel Freeman (ed.), *John Rawls: Collected Papers*, (Cambridge, Mass.: Harvard University Press, 1999): pp. 574-575; Samuel Freeman, 'Deliberative Democracy: A Sympathetic Comment', *Philosophy & Public Affairs*, 29/4 (2000): pp. 400-402; Jonathan Quong, 'The Scope of Public Reason', *Political Studies*, 52/2 (2004): pp. 233-234.

- ⁴⁹ John Rawls, *A Theory of Justice – Revised Edition*: p. 292.
- ⁵⁰ David T. Schwartz proposes that experiencing the arts nurtures empathy and interpretative skills, both of which are necessary for democratic citizenship. They enable one to treat others respectfully and to participate meaningfully in the democratic process. He thus argues that a democratic state would be justified in promoting the arts. I suggest that these capacities are also central to maintaining persons' equal moral worth.
- ⁵¹ Steven Wall, *Liberalism, Perfectionism and Restraint* (Cambridge: Cambridge University Press, 1998): p. 132; Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986): p. 372.
- ⁵² Noel Carroll, "Essence, Expression, and History: Arthur Danto's Philosophy of Art", in Mark Rollins (ed.), *Danto and His Critics* (Oxford: Blackwell Publishers, 1993): p. 84; Carroll also says that this feature is debateable, since at least one tradition in art theory maintains that the experience is non-cognitive, and thus no interpretation is required.
- ⁵³ *Ibid.*: 85.
- ⁵⁴ William A. Galston, *Liberal Purposes* (Cambridge: Cambridge University Press, 1991): p. 223.
- ⁵⁵ Martha Nussbaum, *Love's Knowledge – Essays on Philosophy and Literature* (Oxford: Oxford University Press, 1990): p. 171; see also Martha Nussbaum, *Poetic Justice*: pp. 5-6.
- ⁵⁶ Patrick Dobel, "The Moral Realities of Public Life: Some Insights of Fiction", *American Review of Public Administration*, 22/2 (1992): p. 127.
- ⁵⁷ Arthur C. Danto, *The Transfiguration of the Commonplace – A Philosophy of Art* (Boston: Harvard University Press, 1981): p. 173.
- ⁵⁸ Will Kymlicka, 'Education for Citizenship', in his *Politics in the Vernacular – Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001): p. 301.

- ⁵⁹ See Avner de-Shalit, "Political Philosophy and Empowering Citizens", *Political Studies* 52/4 (2004): pp. 802-818, in which the argument is made that by teaching citizens political philosophy they could be empowered, thereby making them capable of assessing different policies. It could then be argued that the state should encourage citizens to take political philosophy classes.
- ⁶⁰ Andrew Buchwalter, 'Introduction', in Andrew Buchwalter (ed.), *Culture and Democracy – Social and Ethical Issues in Public Support for the Arts and the Humanities* (Boulder, Colo.: Westview Press, 1992): p. 6.
- ⁶¹ See Norman Daniels, *Just Health Care* (Cambridge: Cambridge University Press, 1985); Harry Brighouse, *Social Justice and School Choice* (Oxford: Oxford University Press, 2000).
- ⁶² Dick Netzer, *The Subsidized Muse – Public Support for the Arts in the United States* (Cambridge: Cambridge University Press, 1978): pp. 50-1; Harry Hillman and Claire McCaughey, 'The Arm's Length Principle and the Arts: An International Perspective – Past, Present and Future' in Milton C. Cummings, Jr. and J. Mark Davidson Schuster, *Who's To Pay for the Arts? The International Search for Models of Art Support* (New York: ACA Books, 1989): pp. 48-52.
- ⁶³ Tyler Cowen, *In Praise of Commercial Culture*, (Cambridge, Mass: Harvard University Press, 1998).
- ⁶⁴ Netzer, *The Subsidised Muse*: pp. 157-8 – 'Fellowships and similar grants of public support for individual artists are awarded through competitions in which talent is the main criterion. Although it is impossible to assess the extent to which such programs overcome income barriers to artistic careers, a large number of grantees are apparently minority-group members.'
- ⁶⁵ Kevin V. Mulcahy, 'The Public Interest in Public Culture', in *Culture and Democracy*: pp. 68-9; Mulcahy also argues that the policy should be: 'As a general rule, eligibility criteria should favour institutions whose activities contribute to some publicly defined good such as the promotion of artistic diversity, participation by underrepresented cultural groups, the preservation of a unique cultural heritage or of a recognized center of artistic excellence.' p.76.
- ⁶⁶ Edward W. Arian, 'The Unfulfilled Promise of Public Arts Subsidy in a Multicultural Society', in Andrew Buchwalter (ed.), *Culture and Democracy – Social and Ethical Issues in Public Support for the Arts and the Humanities* (Boulder; Westview Press, 1992): p. 62.
- ⁶⁷ Arian, 'The Unfulfilled Promise of Public Arts Subsidy in a Multicultural Society': p. 62.

- ⁶⁸ Brian Barry, *Culture & Equality*: pp. 198-9.
- ⁶⁹ Stephen E. Weil, 'Tax Policy and Private Giving', in Stephen Benedict (ed.), *Public Money and the Muse – Essays on Government Funding for the Arts* (New York: W.W. Norton & company, 1991): p. 163.
- ⁷⁰ As noted, our primary concern is with the production of exhibitions, plays, movies and books, and not with the production of individual works by individual artists. The latter, I assume, would be sufficiently produced.
- ⁷¹ Cowen, *In Praise of Commercial Culture*: p. 22.
- ⁷² Cowen, *In Praise of Commercial Culture*: p. 24 and p. 29.
- ⁷³ Arian, 'The Unfulfilled Promise of Public Arts Subsidy in a Multicultural Society': p. 66
- ⁷⁴ Robert Garfias, 'Cultural Equity – Part 1: Cultural Diversity and the Arts in America', in *Public Money and the Muse*: p. 189.
- ⁷⁵ An extreme example of this failure of the market occurs in the medical drugs and treatments sphere. Certain illnesses are labelled 'orphanage diseases' since the 'for-profit' market neglects them. This is mainly because the number of people having these illnesses is too low to sustain the research and development of a treatment, or else the infected are too poor to pay for those drugs. Reported on National Public Radio, 19 January 2005.
- ⁷⁶ Netzer, *The Subsidised Muse*: p. 163.
- ⁷⁷ Milton C. Cummings, Jr., 'Government and the Arts: An Overview', in Stephen Benedict (ed.), *Public Money and the Muse*, (New York: W.W. Norton & Company; 1991): p. 46.
- ⁷⁸ Cowen, *In Praise of Commercial Culture*: p. 18.
- ⁷⁹ Alan L.Feld, Michael O'Hare, and J. Mark Davidson Schuster, *Patrons Despite Themselves: Taxpayers and Arts Policy* (New York: New York University Press, 1983): p. 163 and pp. 169-70; Adrian M. S. Piper, 'Government Support for Unconventional Works of Art', *Culture and Democracy*: pp. 218-9; Peter Kennard, 'Hang to Dry by the Sponsors – Art's Corporate Backers Decide What We Can See in Public Spaces', *The Guardian*, December 29, 2003.
- ⁸⁰ Netzer, *The Subsidised Muse*: pp. 37-8.
- ⁸¹ Tyler Cowen, *In Praise of Commercial Culture*: pp. 15-17.
- ⁸² Tyler Cowen, *In Praise of Commercial Culture*: p. 19.
- ⁸³ Ronald Dworkin, 'Can a Liberal State Support Art?', *A Matter of Principle*: p. 228.

- ⁸⁴ Buchwalter, 'Introduction', in *Culture and Democracy – Social and Ethical Issues in Public Support for the Arts and the Humanities*: p. 7.
- ⁸⁵ Hal R. Varian, 'Markets for Public Goods?', *Critical Review*, 7/4: p. 540.
- ⁸⁶ Harry Brighouse, *School Choice and Social Justice*: pp. 40-42.
- ⁸⁷ Varian, 'Markets for Public Goods?': p. 541.
- ⁸⁸ Stephen Creigh-Tyte and Gareth Stive, 'Why Does Government Fund the Cultural Sector?', Sara Selwood (ed.), *The UK Cultural Sector* (London: Policy Studies Institute, 2001): p. 174 .
- ⁸⁹ Stephen Creigh-Tyte and Gareth Stive, 'Why Does Government Fund the Cultural Sector?': p. 174; Dick Netzer, *The Subsidized Muse*: p. 23.
- ⁹⁰ Buchwalter, 'Introduction': p. 7.
- ⁹¹ See Leonard Downie Jr. and Robert G. Kaiser, *The News about the News* (New York: Alfred A. Knopf, 2002); p. 10; David Weatherhall, 'Problems for Biomedical Research at the Academia-Industrial Interface', *Science and Engineering Ethics*, 9/1 (2003): pp. 43-48; C. Edwin Baker, *Media, Markets, and Democracy* (Cambridge: Cambridge University Press, 2002): pp. 20-30.
- ⁹² In fact, there is an ongoing shift in the way some governments fund the arts. The shift is from investing in individual artists to funding so that the arts will be more widely available. This was done for political purposes, i.e. for generating greater legitimacy for a policy in the arts. Nonetheless, from the point of view of a political justification for promoting the arts, this shift is indeed desirable. See Arian, 'The Unfulfilled Promise of Public Arts Subsidy in a Multicultural Society': p. 61; Milton C. Cummings, Jr. and Richard S. Katz, 'Relations between Government and the Arts in Western Europe and North America', *Who's to Pay for the Arts? The International Search for Models of Art Support*: p. 7; Lynne Munson, *Exhibitionism – Art in an Era of Intolerance*: p. 50.
- ⁹³ Netzer, *The Subsidized Muse*: p. 22 and p. 27.
- ⁹⁴ Alan L. Feld, Michael O'Hare, J. Mark Davidson Schuster, *Patrons Despite Themselves*: pp. 145-147.
- ⁹⁵ Netzer, *The Subsidized Muse*: p. 19.
- ⁹⁶ Cowen, *In Praise of Commercial Culture*: p. 37.
- ⁹⁷ Harry Hillman-Cartand and Claire McCaughey, 'The Arm's Length Principle and the Arts': pp. 58-9; Kevin V. Mulcahy, 'The NEA and the Reauthorization Process', in Kevin V. Mulcahy and Margaret Jane Wyszomirski (eds.), *America's Commitment to Culture – Government and the Arts* (Boulder, CO: Westview Press, 1995): p. 173; Joy Cohnstaedt,

- 'Shoulder to Fingertip: Arm's Length and Points Between Canadian Cultural Policy', in *Culture and Democracy*: p. 172.
- ⁹⁸ Mulcahy, 'The Public Interest in Public Culture' in *Culture and Democracy*: p. 73.
- ⁹⁹ *ibid.*: p. 80.
- ¹⁰⁰ Adrian M.S. Piper, 'Government Support for Unconventional Works of Art', in *Culture and Democracy – Social and Ethical Issues in Public Support for the Arts and Humanities*: p. 219.
- ¹⁰¹ Harry Hillman-Cartand and Claire McCaughey, 'The Arm's Length Principle and the Arts': pp. 58-9; Kevin V. Mulcahy, 'The NEA and the Reauthorization Process': p. 173; Joy Cohnstaedt, 'Shoulder to Fingertip: Arm's Length and Points Between Canadian Cultural Policy', in *Culture and Democracy*: p. 172.
- ¹⁰² Laurence A Jarvik, 'Art after the NEA', WWW.GEOCITIES.COM/PARIS/MUSEE/3740/NEA.HTML; Lynne Munson, *Exhibitionism*: p. 17.
- ¹⁰³ Mulcahy, 'The Public Interest in Public Culture' in *Culture and Democracy*: p. 73.
- ¹⁰⁴ William Nelson, 'The Institutions of Deliberative Democracy', in Ellen Frankel Paul, Fred D. Miller, Jeffrey Paul (eds.), *Democracy* (Cambridge: Cambridge University Press, 2000): p. 195.
- ¹⁰⁵ Cowen, *In Praise of Commercial Culture*: p. 37.
- ¹⁰⁶ *ibid.*: p. 37.
- ¹⁰⁷ For a proposal on how the political sphere should be structured see Harry Brighouse, 'Political Equality and the Funding of Political Speech', *Social Theory & Practice*, 21/3 (1995): pp. 473-500.
- ¹⁰⁸ For a discussion on when political parties should be banned from the political process see Raphael Cohen-Almagor, *The Boundaries of Liberty and Tolerance - The Struggle against Kahanism in Israel* (Gainesville, FL : University Press of Florida, 1994).
- ¹⁰⁹ Kathleen M. Sullivan, 'Artistic Freedom, Public Funding, and the Constitution', in Stephen Benedict (ed.), *Public Money and the Muse* (New York: W.W. Norton & company, 1991): p. 82.
- ¹¹⁰ Joy Cohnstaedt, 'Shoulder to Fingertip', *Culture and Democracy*: p. 172.
- ¹¹¹ Brighouse, 'Neutrality, Publicity and State Funding of the Arts': pp. 60-2.

