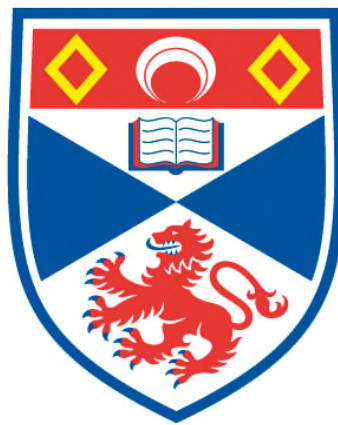


# **AN ARGUMENT FOR ANTI-PERFECTIONISM**

**Patrick McDevitt**

**A Thesis Submitted for the Degree of PhD  
at the  
University of St Andrews**



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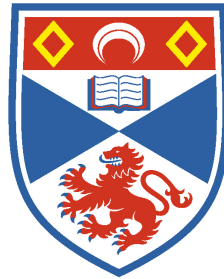
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# An Argument For Anti-Perfectionism

Patrick McDevitt



University of  
St Andrews

This thesis is submitted in partial fulfilment for the degree of PhD  
at the  
University of St Andrews

23<sup>rd</sup> December, 2015.

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## Abstract

In political philosophy, perfectionism is the view that it is the job of the state to best enable its citizens to live good or flourishing lives. It claims that certain lives can be judged to be sound, and thus instructs governments to promote those lives using state institutions etc. Anti-perfectionism denies this. It says that it is not the job of the state to promote good lives. Instead it should restrict itself to securing basic rights and duties, a threshold level of resources and so on. Citizens should be left to adopt pursuits however they see fit. For some anti-perfectionists, this is precisely because we *cannot* judge any putative life to be sound. However, many are not sceptics, and justify state neutrality for other reasons.

All accounts of anti-perfectionism must overcome what has been called the asymmetry objection: what justifies the imbalance inherent in anti-perfectionism? Why believe that the state is permitted to act on judgements about justice, but not on judgements about flourishing? My thesis argues that attempts to respond to the asymmetry objection have failed thus far. Further, I offer an account of political morality that can overcome the problem.

The first four chapters of the thesis clarify the debate between perfectionists and anti-perfectionists, narrowing the former down into its most plausible form. Chapters five and six focus on two failed attempts to vindicate anti-perfectionism – Brian Barry’s argument from scepticism and Jonathan Quong’s Rawlsian approach. In the final chapter I put forward a much more promising argument in favour of anti-perfectionism – justice as a set of constraints.

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## Introduction

In political philosophy, perfectionism is the view that it is the job of the state to best enable its citizens to live good or flourishing lives. It claims that certain lives can be judged to be sound, and thus instructs governments to promote those lives using state institutions etc. Anti-perfectionism denies this. It says that it is not the job of the state to promote good lives. For some anti-perfectionists, this is precisely because we *cannot* judge any putative life to be sound. However, many are not sceptics, and justify state neutrality for other reasons.

Although perfectionism can be traced back to Aristotle, the contemporary debate between perfectionists and anti-perfectionists first came to the fore over four decades ago, when John Rawls published the seminal *A Theory of Justice*. Rawls argued that a commitment to liberalism required that governments should be neutral between judgements about good human lives. For the subsequent ten or so years, it was largely assumed that liberalism was necessarily anti-perfectionist. However, in 1986, Joseph Raz published *The Morality of Freedom*, his thesis on liberal perfectionism. Raz argued that autonomy was a necessary part of a flourishing life, and that an autonomy-supporting political structure will give us distinctly liberal outcomes. Around this time, Rawls began to rethink his original argument for anti-perfectionism, culminating in 1993's *Political Liberalism*. Contrary to his earlier work, Rawls claimed that any liberal political system should itself be free of any comprehensive commitments. Thus, he argued that not only should our account of justice be neutral between judgements about flourishing, it should also be free-standing in the sense that it presupposes no view about valuable lives.



Since then, notable exceptions aside,<sup>1</sup> there has not been a great deal of debate about perfectionism and neutrality, resulting in a subsequent lack of clarity about what the two positions are committed to. However, a few years ago, the debate was re-energised after Jonathan Quong published *Liberalism Without Perfection*, a passionate defence of the Rawlsian political liberal project.

In this thesis, I will offer my own argument for anti-perfectionism. However, unlike Quong, I will not offer a Rawlsian defence of neutrality. Instead, I will argue that we should understand justice as a set of constraints. Constructing our account of justice this way will inevitably rule out any appeal to perfectionist judgements.

In chapter one I will present precisely what I understand perfectionism to be committed to. In particular, I will argue that it does not entail paternalism or inegalitarianism, a criticism that has traditionally been aimed at perfectionism. I will also draw some distinctions found within perfectionism, such as between those who understand perfectionism to apply cross-culturally and those who think that it is particular to certain cultures or time periods.

In chapter two, I nail down the anti-perfectionist position. Again, I seek to clarify what it is and is not committed to. I also introduce what is called the asymmetry objection: what justifies the imbalance inherent in anti-perfectionism? Why believe that the state is permitted to act on judgements about justice, but not on judgements about flourishing? I will claim that the anti-perfectionist must provide an answer to this question.

However, before I look at the adequacy of anti-perfectionist responses to the problem of asymmetry, I will narrow down my focus. In chapter three, I argue against the two most prominent cross-cultural or universal accounts of perfectionism. I reject Thomas Hurka's human nature based perfectionism because it leads to hugely counter-intuitive consequences. I reject Martha Nussbaum's 'function' argument because it fails to explain precisely *why* humans

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<sup>1</sup> Thomas Hurka (1993). Brian Barry (1995). George Sher (1997). Steven Wall (1998).

value certain goods. I conclude by suggesting that a plausible perfectionism will be particular to cultures and time periods.

In chapter four I introduce and clarify Joseph Raz's contextual argument for perfectionism. The purpose of this chapter is largely exegetical. It seeks to get a grip of precisely *how* the Razian argument is contextual; is it relativist, for example?

In chapter five I focus on Jonathan Quong's anti-perfectionism. In the first half of the chapter, I will argue that Quong's response to Raz does not work. I argue that the first objection, that his account of justice is contingent on empirical premises, does not actually pose a problem for Raz. I argue that the second, that Raz's account involves high levels of manipulation, relies on a major misreading of *The Morality of Freedom*. In the second half of the chapter, I will argue that Quong fails to overcome the asymmetry objection. Quong has to rely on an idealised view of citizens in order to overcome the objection, and such idealisation cannot be vindicated.

In chapter six, I discuss Brian Barry's account of anti-perfectionism. Contra Raz, Barry thinks that we have reason to be sceptical about whether we can know if any conception of the good can be true. He argues that such scepticism should lead us to embrace anti-perfectionism. If we cannot vindicate any putative judgement about flourishing, we should not appeal to it when justifying state action. However, as I will argue, Barry's account fails to provide a response to the asymmetry objection. If we have reason to be sceptical about the truth of conceptions of the good, don't we also have reason to doubt the plausibility of judgements about justice? If so, then it seems that an appeal to principles of justice would also be illegitimate, and the asymmetry cannot be justified.

In the final chapter, I will offer my own account of anti-perfectionism. In the first half of the chapter I will argue against Raz's claim that there is consensus on the value of the autonomous life. I will do so by appealing to James Tully's Wittgensteinian argument for constitutional change. The fact of disagreement is

shown by the diversity of different language games taking place. The different cultural perspectives found within modern liberal society mean that disagreement about the good is inevitable. However, this alone does not overcome the asymmetry objection. Tully's argument applies to judgements about justice just as much as it does to judgements about the good. Different cultural groups do not agree about what is just any more than they agree about what is good. Rather, my anti-perfectionism is secured not by looking at what people do happen to agree on. Instead, we should construct our principles of justice by looking at what they *could* agree on. I will argue that people could agree to an account of justice that embodies a set of constraints. I will further argue that any political structure that incorporated judgements about the good *could not* be agreed upon. This is because judgements about the good depend on metaphysical commitments that could not be subject to a consensus.

Thus, my thesis takes a fairly clear route. First it tells you what perfectionism and anti-perfectionism entail. Then it narrows down perfectionism to its most plausible form – Raz's contextual perfectionism. It then looks at two responses to Razian contextualism that do not work, before offering a much more promising account of anti-perfectionism that appears to overcome the asymmetry objection.

# 1

## Perfectionism

### 1. Introduction

There are three ways in which a philosopher might talk about perfectionism; as a prudential theory, as a general moral theory, or, more specifically, as a model of political morality (i.e. identifying which principles should guide political action). Prudential perfectionism claims that there is an ideal form of human life and argues that the level of well-being for any person is in direct proportion to how near that person's life gets to this ideal.<sup>2</sup> It identifies a supremely valuable way of life for human beings, for example one where one's options are autonomously chosen, and claims that an individual's quality of life is higher the closer she gets to fully living such a life.

Moral perfectionism gives an account of correct conduct. Instead of being a theory based solely on well-being, as prudential perfectionism is, it gives agents instructions on how to act. To quote Hurka extensively, perfectionism argues that "certain properties...constitute human nature or are definitive of humanity - they make humans human. The good life, it then says, develops these properties to a high degree or realizes what is central to human nature."<sup>3</sup> That is, perfectionism *instructs* agents to do that which best promotes good human lives. Thus, instead of claiming that autonomous choice simply improves the quality of an agent's life, it tells the agent that she should live her life dedicated to such an ideal, even if it doesn't necessarily improve her well-being. This ethical theory

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<sup>2</sup> Griffin (1986: 56).

<sup>3</sup> Hurka (1993: 3)

has a great tradition, being found in the works of Plato, Aristotle, Hegel, Marx, Nietzsche, Green and many others.

Perfectionism as a theory of political morality is more specific. In its most basic form it tells us that (at least sometimes) the state should act so as to promote the human good.<sup>4</sup> More precisely, it is committed to the view that political authorities should take an active role in creating and maintaining social conditions that best enable their subjects to lead valuable and worthwhile lives.<sup>5</sup> We all know, says the perfectionist, that a life lived in accordance with charity and generosity is superior to one idly spent watching daytime television, so the state should, if it is able, act in ways which promote the former, as well as, perhaps, ways which discourage the latter.

The three forms of perfectionism outlined above are not wholly distinct. All three specify a vision of the human good or human flourishing.<sup>6</sup> It is how they utilise such goods that differs. Whereas prudential perfectionism simply says that the greater the level of human good we realise the higher our well-being will be, moral perfectionism says that we should aim at such a good, even if this doesn't necessarily improve our well-being. The two could be intertwined however. Pursuing the human good might be something we should do and which necessarily improves our well-being as a side-effect. Or, it could be argued that the most plausible form of moral perfectionism will include well-being amongst its list of human goods.<sup>7</sup> Political perfectionism can be seen as an extension of either form. That is, it might direct the state to promote a vision of human flourishing where this is something its citizens should pursue, or where this is something that will make their lives go better (or both, if the two positions are aligned).

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<sup>4</sup> Following Wall (1998:10--11) I understand "the state" as including the political constitution of a society, its political institutions and the policies of government.

<sup>5</sup> This definition is given by Steven Wall (1998: 8)

<sup>6</sup> I shall be using the terms "human flourishing" and "the human good" interchangeably.

<sup>7</sup> George Sher makes a similar point (1997: 229).

Importantly, human flourishing and well-being are different. Flourishing represents a view of human perfection. Well-being represents a view of what makes one's life go better.<sup>8</sup> These are not necessarily the same thing. The difference is twofold. Firstly, a theory of flourishing necessarily grounds judgements about moral (and perhaps political) requirements. A theory of well-being could do this - in which case it would be functionally equivalent to a theory of flourishing - but it need not. Secondly, a moral or political theory could take certain considerations of well-being to be important without taking the flourishing aspect into account. For example, it might concern itself with a sufficient level of well-being that falls vastly short of the threshold of flourishing. This is Hurka's point. He argues, "Perfectionism cannot concern well-being. Its ideal cannot define the "good for" a human because the ideal is one he ought to pursue regardless of his desires...It gives an account of the good human life, or of what is good in a human, but not of what is "good for" a human in the sense tied to well-being."<sup>9</sup>

I want to focus on perfectionism as a theory of political morality. My project looks to examine whether political perfectionism is a legitimate view of political morality, and if so, to what extent. Accordingly, I will take no position on the plausibility of perfectionism as a prudential or moral theory directly, though obviously some of my criticisms may have knock on effects on either (or both). From now on, unless stated otherwise, when using the term perfectionism I will have in mind political perfectionism.

Quite what perfectionism is, and what it is committed to, is often unclear in discussions of the subject. In this chapter I will clarify the different kinds of value that the perfectionist seeks to promote, distinguish between two varieties of perfectionism, and discuss what the positions might be committed to (along with

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<sup>8</sup> See, for example, Hurka (1993: 16--17). "What makes one's life go better" could be desire-based, pleasure-based, or could appeal to an objective list of goods. See Crisp (2013).

<sup>9</sup> *ibid.* Note, however, that Hurka is presupposing a desire-based view of well-being here. An objective list theory of well-being which contained only perfectionist values might not lead to such a conflict. That is, if the list contained only such values, and the threshold was set at the same level for flourishing and well-being, then an appeal to either would be equivalent.

what they might not be committed to). I will conclude by briefly explaining why many see perfectionism as an attractive view of political morality, as well as flagging up a deeper problem that both versions of the principle face.

## 2. How Should We Understand “the Human Good?”

Perfectionism argues that the state should act to promote the human good or human flourishing. But what exactly does the human good entail? I believe that it has three constitutive elements: personal ideals, conceptions of the good and substantive conceptions of the good.<sup>10</sup>

*Personal Ideals* are judgements about those pursuits, activities, associations, talents, virtues, traits etc. that make up a good human life. Such considerations are the ideals that we have or pursue, and they indicate what it is that we value. Some might be substantively specific, such as the mastery of tactical awareness in football. Others might be more general, referring more to the way in which people live their lives, for example free from external pressure.<sup>11</sup> Some ideals will cover a wide range of conduct. A long-term committed relationship will dictate many, if not most, of an individual’s derivative choices, activities, projects and so on. However, others will cover a narrower range. If I have a moderate interest in playing the piano I may set aside a period of time each week in which to practice, perhaps neglecting other possible activities and so on. But this pursuit will not seep into my social and emotional life anywhere close to the same extent that a long-term relationship would. Accordingly, our various personal ideals will form a structured hierarchy, with our more important ones dictating our more frivolous ones.

A *conception of the good* can be understood as the full set of personal ideals found within an individual life. Judgements concerning conceptions of the good involve evaluating the quality of a person’s life overall. Such conceptions of the

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<sup>10</sup> Quong makes a similar threefold distinction, though uses different terminology. (2011: pp. 12---13).

<sup>11</sup> See also Wall (1998: 12). This distinction between substantive and general ideals will become relevant later in my discussion of the charge of paternalism.

good can be more or less *substantive*. Some conceptions of the good might involve a fairly loose collection of personal ideals. For example, I might enjoy autonomous choice, and accordingly engage in personal relationships, take up a few hobbies, work for a living in order to fund these, and so on, without giving their relative importance much thought, or having in mind any sort of unifying end. Other conceptions of the good might be extremely unified, detailed and wide-ranging. For example, my conception might be dictated by the importance (to me) of what my family expects of me. Accordingly, my relationships, my career, my pursuits and so on, will almost solely be directed at living up to what I believe the dynasty expects of me. We can call a way of life that is unified in this way a *substantive conception of the good*. Such a conception is very specific, and contains values, associations and pursuits that dictate all, or nearly all, conduct. Substantiveness is an inexact scale. Conceptions can be more or less detailed and so on, but at which point a conception becomes substantive is unclear.

Thus, the perfectionist argues that the state should promote personal ideals, ways of life, or substantive conceptions of the good. But why is this? Wall argues that the perfectionist is committed to the following four claims<sup>12</sup>:

1. Some personal ideals/conceptions of the good/substantive conceptions of the good are sound and can be known to be sound, where this is understood as being such that it is reasonable for people to be interested in them, regardless of whether they in fact happen to be interested in them.
2. The state is presumptively justified in favouring these human goods. That is, if a human good can be shown to be sound, then there is a presumptive case for state promotion. Note that the case is only presumptive. There is no *ipso facto* move from the soundness of a human good to state promotion.

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<sup>12</sup> His account is only concerned with the promotion of personal ideals, but I have adapted his claims in order to include all three constitutive elements of the human good specified above.



3. A sound account of political morality must be informed by sound human goods, as either it is not possible to exclude ideas of human good from conceptions of political morality, or if it were possible, that account of political morality would be impoverished.
4. There is no general moral principle that forbids the state from favouring sound human goods, as well as enforcing conceptions of political morality informed by them, when these goods are controversial and subject to reasonable disagreement. That is, there is no moral rule that says that the state should not promote the good if there exists disagreement between reasonable citizens as to its value. Thus there is a standing case for the state to promote human goods whether or not there is a consensus amongst reasonable citizens regarding their value.<sup>13</sup>

The key claim for the perfectionist is that if we can judge a human good to be sound, and that good could be effectively promoted through political action, then there is a standing case for using the state to promote it. Thus, we can call perfectionism a teleological doctrine. It identifies a conception of the good as central and foundational to moral reasoning.

### **3. Perfectionist Action vs Perfectionist Justification**

At this point it might be worth pausing to consider two ways in which one might talk about perfectionism. Most political action will have the *effect* of altering the ability of at least some of its citizens to pursue their conceptions of the good. For example, a woman who values autonomy will find her conception of the good restricted if a new government passes laws which deny women an equal standing in society. Such political action has the effect of altering an individual's ability to pursue their conception of the good, irrespective of how such action is justified. Thus we can define:

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<sup>13</sup> Wall (1998: 8---15). Whilst I am sympathetic to the denial of all four of the claims, my thesis will argue that Wall's fourth claim is false.

*Perfectionist action:* any political action which has the effect of promoting or discouraging any form of human flourishing.

Perfectionist action can be contrasted with:

*Perfectionist justification:* reasons appealing to the human good upon which political action is premised.

Whereas perfectionist action focuses solely on the *effect* of political action, perfectionist justification looks at the reasons which justify it. Thus, in order for a piece of political action to count as perfectionist in this sense we need to look at the justification for that action, rather than the effect it happens to have on particular conceptions of the good. Thus, on this view, if the reason for any state action appeals to human flourishing, then such action is perfectionist. If it appeals to some other concept, it is not perfectionist.

My thesis will focus on perfectionism in this second sense. That is, it will explore the permissibility of using the human good as a justification for political action. As I say above, most political action will have the effect of promoting or discouraging at least one person's conception of the good. Thus, debating the legitimacy of perfectionist action would be daft; a political morality cannot but affect an agent's chances of pursuing her conception of human flourishing. Thus, in order to count as perfectionist, a state must base their reasoning on the human good. That is, a political morality is perfectionist insofar as its principles are justified by an appeal to human flourishing. Whether or not a particular piece of political action actually happens to promote or discourage a certain conception of the good is neither here nor there. If such a policy was justified by an appeal to anything other than the human good then it should not be counted as perfectionist.

This can be demonstrated by an analogy. Suppose a wealthy football club offer Lionel Messi a multi---million pound contract, which, if accepted, would make him the highest paid individual in sporting history. Now, if accepted, such a contract

could not but improve the welfare of Messi, as well as his family and friends. However, in the example, the welfare of the player and his loved ones plays no justificatory role in the reason for the club offering the contract. Instead, the reason for offering Messi the lucrative contract is that the Chairman of said football club is desperate for his team to win the UEFA Champions League for the first time. The effect on the welfare of Messi and his family is a *side-effect* of an action taken for another reason, namely the desire to win the Champions League. In the same way, the promotion and/or discouragement of conceptions of the good can be a side-effect of actions taken for other reasons. Policy X might affect John's ability to pursue his conception of the good, but unless that policy is justified by an appeal to human flourishing, then such action would not be perfectionist in the relevant sense. Obviously, perfectionist reasoning will usually imply perfectionist action. That is, if a government wants to promote a certain conception of the good, the best way of doing so might well be to act in a way which promotes such a conception. But it need not. Promoting the good might require political *inaction*. So, for example, promoting autonomy might require that governments refrain from acting to promote certain options, as to do so would violate the self-direction of its citizens.

#### **4. Pure Perfectionism vs Mixed Perfectionism**

I now want to distinguish between two forms of perfectionism. The first form, which we can call *pure perfectionism*, argues that human flourishing is the only intrinsic value appropriate for constructing a political morality. That is, pure perfectionism identifies what the human good entails, and justifies state institutions and so on solely by reference to it. Thus, says the pure perfectionist, maintaining the social conditions that best promote human flourishing is the state's sole function. The civil liberties, political rights, democratic institutions and so on that are realised within such a state are justified insofar as they promote the human good.

Pure perfectionism can be contrasted with *mixed perfectionism*. Mixed perfectionism still claims that the state should, at least sometimes, promote the

good, but also believes that human flourishing is but one value amongst several with regards to political morality. That is, according to the mixed perfectionist the human good should be measured against other moral concepts, such as liberty, rights, equality, justice, democracy and so on (where no further appeal is made to human flourishing), when deciding upon political action. In such a way, perfectionist values are tempered by other values relevant to deciding upon political institutions, the policies of government and so on. Nevertheless, the mixed perfectionist maintains that the good life is an important justificatory value within a political morality, albeit one amongst several others.<sup>14</sup>

In the next two sections I shall outline some of the unsavoury implications which at first glance perfectionism might have, and discuss to what extent the two positions – pure perfectionism and mixed perfectionism – are committed to them. These implications fall under two categories: perfectionism as paternalism and perfectionism as inegalitarianism.

## **5. Perfectionism as Paternalism**

One assumption that might be made against perfectionism is that it identifies a single supremely preferable substantive conception of the good, way of life or personal ideal, and instructs the state to promote only this value. For example, the state might claim that the good life is one where individuals focus all action at a slavish dedication to the Quran. From this, it might seek to promote all and only those goods that realise this conception of the good. Critics charge that such action would be sectarian and inhibiting, producing a homogenous and stunted population. This is, to most fair-minded people, something we should avoid. Thus, we can ask whether either form of perfectionism is necessarily committed to such monism.

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<sup>14</sup> I owe the terms pure perfectionism and mixed perfectionism to Joseph Chan (2000: 15). See also Rawls (1999: 290). Obviously, the mixed perfectionist would have to tell a story about when perfectionist values trump, or are trumped by, other values. I tentatively suggest that such conflicts should be taken on a case-by-case basis, as I doubt a strict lexical ranking would be workable.

Now there is one obvious level at which we might ask this question which precisely brings out the difference between pure and mixed perfectionism. Pure perfectionism is monist in the sense that perfectionist values alone justify all state action, whereas mixed perfectionism is pluralist in the sense that perfectionist considerations can be tempered with other values. However, the criticism traditionally focuses on a more substantive level. Is perfectionism necessarily committed to monism *about the good*? That is, is there one single value which perfectionism identifies and subsequently seeks to promote? The short answer is no. There is no conceptual connection between either pure or mixed perfectionism and monism about the good. In either case the good to be promoted *could* be a single end, such as the one suggested above, but it needn't be. Perfectionism might identify a whole range of disparate, unconnected goods and instruct the state to promote all of them. Modern society is marked by a high level of pluralism, so the most plausible perfectionism might seek to promote a number of different goods. Note, however, that even if a perfectionist position was monist, if the value to be promoted was sufficiently general then it could be realised in a number of different ways. That is, the end itself may be singular but capacious, admitting of multiple realisations. It could manifest in a plurality of divergent subordinate activities, pursuits, relationships, and so on. Suppose the good in question referred to the manner in which people lived their lives, for example free from external pressure. Then a huge range of options would remain open to promotion, and hence such political action would *not* be sectarian in the sense that it would not force citizens to select from a minimal set, and hence would not produce a homogenous populace.<sup>15</sup> Thus neither form of perfectionism is necessarily committed to monism, and even if either was it needn't have the uncomfortable implications that at first might appear.

Nevertheless, the charge of paternalism might remain. Regardless of whether it is committed to pluralism about the good, it has been claimed that perfectionism

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<sup>15</sup> See also Griffin (1986: 57 - 63). Note that if the good in question *wasn't* sufficiently general – i.e. it was a substantially specific good, for example being a good piano player – then a monist perfectionism would be both odd and unworkable as a principle of political morality, particularly for the pure perfectionist. How could all state action be justified by reference to how adequately it promoted high proficiency in playing the piano?

necessarily involves high levels of coercion. If the good life is important, perfectionists will care about whether people are actually obtaining it. Good options cannot simply be made available; folk must actually pursue them. One of the key reasons for which people subscribe to perfectionism is that citizens get things wrong. If left to their own free choices, they will not all pursue the correct conception(s) of the good. Thus, human flourishing might be best promoted through state action that forced citizens to pursue some activity which most adequately serves it. For example, if the best way to get people interested in the arts is to force them to attend opera houses through legal threats, then the state should do this. This should be seen as regrettable as it offends against liberty. Thus, the charge goes, perfectionism will trample over citizens' freedom when this is the best way to achieve the highest levels of human flourishing. This is the concern that Berlin has in *Freedom and its Betrayal: Six Enemies of Human Liberty*. In his chapter on Rousseau, Berlin claims that perfectionism, in promoting a single conception of how to live, gives us a monstrous view of freedom: to be free is to live the good life, and so forcing folk to flourish does not restrict their freedom. We can coerce people into making right choices because if they knew what they really wanted, they would pursue it of their own accord. That, says Berlin, is outrageous. The worry is that perfectionists are so singly focussed on the good that they don't give sufficient importance to freedom. This would be true regardless of how many goods perfectionists promote.<sup>16</sup>

Does perfectionism necessarily involve high levels of coercion? The mixed perfectionist, if he cares about liberty, has a fairly straightforward answer. The human good should be tempered with other values. Thus, if the best way in which to promote it involves interfering greatly with liberty, then it should not be allowed. In cases such as this claims of liberty would trump the human good. Thus, even if an appreciation of opera could be best promoted through compulsory attendance, such an interference with citizens' choices should not be permitted.

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<sup>16</sup> Berlin (2003: 27-49)

Could the pure perfectionist undermine the objection? Well, a presumptive case against coercion might itself be built into the ideal to be promoted. For example, if the conception of human flourishing in question were autonomous choice, then this would automatically limit the way in which the state could promote it. So, for example, the state would be prohibited from coercively forcing its citizens to achieve the human good as coercion runs counter to the ideal which it is attempting to promote. That is, this sort of coercion is counter-productive; autonomy cannot be coercively imposed upon an agent. However, this might apply to all liberal theories of human flourishing. If Hurka is right the good can't be imposed from without.<sup>17</sup> If folk are coerced into attending the opera, they won't enjoy it. In fact, they may resent being forced to do so, which might actually *lessen* their level of human flourishing. Therefore, the state should not impose goods on its citizens. Thus, the pure perfectionist could also respond. He could say that coercing individuals into perfection either doesn't work, or, more strongly, actually lessens their level of human flourishing.

Note, however, that the pure perfectionists response is contingent in a way in which the mixed position is not. There is nothing in the formal structure of either perfectionist argument that rules out coercive promotion of the good. But, if the mixed perfectionist cares sufficiently about liberty he can prohibit coercive interference by tempering the human good with this value. This option is not available to the pure perfectionist. If the above empirical claim was false, and the human good could be coercively promoted (for example, perhaps agents might come to value the opera for its own sake) then the pure perfectionist could not prohibit this. But, again, there is nothing in the formal structure that *requires* coercion either. If we return to Wall's second condition above, a pure perfectionist could argue that perfectionism enjoins states to promote the good. It does not instruct the state to promote the good *by any means necessary*. However, unlike the mixed perfectionist, he can restrict the ways in which the state may pursue human flourishing only by appealing to the good(s) in question.

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<sup>17</sup> Hurka (1993: 153)

If the perfectionist can reject coercion, they can still justify *non-coercive* promotion. Such a perfectionist claims that the state should promote the good, but only through non-coercive means. Non-coercive means would include lowering the cost of expensive, but valuable, activities through subsidisation, offering advice, offering incentives, and so on. Such action would encourage rather than force citizens to pursue the activities in question. This form of state action is often referred to as nudging. Rather than directly forcing us to pursue an option, it attempts to influence us into making such a choice. To stress, we can say that perfectionism is not necessarily committed to allowing the use of coercive force as a means of promoting the good.<sup>18</sup> One can be a perfectionist and still reject action which forced individuals to pursue the good.

Perfectionism is committed to both promoting the good *and* discouraging the bad. That is, if we can identify which pursuits, relationships and so on are valuable, and thus allow the state to promote them, we can also identify which are worthless, and thus allow the state to discourage them. In fact, discouragement might be automatically implied by promotion. If I give you *n*-pounds to choose X over Y, how could I not be viewed as discouraging you from choosing Y, as well as encouraging you to select X? That is, the very act of promoting certain goods will entail the discouragement of others. So, if a state subsidises opera houses, but doesn't subsidise the games console industry, then it is both promoting an appreciation of the arts, and discouraging the idle enjoyment of computer games. Here we might distinguish two different kinds of discouragement. One sort involves the state taking positive steps to limit the enjoyment of a certain activity, the prevalence of a certain character state, and so on. Thus, a government might prohibit the possession of a certain drug as it judges a life including its enjoyment as morally repugnant. On the other hand, one might attempt to limit the pursuit of a purported worthless option through

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<sup>18</sup> Note that there are very fine lines here. Nozick (1969) discusses several cases where a coercive threat and a non-coercive warning might be hard to distinguish. Furthermore, if Elster (1983) is right, some goods could not even be promoted non-coercively, as the very act of deliberate promotion (coercive or non-coercive) renders the good unattainable. That is, such goods can only be achieved as a by-product of some other contrivance. Thus, perfectionism might be limited in which goods it can promote, even non-coercively. If all human goods were characterized as such essential by-products, this would be a damning empirical reason against employing perfectionist policies. See Elster pp. 43-108.



the promotion of a rival valuable one. Just as with promotion, discouragement of certain options can be non-coercive as well as coercive. It might simply involve high costs through VAT or the like, government warnings, incentives to refrain, and so on.

In this section I have argued that perfectionism, in either form, is not necessarily committed to the paternalistic charge that philosophers such as Berlin have aimed at it. Perfectionism can happily accept a pluralist theory of the good, and coercive interference can be prohibited, either by reference to moral claims outside of the justificatory realm of human flourishing (as with mixed perfectionism), or by reference to the actual ideal being promoted (as with pure perfectionism).

## 6. Perfectionism as Inegalitarianism

Another criticism that has traditionally been levelled at perfectionism is that it is inherently elitist. This criticism is most associated with the perfectionist theories of philosophers such as Nietzsche and Rashdall. In an oft-repeated quotation, Rashdall disturbingly claimed that:

Improvement in the social condition of the higher races of mankind postulates the exclusion of competition with the lower races. That means that, sooner or later, the lower well---being — it may be ultimately the very existence — of countless Chinamen or negroes must be sacrificed that a higher life may be possible for a much smaller number of white men.<sup>19</sup>

Even if a perfectionist were to dismiss Rashdall's shocking *mode* of promotion, it remains a seeming implication of perfectionism that if the human good is that important, and the state can promote it, then it makes sense for it to promote it as best as it can. Some folk are more appreciative of the arts, others are more courageous. Some are more intelligent, and others more self-directed. If the state was to act to promote the goods of these people over the philistines, the wimps,

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<sup>19</sup>Rashdall (1907: 238-39)

the dunces and the heteronomous, then it will create more good overall than if it acted to promote the good equally between them. Thus, the state should distribute resources, opportunities and so on unevenly, giving more to those who are best placed to realise high levels of human good and less to those who are not. This is a criticism given by John Rawls in *A Theory of Justice* where he argues that the sum of human flourishing might be best increased by vastly unequal rights and opportunities.<sup>20</sup> Griffin calls such a reading of perfectionism the “superman” conception<sup>21</sup>, where the state cares most about the perfection of its more outstanding individuals, and distributes resources, rights, opportunities etc. accordingly. Such a position, the critic claims, is inherently unfair as the few are favoured over the many.

Are either of the forms of perfectionism committed to such elitism? The mixed perfectionist can again – assuming he is an egalitarian – respond quite easily. Perfectionism, it says, is not necessarily maximising. The human good should be tempered with other values. Although it might be true that more human good could be realised through uneven distribution of resources, this would offend against egalitarian values, and a lesser amount of perfection should be favoured. The promotion of human flourishing is still important, says the mixed perfectionist, but it should be constrained by a concern for other important values.

This route is obviously not open to the pure perfectionist. However, she can respond to the charge of elitism in three different ways. Firstly, she could argue that contrary to what folk like Rawls claim, perfectionism is not concerned with excellence. That is, the perfectionist might claim that the term perfectionism is misleading. As we have already stipulated, perfectionism advocates only that the state promote the good. It says nothing about maximising excellence in its most outstanding individuals. In fact, perfectionism isn’t maximising at all. Perfectionism cares about the human flourishing of all, therefore state action should be set up so as to best promote it in all citizens, not just the most

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<sup>20</sup> Rawls (1999: 290)

<sup>21</sup> Griffin (1986: 60---61)

outstanding. Perfectionism claims that the state should promote human flourishing, not the greatest aggregate level of flourishing. The good of all should be the aim of political action, even if this falls short of the greatest overall amount of flourishing.<sup>22</sup> One might follow Hursthouse in stipulating a threshold level of human good above which one can be said to be flourishing. What matters for Hursthouse is getting *everybody's* level of good over that threshold. It is not about maximising it in the most excellent citizens. Hence, resources, opportunities, rights and so on should be distributed in such a way that all individuals are able to reach this threshold.<sup>23</sup>

A second way in which a pure perfectionist might respond to the charge of elitism accepts that perfectionism is concerned with excellence. However, if the perfectionism in question is pluralist about the human good, or the good to be promoted is sufficiently general, then excellence can be achieved in many domains. That is, there would be no one ability, pursuit or activity one must have excellence in. For example, if the good to be promoted was creativity, then many of us could achieve excellence through the copious number of activities this can be realised in. Most of us have a gift, the response claims, a plausible perfectionism will seek to promote many of these, therefore resources, opportunities, rights, and so on should be distributed fairly evenly.<sup>24</sup>

A third way in which a pure perfectionist might respond to this charge is by stipulating diminishing marginal perfectionist utility. This echoes the response often given by utilitarians to the claim that their own account might require vastly unequal distribution. The perfectionist might respond to the charge of elitism by claiming that resources are much more effective in moving people from modest to medium levels of perfection than they are in moving people from high to the highest levels. Further, it might be claimed that past a point additional resources will *not* increase an individual's level of human flourishing at all. Thus, far from requiring that more be given to the most outstanding

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<sup>22</sup> Note, though, that some perfectionists would explicitly reject this line of reply. Aristotle and Nietzsche, for example, both deny that the good life is attainable by all. See Annas (1996).

<sup>23</sup> Hursthouse (1991: 241)

<sup>24</sup> Hurka runs a such an argument (1993: 167)

individuals, perfectionism might instruct the state to take resources from those who are flourishing to a high level, and to redistribute to those who are unable to flourish.<sup>25</sup>

Note that even if any one of the three responses above are accepted, this does not commit the perfectionist to any strict egalitarian principle. My conception of the good might require more in the way of resources, for example, than yours. That is, your pursuit of the good might be fairly inexpensive, requiring only a modest level of resources, whereas mine might require much more. But this isn't a problem for the perfectionist. What matters are objectionable inequalities. The inequalities above would not be such. It is equality of consideration that is important, not equality per se. If each of our conceptions of the good is given equal weight, then the state is treating us in an egalitarian matter, even if the distribution of resources informed by the good is unequal. Furthermore, if the pure perfectionist were to stipulate a threshold level of flourishing for distribution, as suggested above, once all citizens have reached such a level, any inequalities in resources, opportunities etc. above that could not be objected against.

Hence, I have shown that neither mixed nor pure perfectionism is necessarily committed to elitism. Perfectionism merely stipulates that states should promote the good. How they go about doing that is a separate matter. There is no conceptual connection between any particular distributional scheme and perfectionism.

## 7. The Pragmatic Argument Against Perfectionism

I would now like to briefly set out and subsequently reject what I believe to be another bad argument sometimes offered as a way of demonstrating the

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<sup>25</sup> Hurka discusses this in detail in chapter 12 of *Perfectionism* (1993). He goes on to make the even stronger claim that past a point additional resources will actually *decrease* a person's excellence. If true, this would add further doubt to the claim that perfectionism is necessarily elitist (though it might be inequalitarian in another, perhaps less objectionable, way). Rawls (1999: 290) doubts whether the perfectionist can appeal to diminishing marginal value.

impermissibility of perfectionism. This is a pragmatic argument based on the inefficiency of political institutions. Such an argument claims that even if there is nothing philosophically illegitimate about instructing the state to act on perfectionist reasons, we should not, as things stand, allow it to do so because our governments are corrupt and inefficient. Even if the state was able to discover which conceptions of the good are worthwhile and which are base, which itself is a very dubious claim, we have reason to suspect whether it could promote and discourage such conceptions adequately or fairly. That is, the danger is twofold. Firstly, governments might choose the wrong human goods to promote or discourage. Secondly, even if it selected the correct goods to promote or discourage, we cannot trust it to do so efficiently or fairly.<sup>26</sup>

Irrespective of the plausibility of this pragmatic claim, I think this is a bad argument for two important reasons.<sup>27</sup> Firstly, consider two separate questions:

*Philosophical question:* Is it legitimate for the state to promote worthwhile conceptions of the good and discourage base conceptions of the good?

*Empirical question:* Are current states, as a matter of fact, able to select and efficiently promote or discourage conceptions of the good?

In my thesis I am considering the philosophical problem of whether it is legitimate for the state to promote the good. I will have nothing to say about the empirical problem. As such, I will grant the empirical premise, that states are able to efficiently promote the good, in order to explore the theoretical question of whether it is legitimate for them to do so. Empirical concerns such as this do not affect the philosophical cogency of perfectionism. They only concern its

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<sup>26</sup> See, for example, Kymlicka (1989b: 900---902).

<sup>27</sup> Incidentally, I suspect that the claim that states cannot be trusted any more than citizens to select and promote the good is highly dubious. Furthermore, as Chan points out (2000: 15) perfectionism needn't be state-centred. A multi-centred perfectionism, which held that voluntary associations should be the primary promoters of the good, and that states should only step in where civil society fails, would still count as a perfectionist political morality, and wouldn't have the problematic implications that the pragmatic argument claims that state-centred forms might have. In such a system, civil society would provide checks on the state, and vice versa.

applicability in current society. Of course, I am not claiming that the empirical question is unimportant. Far from it. If perfectionism turns out to be empirically unworkable, then that provides a damning reason to refuse to adopt it as a political morality. However, *qua* philosopher, I shall be investigating the theoretical cogency of perfectionism. It is then up to the political scientist to discover whether or not we have a practical reason to adopt it.<sup>28</sup>

A second response to the pragmatic argument is that if we have reason to distrust the state in selecting and acting upon ideals of human flourishing, then don't we also have reason to worry about its other functions? That is, if we claim that the state shouldn't be trusted to promote the good, then mustn't we also, on pain of contradiction, also claim that the state shouldn't be trusted to uphold justice, maintain law and order, and so on? Thus, in order for the pragmatic argument to only apply to perfectionism, one must find a non-arbitrary reason to believe that the state cannot be trusted to promote the good, but can be trusted to perform many other functions. I cannot think of one. Thus the pragmatic argument would have to apply to all of the functions of the state, and, if true, we would have to embrace some form of political anarchism.<sup>29</sup>

## **8. Universal Perfectionism vs Contextual Perfectionism**

At this point, it is worthwhile introducing a further distinction. We can distinguish two senses in which one might value human goods. An *ahistorical* or *universal* perfectionist identifies goods to be promoted by the state, and claims such goods contribute to the flourishing of all agents however they are temporally or spatially located. For example, it is claimed, strong, loving relationships are important whether you are a French medieval peasant or a 21<sup>st</sup> Century Chinese businessman. These goods should be promoted whatever the nature of the society in question. As such, these goods are not contingent on the social and economic conditions of the community or era, and so on. Thus, perfectionism may be committed to an ahistorical reading of the good. However,

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<sup>28</sup> This response echoes comments made by Dudley Knowles in *Political Obligation*, albeit concerning a separate philosophical problem. (2010: 51---53)

<sup>29</sup> For a thorough perfectionist response to the pragmatic argument see Sher (1997: 106---139).

it is not necessarily so. *Contextual* perfectionism identifies goods to be promoted by the state, and claims that these goods are essentially connected to a particular community or belief system. Such goods are contingent on the social and economic conditions of the community in question, and are good only for those living within those belief systems. Such a perfectionist will identify some good, and instruct the state to promote it, without making any claims about the status of that value in any other temporally or spatially located community.<sup>30</sup>

Neither mixed nor pure perfectionism is necessarily committed to either an ahistorical or relative strain. One might hold that some good is valuable ahistorically, whilst claiming that it should be tempered by other values, and one might hold that some good is only good for people living within a certain community, whilst claiming that that value should justify all political action, and vice versa. Note that whilst a perfectionist could be a relativist about the good, he could not plausibly be a sceptic. If he could not discover what is good for human beings then it would make no sense to enjoin the state to promote them.<sup>31</sup>

## **9. Contemporary Perfectionists.**

Thus far in this chapter, I hope to have dispelled some of the misconceptions about perfectionism. It does not have the objectionable air that it at first might seem to have. Of course, perfectionism might be committed to elitism and/or the use of coercion. But, it need not be committed to either of them. What *is* common to all perfectionist positions is precisely Wall's four conditions. That is, if we can identify which goods are sound, and if the state can act so to promote them, then we should allow political action which seeks to promote these goods.

In this section I will attempt to label six of the most prominent perfectionists in the literature as mixed or pure perfectionists. I will discuss the theories of

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<sup>30</sup> I am using the term "belief system" following Bernard Williams (1981) and (1985). Note that the most plausible form of perfectionism (assuming it is pluralist) might include goods of both kinds. That is, it might seek to promote some goods that are ahistorical, and others that are only of value to the community in question.

<sup>31</sup> In the second case there would be no such goods to be promoted.

Thomas Hurka, Joseph Raz, Joseph Chan, George Sher, Steven Wall and Vinit Haksar. This task is easier for some than it is for others. Four of these philosophers are fairly explicit about which category their view should fall under. The other two will require a bit more in the way of guess---work, meaning that I will only cautiously offer a way of understanding their theories, rather than place them in one camp rather than the other.

Thomas Hurka is perhaps the paradigm example of a pure perfectionist. Hurka is primarily concerned with perfectionism as a general moral theory, rather than specifically as a political theory, leading him to justify political principles insofar as they promote the perfection of moral agents. Thus, he argues, “The best political act, institution, or government is that which most promotes the perfection of all humans.”<sup>32</sup> Hurka believes that the fundamental liberal values, such as liberty, autonomy and equality are best justified by an appeal to the good. Joseph Raz is also a pure perfectionist. He believes “it is the goal of *all* political action to enable individuals to pursue valid conceptions of the good, and to discourage evil or empty ones.”<sup>33</sup> Like Hurka, Raz believes that liberalism is best justified by an appeal to human flourishing. For example, he believes that a perfectionist reading of Mill’s harm principle is more plausible than an anti-perfectionist one.<sup>34</sup>

Joseph Chan explicitly subscribes to mixed perfectionism. He champions what he calls moderate perfectionism. According to Chan, moderate perfectionism --- which “allow[s] the pursuit of the good life to be tempered by other values”<sup>35</sup> --- is “much more sensible and acceptable” than a stronger pure perfectionism.<sup>36</sup> George Sher is similarly clear in his mixed perfectionist leanings. He accepts that perfectionist values are not “the *only* proper grounds for political decisions [and] nor...should [they] dominate all others.”<sup>37</sup> Nevertheless, non-perfectionist reasons do not exhaust the legitimate reasons for state action: “when a

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<sup>32</sup> Hurka (1993: 147)

<sup>33</sup> Raz (1986: 133). Emphasis added.

<sup>34</sup> *ibid.* pp. 412---420.

<sup>35</sup> Chan (2000: 15)

<sup>36</sup> *ibid.* p. 17.

<sup>37</sup> Sher (1997: 246). Emphasis in original.



government can elevate its citizens' tastes, characters, aspirations, and modes of interaction, these too fall within its legitimate aims."<sup>38</sup>

Steven Wall and Vinit Haksar are a little tougher to pigeonhole. I tentatively suggest that both should be understood as mixed perfectionists. Steven Wall calls perfectionism a "results-priority view."<sup>39</sup> That is, perfectionism argues that political institutions should be judged in part as instruments for serving the goals of substantive political morality. He contrasts results-prioritarian views with what he calls "process-centred views."<sup>40</sup> Such views judge state action by asking which procedures are fair, or which institutions treat people with equal respect, and so on.<sup>41</sup> In discussing the relation between the two, Wall argues:

The results-priority view does not imply that process-oriented considerations could not have intrinsic value. If one rejects the process-centred view, then one must accept that political procedures are to be judged in part by the substantive results they are likely to yield; *but it does not follow that one must discount process-oriented considerations altogether*. If this is right, one can accept both the results-priority view and the view that [for example] democracy has intrinsic, as well as instrumental, value.<sup>42</sup>

Thus, by allowing that "process-oriented considerations" can have intrinsic value, and can be weighed against the substantive results they are likely to yield, I suggest that Wall should be understood as subscribing to mixed perfectionism.

Vinit Haksar, who was writing over two decades before Chan drew the distinction between mixed and pure perfectionism, is the least explicit on this issue. I think that he is best read as arguing that perfectionism should be a *supplement* to liberal egalitarianism. That is, I believe that Haksar is arguing that

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<sup>38</sup> *ibid.*

<sup>39</sup> Wall (1998: 22)

<sup>40</sup> *ibid.*

<sup>41</sup> *ibid.*

<sup>42</sup> *ibid.* p. 23. Emphasis added.

liberalism is a theory that has to appeal to perfectionist reasoning in some spheres, for example when ranking liberties. However, I also believe that he holds that other spheres do not require such an appeal to the human good. Thus, I think that he is best understood as being a mixed perfectionist. But, as I suggested earlier, this is only a tentative claim, based on my best understanding of Haksar's work. It could well be that he would take issue with such a label.

Thus, we can neatly set out the respective positions of the philosophers discussed in Fig. 1.1.

<b>Pure Perfectionists</b>	<b>Mixed Perfectionists</b>
Thomas Hurka	Joseph Chan
Joseph Raz	George Sher
	Steven Wall (?)
	Vinit Haksar (?)

Fig. 1.1.

## 10. Why Perfectionism?

This draws me to the end of the chapter. I want to conclude by briefly outlining why perfectionism is often seen as an attractive form of political morality. A presumption in favour of all forms of perfectionism goes thus: the state exists in order to serve its citizens. If it can help them by promoting human goods, then it should. There is no general reason for excluding human goods from the justification of political action. Perfectionism takes account of all reasons. That is, sometimes considerations of the human good are highly relevant in making good political decisions, and thus there is good reason to include them in the sources of justification for political action. If we can use state power to enforce justice, then why not use it to promote the good. As Arneson points out, the state should nudge us, not just offer us a path.<sup>43</sup>

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<sup>43</sup> Arneson (2010: 103)

A presumption in favour of milder forms of perfectionism in particular is that it can promote conceptions of the good in ways that do not seriously invade citizens' liberty or lead to a vastly unequal distribution of resources. That is, if the state can promote the good non-coercively, and thus does not impinge on citizens' freedom, then there is even more of a case to allow it to do so. Furthermore, such perfectionism could be non-elitist, promote a plurality of goods, and so on. Thus, argues the perfectionist, there is a strong reason in favour of allowing the state to promote the good.

In this chapter, I have suggested ways in which a perfectionist position might respond to charges of paternalism and inequality. However, if the perfectionist believes that by responding to these charges he has refuted anti-perfectionist concerns, then he is mistaken. There is a deeper concern about perfectionism that both the mixed and the pure versions must respond to. Namely, that there is something illegitimate about the state promoting human flourishing. The anti-perfectionist might accept that perfectionism doesn't necessarily involve high levels of coercive paternalism or vast inequality, but still reject it on the basis that the human good is not the domain of political action. This deeper problem does not concern what effects the promotion of the good might have. It says that the very act of promotion is illegitimate.

## 2

**Anti-Perfectionism****1. Introduction**

In the last chapter I discussed perfectionism as a political morality. Namely, the claim that states should play an active role in setting up and maintaining social conditions which promote the flourishing of its citizens. In this chapter I shall examine perfectionism's obverse – anti-perfectionism. Anti-perfectionism claims, contra perfectionism – that states should not take such an active role. It argues that whether or not a conception of the good is worthwhile or worthless should never be a relevant consideration when constructing the principles which guide society.

In this chapter, I will dispel some common myths about anti-perfectionism, and in the process give a clearer indication of what it is committed to. I will begin by introducing three forms of anti-perfectionism, and arguing why we should only go with one of these understandings. I shall then introduce a further distinction made by Mulhall and Swift between what they call political and comprehensive anti perfectionism, before arguing why comprehensive anti-perfectionism should not be understood as a form of anti-perfectionism at all. Next, I will introduce a common misunderstanding about anti-perfectionism - that it subscribes to the *bracketing strategy* as described by Michael Sandel. I will argue that anti-perfectionism should not be understood in this way. Then, I shall refute the claim that the anti-perfectionism entails the minimal state. I will then introduce the concepts of the right and the good, and describe how anti-perfectionism and perfectionism map onto such a distinction. I will next introduce an objection from Joseph Raz, which all forms of anti-perfectionism

must face. I will then discuss John Rawls's response to this objection, before introducing Jeremy Waldron's criticism of this account and indicating a couple of ways in which the anti-perfectionist could respond, which will be the focus of following chapters. I shall then briefly conclude by discussing what can be said in favour of anti-perfectionism.

## **2. Anti-Perfectionism vs Neutrality**

The anti-perfectionist says that it is not the job of the government to dictate to its citizens what the good life consists in. Contra perfectionists, she believes that it is inappropriate to use the infrastructure of the state to promote the flourishing of individual persons. She believes that the basic requirements of justice should not be derived from any conception of the good, and that individuals should be free to shape their lives as they see fit within the constraints of the basic requirements of justice. That is, citizens should be free to pursue whatever conception of the good they choose, consistent with principles of justice. Thus, the anti-perfectionist argues, it is not up to the state to impose any conception of the good on its citizens. Instead, individuals should decide for themselves what to do with their freedom and resources.

Billy's conception of the good might be one which dedicates a large portion of his time to the pursuit of aesthetic pleasure. That is, he might spend a great deal of time admiring works of art, listening to classical music, reading poetry, and so on. Joan, on the other hand, might be a thrill-seeker, and value a life spent in pursuit of the adrenaline rush experienced when faced with dangerous situations. She might dedicate a majority of her spare time to rock-climbing, paragliding, mountain biking and so on. Anti-perfectionism says that we should not promote Billy's way of life over Joan's, or vice versa. Instead, it says that the state should guarantee for both an equal set of rights and liberties, a fair level of resources etc., which they can then utilise in pursuit of the conceptions of the good described above. Importantly, however, anti-perfectionism does not say that each conception of the good is equally worthwhile. Instead, it makes no such

judgement at all. The anti-perfectionist believes that it is up to individuals (and perhaps non-political institutions) to make such judgements. Making value judgements about competing ways of life should not be the business of the state.

There are three supposed forms of anti-perfectionism that have often been conflated:

1. States should not act in ways that as a matter of fact result in some conception(s) of the good being promoted and others discouraged.
2. A government should “make sure that its actions do not help acceptable ideals more than unacceptable ones, [and should] see to it that its actions will not hinder the cause of false ideals more than they do that of true ones.”<sup>44</sup>
3. “The fact that some conception of the good is true or valid or sound or reasonable, etc., should never serve as a reason for any political action. Nor should the fact that a conception of the good is false, invalid, unsound, unreasonable, etc. be allowed to be a reason for a political action.”<sup>45</sup>

The first is often defined as “neutrality of effect”. This position claims that the state should not act, or set up its institutions etc., in *any* way which affects the pursuit of *any* conception of the good. Thus across, conceptions of the good  $C_1$ ,  $C_2$ ,  $C_3$ ...  $C_n$ , no state action should affect any such view of human flourishing, either positively or negatively. Thus, returning to Billy and Joan above, if any piece of governmental action happens, as a matter of fact, to make it more difficult for Billy to admire works of art, or easier for Joan to engage in paragliding, then this piece of action should be avoided.

This is *not* how anti-perfectionism should be understood. Such neutrality would be unintelligible to aspire to. As a matter of fact, the state cannot but avoid affecting the fortunes of competing conceptions of the good. Any piece of political action, any state institution etc. is going to have the effect of promoting or

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<sup>44</sup> Raz (1986: 111)

<sup>45</sup> *ibid.* p.136.

discouraging at least one conception of the good. However minimal they might be, when a political morality constructs principles of justice, it will necessarily affect how easily certain conceptions of the good can be pursued. For example, any stipulation that all citizens should have an equal set of liberties will rule out a conception of the good which denied women equal protection through law. As Rawls argues “it is surely impossible for the basic structure of a just constitutional regime not to have important effects and influences as to which comprehensive doctrines endure and gain adherents over time”.<sup>46</sup> Such neutrality would be unworkable, and thus is not what the anti-perfectionist should be understood as committed to.

The second and third readings of anti-perfectionism come from Joseph Raz.<sup>47</sup> The second claim, which Raz attributes to Robert Nozick<sup>48</sup> and John Rawls<sup>49</sup>, entails that governments should neither help nor hinder the success of one conception of the good over another (or several over others). It tells the state that it should act in an even handed manner with regards to the different lives its citizens choose to lead, regardless of their supposed objective value. Thus, if there are two competing conceptions of the good, state action should promote or discourage both to an equal degree, if it acts at all. It is importantly different from the first conception. It does not say that states should not act at all if doing so affects the chances of any conception of the good being pursued. Instead it says that if state action happens to promote or discourage any conception of the good, it should act to counteract such an effect by affecting all other conceptions of the good to the same degree. It allows governments to promote or discourage conceptions of the good so long as it does so to an equal degree.

Thus, imagine we have a situation where a political body is considering whether to raise money through taxation and use this revenue to subsidise some

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<sup>46</sup> Rawls (2005: 193).

<sup>47</sup> See references in footnotes 1 and 2.

<sup>48</sup> Raz (1986: 111---117). That said, the specific interpretation of neutrality that Raz attributes to Nozick (p. 114) is actually closer to the second form of anti---perfectionism, which I discuss below.

<sup>49</sup> *ibid.* pp. 117---133. Rawls certainly should not be understood as being anti---perfectionist in this sense. In fact he explicitly rejects the position attributed to him by Raz in his later work (2005: 193).

conception(s) of the good subscribed to by members of the community. An advocate of this kind of anti-perfectionism would not allow the body to act in such a way unless it subsidised all competing conceptions of the good equally. Suppose, for the sake of ease, that the body raises £3000, and there are just two competing conceptions of the good – Billy’s life of aesthetic experience, and Joan’s dedication to thrill-seeking. The second form of anti-perfectionism tells the body that it should give £1500 each to, for example, Scottish Opera and the John Muir Trust.

Again, this is *not* how we should understand anti-perfectionism. And again this is because such a principle would be completely unworkable from a practical point of view. As we have seen, any piece of political action will have the effect of changing the fortunes of at least one conception of the good. Thus the state would have to counteract every single occasion by affecting the fortunes of every other conception of the good to a similar degree. How could such a policy be practical? States cannot predict in advance how its institutions and regulations will affect all parties subject to them, so a continual process of compensation will have to be sustained as conceptions of the good form and develop. Furthermore, such a view would lead to contradictions. How could the state affect equally the fortunes of a conception of the good which denied the vote to women and another that didn’t? Thus, anti-perfectionism should not be understood as neutrality of effect, or even-handedness.

How about the third option? Joseph Raz dubs this form of anti-perfectionism the exclusion of ideals<sup>50</sup> and attributes the position to Bryan Barry,<sup>51</sup> Robert Nozick again,<sup>52</sup> and Ronald Dworkin.<sup>53</sup> The exclusion of ideals is stronger than the previous two conceptions of anti-perfectionism. It does not say that governments should not promote one conception of the good over another. Instead, it says that governments should not promote *any* conception of the good at all *for the reason*

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<sup>50</sup> Raz (1986: 108). See also pp. 134---162.

<sup>51</sup> *ibid.* pp. 137 – 145.

<sup>52</sup> *Ibid.* pp. 145 – 148. Raz thinks that Nozick moves between evenhandedness and the exclusion of ideals. However, as I point out in n.5 above, the form of evenhandedness that Raz attributes to Nozick looks more like a form of this second type of anti---perfectionism.

<sup>53</sup> *ibid.* pp. 157---162.



*that it is good.* That is, a state must never use the fact that a particular conception of the good is understood to be valuable or disvaluable as a justification for any piece of political action, any state institution, and so on. In fact, it should not even make such judgements. The correctness or incorrectness of any particular conception of the good should not be the state's business. Such judgements should be restricted to private morality, and any action based on them should be through non-political means. Thus, according to the exclusion of ideals, if there are two competing conceptions of the good, such as Billy's and Joan's above, the state should not do anything to promote either (for the reason that they are valuable). It is an area of individual activity into which the government should not step.<sup>54</sup> Unlike the previous conception, which tells governments what to do (act even-handedly), the exclusion of ideals forbids them to act for certain reasons.<sup>55</sup>

The previous two conceptions of anti-perfectionism, it can be said, concern *actions*. They place restrictions on what the state can and cannot do. They tell us that political action should not affect conceptions of the good at all, or, if it does, it should not help certain ideals more than others. If governments are to act, they must do so even-handedly between conceptions of the good. The exclusion of ideals, on the other hand, concerns *reasons* for action. Instead of placing restrictions on what states can and cannot do, it places a restriction on what reasons can be used to justify state action. Instead of focusing on governmental action itself, the exclusion of ideals forbids the state from acting for the reason that some conception of the good is true/false, valid/invalid, worthwhile/worthless and so on.

This is the correct way in which we should understand anti-perfectionism. As I said in the previous chapter, perfectionism is about the reasons which justify state action. It is not about the actions themselves. This is also the case with anti-perfectionism. Anti-perfectionism does not say that states should not promote or discourage conceptions of the good. It says that it should not do so if this is

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<sup>54</sup> *ibid.* p.107.

<sup>55</sup> *ibid.* p. 135.

justified by an appeal to human flourishing. As I said above, and in the previous chapter, all state action will affect the fortunes of at least one conception of the good. The reasons being given in support of such action are what matters. The perfectionist justifies their preferred institutional scheme by appeal to the ways in which that scheme promotes human flourishing. The anti-perfectionist rejects any such justification.

I have largely avoided using the term neutrality in the discussion of anti-perfectionism above. This is because I believe that the term is misleading. The term neutrality might lead folk to understand anti-perfectionism in the first two (incorrect) ways. That is, thinking in terms of neutrality might entail the claim that states should not act at all to promote or discourage conceptions of the good, for whatever reasons, or, that if it can, it should do so even-handedly. As I have already said, this is not how we should understand anti-perfectionism. Anti-perfectionism allows states to act in ways that as a matter of fact affect citizens' ability to pursue some conception of the good, just so long as this is not justified by an appeal to human flourishing. Thus, although many leading anti-perfectionists use the term neutrality (such as Rawls), I want to avoid using it. Instead, I shall insist on using the term anti-perfectionism. Obviously, the correct form of anti-perfectionism is neutral in that it argues that the principles stipulated by a political morality should not presuppose any conception of human flourishing. *But*, it is non-neutral in two important ways.

Firstly, it is non-neutral between the reasons deemed relevant for constructing political principles. It excludes certain sorts of reasons from serving as a justification for state action, political institutions, and so on. That is, it prohibits any appeal to human flourishing in a political morality. If a state institution is premised on a view about how humans should live their lives, then such an institution is illegitimate and should be discarded. Thus, anti-perfectionism is not neutral about the reasons which should guide a political morality.

Secondly, anti-perfectionism is importantly non-neutral if we are to understand neutrality in the even-handed sense described above. That is, any form of

political morality will necessarily affect at least one conception of the good in some way. It might place restrictions on many, encourage or discourage some and outright prohibit yet others. For example, any theory which placed great importance on an equal set of liberties for all citizens will say that conceptions of the good can only be pursued in ways which are compatible with such a set, thus (largely) non-coercively, for example. Further, it will promote some – for example those which give a fundamental place to autonomous choice – and discourage others – for example those that rely on theological teachings which don't give high regard for equal liberty. Furthermore, it will prohibit yet others, for example those that involve the sadistic torture of non-consenting humans.

Thus, I will chiefly use the term anti-perfectionism, and this should be understood as the view that state action, political institutions, and so on, should not be justified by an appeal to human flourishing. It should *not* be understood as neutrality of effect, or even-handedness.

### **3. Political Anti-Perfectionism vs Comprehensive Anti-Perfectionism**

At this point I would like to distinguish between two supposed forms of anti-perfectionism, political anti-perfectionism and comprehensive anti-perfectionism. In this section I will describe the distinction between the two. In the following section, I will deny that comprehensive anti-perfectionism should be understood as a form of anti-perfectionism at all, and should instead be understood as a minimal form of perfectionism.

The terms political and comprehensive anti-perfectionism were first introduced by Stephen Mulhall and Adam Swift in *Liberals and Communitarians: Second Edition*. The distinction can be brought out by considering two questions:

1. Can a particular vision of the role of the state itself be defended or justified by appeal to a conception of the good?<sup>56</sup>

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<sup>56</sup> Mulhall and Swift (1996: 251)

2. What kinds of consideration are deemed relevant when making decisions about the exercise of power by the state?<sup>57</sup>

The first question, according to Mulhall and Swift, concerns the theoretical method of a political morality. The second concerns its political substance. The answer to the first question will determine whether a political morality is political or comprehensive. If one answers no, then she will be committing herself to a political form of justice. That is, she will argue that a political morality should not presuppose any particular conception of the good. If one answers yes, then she will be committing herself to a comprehensive form of justice. That is, she will argue that a political morality should itself be justified by an appeal to a conception of human flourishing.

The answer to the second question will determine whether a political morality is perfectionist or anti-perfectionist. That is, if one answers that only reasons not appealing to human flourishing are relevant, then she will be committing herself to anti-perfectionism. However, if one answers that all reasons are relevant when making decisions about the exercise of power then she will be committing herself to perfectionism.

According to Mulhall and Swift, one's answer to either question does not commit her to an answer in the other. Thus we have four distinct positions:

- (i) Political anti-perfectionist – State not justified by an appeal to a conception of the good. Exercise of power not justified by an appeal to a conception of the good.
- (ii) Political perfectionist - State not justified by an appeal to a conception of the good. Exercise of power justified by an appeal to a conception of the good.

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<sup>57</sup> Mulhall and Swift actually use the term “coercive” power. I have dropped the use of coercive, as I have established that perfectionism is not necessarily coercive (see chapter one).

- (iii) Comprehensive anti-perfectionist --- State justified by an appeal to a conception of the good. Exercise of power not justified by an appeal to a conception of the good.
- (iv) Comprehensive perfectionist --- State justified by an appeal to a conception of the good. Exercise of power justified by an appeal to a conception of the good.

Thus there are two ways one can be a perfectionist, and two ways one can be an anti-perfectionist. The comprehensiveness of a political morality depends upon whether such a political morality is itself justified by an appeal to the good.

As such, Mulhall and Swift claim one could be an anti-perfectionist in either of the two ways above. That is, political principles might presuppose no conception of the good (as well as prohibiting the state from acting on such goods) in which case such an anti-perfectionism would be *political*. However, an anti-perfectionism might be neutral regarding the different views folk have about human flourishing, but justify this by drawing upon a specific conception of human flourishing. In this case, such an anti---perfectionism would be *comprehensive*. Fig. 2.1 is adapted from Mulhall and Swift's own diagram. Their examples of political anti-perfectionists are John Rawls<sup>58</sup> and Richard Rorty.<sup>59</sup> However, one could also add Charles Larmore<sup>60</sup> and Jonathan Quong.<sup>61</sup> Their sole example of a comprehensive anti-perfectionist is Ronald Dworkin.<sup>62</sup> Again, one could add other examples. J.S. Mill would be a traditional example<sup>63</sup>, Ben Colburn a contemporary example.<sup>64</sup>

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<sup>58</sup> See Rawls (1999) and (2005)

<sup>59</sup> See Rorty (1989) and (1991)

<sup>60</sup> See Larmore (1987)

<sup>61</sup> See Quong (2010)

<sup>62</sup> See Dworkin (1995)

<sup>63</sup> See Mill (1991)

<sup>64</sup> See Colburn (2010)

Political anti-perfectionists	Comprehensive anti-perfectionists
Rawls, Rorty <i>Larmore, Quong</i>	Dworkin <i>Mill, Colburn</i>

Fig 2.1

#### 4. Rejecting Comprehensive Anti-Perfectionism

Thus, according to Mulhall and Swift, anti-perfectionism might itself be justified by an appeal to a conception of the good (as comprehensive perfectionism does), or it might presuppose no such conception. However, if an anti-perfectionism itself appeals to a view about human flourishing can it actually be a form of anti-perfectionism? Surely the two questions above are not distinct. To identify considerations relevant to the exercise of power by the state just is to identify the state's role. If one instructs the state to refrain from promoting certain concrete pursuits, but does so by appealing to a more general conception of the good (as Mill, Dworkin and Colburn do), is this anti-perfectionist in any intelligible matter?

I do not think so. Mulhall and Swift point out that some might find such an appeal to anti-perfectionism a "sham."<sup>65</sup> However, they attempt to overcome such a charge by distinguishing between two different senses in which one might talk about a conception of the good. They distinguish *abstract* conceptions of the good and *concrete* conceptions of the good. Abstract conceptions of the good, such as the autonomous life, justify prohibiting the state from acting upon the concrete conceptions of the good between which folk select when exercising such a capacity. Thus, argue Mulhall and Swift, one can be an anti-perfectionist in the sense that he prohibits political principles from favouring certain concrete conceptions of the good, but justifies doing so by appealing to a more abstract conception of the good.

I don't think this approach can succeed. Recall two aspects of the debate about which I have already spoken. I emphasised in chapter one that conceptions of the

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<sup>65</sup> Mulhall and Swift (1996: 253)

good could be either abstract or more substantive. I also emphasised that this didn't make a difference as to whether a political morality was perfectionist or not. That is, I argued that whether or not one's conception of the good is abstract or concrete, it still occupies the same level; it is a view about what constitutes human flourishing. Furthermore, I have repeatedly stressed that perfectionism/anti-perfectionism is a debate about the reasons justifying state institutions and so on. That is, in order to discover whether a political principle is perfectionist or anti-perfectionist one must look to the reasons justifying it. Thus, returning to comprehensive anti-perfectionism, the justification for acting in a neutral manner between concrete conceptions of the good is that it serves some abstract good, for example autonomy. But this abstract good is still a view about human flourishing, and is serving as the reason justifying such a political morality. Thus, comprehensive anti-perfectionism is actually a form of minimal perfectionism. It doesn't matter how abstract the view of human flourishing appealed to is, if it is serving as the justificatory reason for a political morality, then it is explicitly perfectionist. Thus, what Mulhall and Swift call political anti-perfectionism is the only intelligible form of anti-perfectionism available. Anti-perfectionism says that political institutions and state action should not be justified by an appeal to human flourishing, however minimal.

One might counter, as Mulhall and Swift do,<sup>66</sup> that any adequate political morality must be grounded in *some* view of human flourishing. That is, any view of the state must presuppose some minimal view about what the good life is for humans. I deny this, and will demonstrate why in the following chapters. I believe that it is possible to construct a robust, intelligible, interventionist political morality without appealing to any conception(s) of the good.

## 5. Rejecting the Bracketing Strategy

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<sup>66</sup> *ibid.* p. 255. However, they use the term "well-being" in this statement. They appear to be using the terms interchangeably throughout the discussion. However, as I have argued in chapter 1, well-being and human flourishing are not necessarily the same thing, so one might ground their vision of politics in well-being without being perfectionist.

I now want to briefly highlight and reject a common misunderstanding about anti-perfectionism. This misunderstanding arises from a criticism given by Sandel in his review of Rawls's *Political Liberalism*,<sup>67</sup> and then repeated in his own *Democracy's Discontent: America in Search of a Public Philosophy*.<sup>68</sup> Sandel claims that the anti-perfectionist is committed to the bracketing of all contending moral and religious issues for political purposes. That is, when it comes to deciding upon a political morality, the anti-perfectionist is committed to ignoring all controversial moral outlooks. This, says Sandel, is a serious error. The debate between Abraham Lincoln and Stephen Douglas regarding slavery was a controversial one. There was not consensus amongst Americans on whether slavery was morally wrong. Therefore, according to Sandel, the anti-perfectionist would not be able to side with Lincoln, and claim that slavery is morally wrong. Present day liberals would not want to be in the company of Douglas, thus they should shun anti-perfectionism.

This reading of anti-perfectionism is grossly mistaken. Anti-perfectionism is not about bracketing *all* moral issues, controversial or otherwise, as Sandel claims. Instead, it is about restricting the sorts of reasons that can justify state action. It does not say that "the law is wrong to embody any moral judgements at all".<sup>69</sup> As Rawls points out in 'The Idea of Public Reason Revisited', an anti-perfectionist political morality is still itself a moral conception, and can side with Lincoln.<sup>70</sup> Why? Because slavery clearly contravenes the first principle of justice. As I will go on to explain, the priority of the right argues that permissible conceptions of the good must satisfy the principles of justice. The existence of slavery does not satisfy these principles, thus it can be prohibited. A non-Rawlsian anti-perfectionist can also side with Lincoln. Although she wouldn't explicitly appeal to Rawls's two principles of justice, she could prohibit slavery by reference to similar principles of right.

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<sup>67</sup> Sandel (1994. pp. 1777 ff.)

<sup>68</sup> Sandel (1996. pp. 19---24)

<sup>69</sup> Sandel (1994: 1792)

<sup>70</sup> Rawls (1997: 484 n.91)



In fact, one can pin Sandel's misinterpretation of anti-perfectionism to a single passage of *Political Liberalism*. In introducing bracketing, Sandel quotes Rawls as stating "political values normally outweigh whatever non-political values conflict with them."<sup>71</sup> Sandel takes this as Rawls arguing that claims of morality or religion should be ignored when it comes to political decision-making. This is not what Rawls is claiming. As I said above, a political morality is still a morality! What he is arguing here is simply the right should be prior to the good; that in society conceptions of the good must satisfy the principles of justice.

Thus, thinking in terms of bracketing is misleading. It is not about bracketing all moral considerations. It is about excluding justifications which refer to a *certain kind of* moral reason, namely one which appeals to a conception of the good. Thus, anti-perfectionism does not "create a moral void that opens the way for the intolerant."<sup>72</sup> In fact, it explicitly constrains the intolerant by securing the priority of the right.

## 6. Anti-Perfectionism and the Minimal State

Thus we should not understand anti-perfectionism as bracketing all moral considerations. Instead we should stipulate that it excludes a certain sort of moral consideration. In the following section I will sketch, and subsequently put aside a further misunderstanding about anti-perfectionism, that it entails the minimal state.

It has often been assumed that anti-perfectionism as a political morality will necessarily lead to the non-interventionist minimal state. Although I am not primarily concerned with the practical implications of the debate, I think this myth needs dispelling. One reason that this assumption holds is because many proponents of the minimal state are also anti-perfectionist.<sup>73</sup> The main reason, however, is connected to the misleading nature of the term neutrality as discussed above. As some have thought that anti-perfectionism simply means

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<sup>71</sup> Sandel (1994: 1777). Quoting Rawls at (2005: 146).

<sup>72</sup> Sandel (1994: 1794).

<sup>73</sup> For a famous example, see Nozick (1974)

inaction, then it might seem to imply that the state should only be concerned with the protection of life and property.

However, this assumption is mistaken. There is nothing necessarily non-interventionist about anti-perfectionism. As I have repeatedly emphasised, anti-perfectionism does not place restrictions on what states can do. Instead it places restrictions on what reasons can be used to justify what states do. Thus, as Larmore points out, anti-perfectionism does not prevent a state from enacting welfare legislation, wealth redistribution, positive discrimination, and so on, so long as in doing so the state is not appealing to the superiority of certain forms of human flourishing.<sup>74</sup> Such welfare measures are perfectly consistent with the principles of the right if justified in the correct way (that is, without an appeal to the human good). It might even be possible to justify traditionally perfectionist state measures without an appeal to the good. For example, a government might fund state run museums by appealing to an educative aspect without further reference to human flourishing. That is, such an education might be necessary to uphold the principles of right.<sup>75</sup> I will argue in chapter 7 that we can propose a broad, interventionist state whilst restricting its justification to principles of the right.

## **7. The Right and the Good**

Having demonstrated precisely what anti-perfectionism is committed to, I will now introduce two different aspects of morality - the right and the good - and discuss how they are relevant to the perfectionism/anti-perfectionism divide.

The dialectic between the perfectionist and the anti-perfectionist concerns the proper sphere of morality for political action. We can distinguish between two

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<sup>74</sup> Larmore (1987: 44)

<sup>75</sup> Rawls argues that perfectionist considerations can play a role when constitutional essentials and issues of basic justice are not at stake. Thus he can justify such funding of state museums on perfectionist grounds. Notwithstanding the ambiguity as to what counts as a constitutional essential or an issue of basic justice, I want to argue that perfectionist action should be prohibited at any level of the political structure. Thus, if I want to allow state subsidisation of museums and so on, I must justify it for anti-perfectionist reasons. I don't offer the brief sketch above as a definitive way in which one might do so.

spheres of morality here, “the right” and “the good”. The distinction between these two aspects of morality has been clouded in the debate by a lack of clarity about what the respective positions refer to. I shall attempt to briefly lay out the correct distinction in as precise a manner as possible

The good contains all moral principles/demands etc. that are justified by an appeal to considerations of the human good. It concerns concrete conceptions of how human beings should lead their lives. That is, it stipulates ideals of the good life – which conceptions of the good are morally valuable, and which are repugnant. In this way, the good points to states of affairs which are valuable for individuals. It refers to a view about what living a good human life amounts to.

The right, on the other hand, contains those principles/demands etc. that can be justified without an appeal to considerations of the human good. It refers to the principles which govern our interaction with other people. As such, it contains judgements which make no reference to a view of human flourishing. So, for example, one might hold that freedom from coercion is valuable irrespective of the role such freedom plays in leading a good life. In this way, the right can be dubbed deontological. It contains principles which hold without reference to considerations about the good.

As I hope is obvious, anti-perfectionism and perfectionism maps on to the right and the good respectively. Thus, the anti-perfectionist says that we must restrict the justification for political action to the right. The state must only act for, and its institutions should only be justified by reference to, reasons that do not appeal to any theory of human good. The state may uphold justice, rights and so on – where no further appeal is made to human flourishing --- but it can only concern itself with how citizens lead their lives insofar as such a concern can be justified by considerations of the right. State action should not include *any* appeal to considerations of the good. The perfectionist, on the other hand, argues that political action is permissible in both spheres. As well as securing justice, the perfectionist believes that it is the state’s responsibility to promote morally

valuable ways of life, and discourage morally repugnant ones. Importantly, the justification for this is precisely that such ways of life are valuable, and the others repugnant. In fact, she might appeal to considerations of human flourishing in order to justify the principles of justice themselves. That is, the pure perfectionist will not even recognise the difference in spheres. For such perfectionists, there is just one sphere – morality – which is fundamentally oriented around human flourishing.

As such, the debate between the anti-perfectionist and the perfectionist concerns whether the state should play a role in helping people to live valuable lives. The anti-perfectionist says no. The state should allow its citizens to select and pursue their conceptions of the good themselves. The perfectionist says yes. It is not important to simply ensure that people's choices are free. Instead, the state needs to make sure that its citizens are choosing correctly.

In restricting political morality to principles of right, the anti-perfectionist claims that, to use Rawls's phrase, the right is prior to the good. This means that conceptions of the good are constrained by the principles of the right. Such conceptions are only permissible insofar as they can be pursued consistently with such principles. This links back to what I said earlier. The priority of the right places restrictions on which ideas of human flourishing can be legitimately pursued.<sup>76</sup> This was the second sense in which I argued anti-perfectionism is importantly non-neutral. Thus, says Rawls, we should conform our conceptions of the good to the principles of justice.<sup>77</sup> If our conceptions do not so conform, then we should expect them to be restricted by the principles of justice.

We can understand anti-perfectionism as arguing that principles of a political morality should be restricted in their justification to the sphere of morality which we might call the right. On the other hand, perfectionism argues that no such restriction holds. Political institutions, state action, and so on, can be justified by an appeal to either the right or the good. Furthermore, the anti-

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<sup>76</sup> Rawls (2005: 176 n.2)

<sup>77</sup> Rawls (1999: 27).

perfectionist argues that the right is prior to the good, in the sense that the principles of the right restrict the pursuit of the good.

### **8. The Asymmetry Objection**

This brings up the question of how we can justify making such a separation within a political morality. That is, why restrict state action to the right? Why be anti-perfectionist, and disallow judgements concerning human flourishing to play a role in justifying the state and its actions? The ideals that the anti-perfectionist wants to be excluded from the political sphere are largely teleological. Yet, he allows the state to act on deontological ideals. However, both come from a common moral core, so it is arbitrary to exclude one but not the other. Raz asks how we can divide morality into a part that is politically relevant, and a part that is not; if both deontological and teleological concerns stem from a common source, there is a *prima facie* case for requiring political action to take notice of both.<sup>78</sup> Call this the asymmetry objection.

Can those who advocate anti-perfectionism avoid this criticism? In order to do so, they must rehabilitate the separation between the two spheres, and argue successfully that one is an appropriate sphere for politics and that the other isn't. If they are successful, then anti-perfectionism can argue that conceptions of the good should be excluded from the political sphere. It wants to maintain that the state should restrict itself to securing the background conditions necessary for free choice, for example the upholding of justice, rights, liberty, equality and so on, without getting involved in how people should lead their lives within a just state.<sup>79</sup>

In order to do this, the anti-perfectionist must contend with Raz's accusation that both the good and the right come from the same moral core, and that to select one as appropriate for political morality, and one as inappropriate, is arbitrary. He must justify the exclusion of the teleological but not the deontological from

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<sup>78</sup> *ibid.* p. 137

<sup>79</sup> Swift (2006: 157)

the political sphere. He must justify the state securing the background conditions of justice (despite the fact that this may rule out certain conceptions of the good), whilst forbidding it from acting on judgements concerning concrete conceptions of the good life.

## **9. The Burdens of Judgement**

Rawls justifies such a separation by appealing to the burdens of judgement. He says that rationality underdetermines agreement on the good. That is, rational people will not agree about what the good life consists in. To quote Rawls at length:

Religious and philosophical doctrines express views of the world and of our life with one another, severally and collectively, as a whole. Our individual and associative points of view, intellectual affinities, and affective attachments, are too diverse, especially in a free society, to enable those doctrines to serve as the basis for lasting and reasoned political agreement. Different conceptions of the world can reasonably be elaborated from different standpoints and diversity arises in part from our distinct perspectives. It is unrealistic – or worse, it arouses mutual suspicion and hostility – to suppose that all our differences are rooted solely in ignorance and perversity, or else in the rivalries for power, status, or economic gain.<sup>80</sup>

Thus, in sufficiently democratic circumstances, there exists the fact of reasonable pluralism. That is, under democratic institutions, where we are afforded a good measure of individual freedom, we will not converge on a single conception of the good. There will be significant disagreement between individual citizens, or communities, as to what constitutes human flourishing. This is due to the differing standpoints from which we make such judgements. To quote Rawls again:

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<sup>80</sup> Rawls (2005: 58)

The diversity of reasonable comprehensive religious, philosophical and moral doctrines found in modern democratic societies is not a mere historical condition that may soon pass away; it is a permanent feature of the public culture of democracy. Under the political and social conditions secured by the basic rights and liberties of free institutions, a diversity of conflicting and irreconcilable – and what's more, reasonable – comprehensive doctrines will come about and persist if such diversity does not already pertain.<sup>81</sup>

Hence it is a “fact” of reasonable pluralism. Such disagreement about the good isn't a fluke or coincidence. It is a fact about the exercise of reason under sufficiently democratic institutions. The level of freedom granted in such a society entails that each of us are subject to diverse affinities, associations and attachments, and that this will inevitably lead to intractable disagreement about the good:

Thus it is not in general unreasonable to affirm any one of a number of reasonable comprehensive doctrines. We recognise that our own doctrine has, and can have, for people generally, no special claims on them beyond their own view of its merits. Others who affirm doctrines different from ours are, we grant, reasonable also, and certainly not unreasonable. Since there are many reasonable doctrines, the idea of the reasonable does not require us, or others, to believe any specific reasonable doctrine, though we may do so. When we take the step beyond recognising the reasonableness of a doctrine and affirm our belief in it, we are not being unreasonable.<sup>82</sup>

Rawls argues that such reasonable citizens recognise the burdens of judgement, and accept their consequences in directing the legitimate use of state power. Reasonable citizens are folk who recognise themselves as free and equal citizens possessing the two moral powers, who desire to honour the fair terms of

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<sup>81</sup> *ibid.* p.36.

<sup>82</sup> *ibid.* p. 60.

cooperation and to be fully cooperating members of society. Democratic society is marked by reasonable pluralism. That is, reasonable citizens will disagree about where the human good lies. Furthermore, each of them will recognise that others' differing conceptions of the good are reasonable also. As such, there will be a diversity of reasonable religious, philosophical and moral doctrines.

The sources of such disagreement between reasonable persons are the *burdens of judgement*. These are the problems involved with the correct and conscientious exercise of our powers of reason and judgement in the ordinary course of political life.<sup>83</sup> There are three kinds of judgement which draw such burdens: (i) judgements of rationality – balancing ends and estimating their appropriate place in our way of life; (ii) judgements of reasonableness – assessing the strength of others' claims against our own claims, against the claims of another and against the claims of our common practices and institutions; and (iii) judgements of reasonableness as it applies to our beliefs or schemes of thought.<sup>84</sup>

Rawls lists six possible sources of disagreement between reasonable citizens, which constitute the burdens of judgement:

- a. The evidence bearing on a case might be conflicting or complex, and thus hard to assess.
- b. Even if we were to agree which considerations are relevant, we might disagree about their weight.
- c. The indeterminacy of concepts means that we must have to rely on interpretation.
- d. To some extent, the way that we assess evidence, and weigh moral and political values, might be shaped by our total experience over a whole life up until now. Our total experiences must always differ.
- e. We might disagree about which normative considerations are relevant, and how much force they hold.

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<sup>83</sup> Ibid. p. 56.

<sup>84</sup> *ibid.*



- f. Any system of social institutions is limited in the values that it can admit. Thus some selection must be made from the full list of values that might be realized.<sup>85</sup>

As a result of such burdens of judgement, reasonable persons do not all affirm the same view about what constitutes human flourishing within a democratic society. There is a plurality of conceptions of the good in society, and such diversity can only be overcome by the oppressive use of state power.<sup>86</sup> Thus, such conceptions cannot serve as the basis for lasting and reasoned political agreement. Reasonable persons see that the burdens of judgement set limits on what can be reasonably justified to others, so they endorse some form of liberty of conscience and freedom of thought.<sup>87</sup>

Thus, according to Rawls, we should subscribe to anti-perfectionism. There exists intractable disagreement between individuals regarding what constitutes human flourishing. Such disagreement is the inevitable result of democratic institutions. Hence we should not justify any form of political institution and so on by an appeal to such conceptions.<sup>88</sup>

## **10. The Priority of the Right**

The priority of the right, justified by the burdens of judgements, should lead us to anti-perfectionism. Disagreement of the good is inevitable and intractable, so we should restrict political action to the right, and conform our conceptions of the good to such a restriction.

However, it is a common misconception that anti-perfectionism both doesn't care about, and doesn't make room for human flourishing. This is incorrect. The anti-perfectionist does not forbid individuals to shape their lives as they see fit

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<sup>85</sup> *ibid.* pp. 56--57.

<sup>86</sup> *Ibid.* p.54.

<sup>87</sup> *Ibid.* p.61.

<sup>88</sup> This is because, for Rawls, political power must be legitimated by appeal to those who are subject to it. There are other non-Rawlsian arguments for anti-perfectionism, which I will discuss later.

(within the constraints of justice). Rather she says that deciding where one's good lies, and subsequently pursuing such a good, should be a private matter. Anti-perfectionism is a *political* ideal. It appeals to the political sphere. The anti-perfectionist does not say that individuals, or non-political institutions cannot pursue their own understanding of the good life. Far from it, such folk are free to pursue their conceptions of the good insofar as they are compatible with the principles of the right, as per the priority of the right. (Rawls calls such conceptions "permissible" conceptions of the good.)<sup>89</sup> What the anti-perfectionist insists is that what guides us in private life is, at least sometimes, inappropriate for political justice. Thus, we are free to pursue our conception of the good privately, insofar as doing so does not contravene the principles of justice.<sup>90</sup>

Furthermore, Rawls argues that no less than five "ideas of the good"<sup>91</sup> can be found in his form of anti-perfectionism. As well as permissible conceptions of the good, he argues that rationality, the primary goods, political virtues, and the well-ordered society are present in his political conception of justice.<sup>92</sup> However, as an anti-perfectionist theory, where any of these conceptions of the goods are promoted, they are done so not by an appeal to human flourishing, but by an appeal to the need to maintain justice. They are political goods, not human goods, and thus do not presuppose any conception of the good. They constitute what is good for individuals *as citizens*.<sup>93</sup> They say nothing about human flourishing. As such, any promotion of these goods is justified by an appeal to the right. Thus, for example, the political virtues are promoted because they are needed to uphold justice. They are not promoted because such virtues are said to constitute human flourishing. Again, recall my discussion earlier in the chapter. The issue is what reasons are being used to justify action. In the case of promoting such goods, Rawls is not appealing to human flourishing, but to the

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<sup>89</sup> See, for example, *ibid.* pp. 190-194.

<sup>90</sup> Again, this demonstrates the misleading nature of the term neutrality. Anti-perfectionism is not neutral between *all* conceptions of the good. It is not neutral between the would-be rapist and the keen gardener. It is only neutral between those that do not contravene the principles of right. See my discussion of Sandel in section 7.

<sup>91</sup> This is Rawls's phrase. (2005: 176). Importantly, these are not *conceptions* of the good. As I go on to point out, they say nothing about human flourishing.

<sup>92</sup> *ibid.* pp. 176-200.

<sup>93</sup> *ibid.* p. 188.

need to uphold the principles of justice. Hence, such promotion is not perfectionist.

Thus, the anti-perfectionist does not forbid individuals to pursue their own conception of the good. It says that it is up to persons individually or collectively to decide upon their conceptions of the good, and their pursuit is legitimate insofar as it does not contravene the principles of the right.

### **11. Asymmetry and the Circumstances of Politics**

Thus, anti-perfectionism, justified by an appeal to the burdens of judgement, can allow individuals to shape their lives as they see fit, even if it does not promote any conception(s) of the good. However, Jeremy Waldron, in his book *Law and Disagreement*, has cast doubt on whether the burdens of judgement can secure anti-perfectionism as Rawls claims.

Waldron points out that if we think it plausible that the burdens of judgement lead to reasonable disagreement amongst citizens concerning the truth of conceptions of the good, then it could be inferred that for the same reasons reasonable people might also disagree about the principles of right:

Nowhere, does [Rawls] infer that for the same reasons [the burdens of judgement], in a well ordered society, reasonable people might be expected to disagree fundamentally about the basic terms and principles of their association.<sup>94</sup>

Waldron is questioning why the right isn't also subject to the burdens of judgement on Rawls's account. Rawls mentions that reasonable people realise that they cannot reach agreement on conceptions of the good, so endorse some form of liberty of conscience and freedom of thought. But perhaps some reasonable people don't value such liberties highly? Why is reasonable and workable political agreement in judgement on the truth of the principles of

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<sup>94</sup> Waldron (1999: 152)

justice possible, but such agreement in judgement on the truth of conceptions of the good impossible? If Rawls allows that people will not affirm the same comprehensive doctrine, why not allow that they might not affirm the same conception of justice? If reasonable disagreement exists about the good, then surely it exists about the right as well? Waldron claims that if we cannot reach consensus about the good under free institutions, then we also cannot reach consensus about the right. If disagreement exists, then it exists in both spheres of morality. As Waldron argues, pluralism about the good “is not the only pluralism with which we have to deal in a modern society”.<sup>95</sup>

This is a strong objection, and one that I agree with. Dissensus clearly exists amongst reasonable people regarding the principles of justice, thus if we idealise away such disagreement, as Rawls does, then we could also idealise away disagreement on the good. But if we did this, then Rawls would no longer have an argument for anti-perfectionism. Recall the Razian charge sketched above. This argued that the anti-perfectionist must secure a non-arbitrary separation between the right and the good. Rawls attempts to do this by claiming that the good is subject to intractable disagreement. However, if Waldron is correct, and disagreement about the right is also inevitable, then again there is no way of separating the two. Once more, restricting political action to the right would be arbitrary. If both are subject to disagreement, what justifies permitting states to act upon principles of right, but not upon conceptions of the good? But, if we were to idealise away disagreement on the right, then it would be arbitrary not to do so with the good, and thus again no separation can be made.

Thus, how might an anti-perfectionist respond? Firstly, one might drop the Rawlsian line and argue that disagreement about the good is not the only reason one might be an anti-perfectionist.<sup>96</sup> That is, an anti-perfectionism might say that regardless of whether there is consensus or dissensus about human flourishing, there is something *prima facie* illegitimate about using state apparatus to promote the good. I shall not pursue this line of thought in my thesis.

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<sup>95</sup> *ibid.* p. 158.

<sup>96</sup> Some perfectionists, such as Wall (1998), seem to assume that the Rawlsian justification is the *only* justification for anti-perfectionism. This is incorrect.

Instead, I want to construct an anti-perfectionist account of political morality in the face of this disagreement. In *Law and Disagreement*, Waldron discusses the “circumstances of politics”.<sup>97</sup> The circumstances of politics are the combination of two factors; (1) the persistence of deep and broad disagreement about what is to be done and why; and (2) the need for action in concert in the face of this disagreement. Waldron starts by saying, correctly, that there are many things that can only be achieved through coordinated action.<sup>98</sup> The circumstances of politics, then, constitutes the “felt need among members of a certain group for a common framework or decision or course of action on some matter, even in the face of disagreement about what that framework, decision or action should be.”<sup>99</sup> Thus the circumstances of politics include not just the disagreements endemic to political activity, but also the need to construct an account of justice in the face of these deep and broad disagreement between citizens on matters of politics and morality. As Waldron says, the two aspects of the circumstances of politics go together. Disagreement would not be an issue if there was no need for coordinated action, and such action would not give rise to politics if people did not disagree about what form it should take.<sup>100</sup> In a nutshell, people feel the need for a common framework, even in the face of disagreement about what that framework should be. This is because they need a framework to mediate the different moral outlooks and other disagreements that exist amongst them.<sup>101</sup>

The circumstances of politics are a feature of the world that cannot be “idealised away”.<sup>102</sup> The burdens of judgement entail that disagreement is pervasive in modern liberal society. If we were to imagine that this was not the case as a starting point for a political morality, then we would not be constructing a theory that applies to us as members of modern society. As Simon Hope argues, if we want our account of justice to guide our action we should not idealise away

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<sup>97</sup> *ibid.* 101 ff.

<sup>98</sup> *ibid.* 101.

<sup>99</sup> *ibid.* 102.

<sup>100</sup> *ibid.*

<sup>101</sup> The circumstances of politics should not be thought of as pre-political in a Hobbesian sense. Such circumstances have never existed. Instead it should be thought of as the activity of interpreting and reforming existing structures.

<sup>102</sup> Hope (2010: 140).

important features of the world to which such an account is tied.<sup>103</sup> Instead, we should use the circumstances of politics – the need for collective action in the face of pervasive disagreement – as the point from which we need to come up with an account of what justice demands. How are we to proceed, or what can we agree to implement, despite the fact that there are a multiplicity of ethical outlooks found amongst us?

A situation of deep disagreement is the material from which an account of justice must be constructed. Citizens require a common framework, within which they can adjudicate between the claims of conflicting ethical outlooks, in order to achieve the things that we can only achieve together – whether that be something practical like an efficient transport system, or something moral, such as a workable welfare system. Yet at the same time, we disagree about what those things should be. As I have already mentioned, we should not idealise away the fact that when constructing our account of justice, we find ourselves in a situation of pervasive disagreement. As Waldron puts it, “our common basis for matters of justice has to be forged in the heat of our disagreements, not predicated on the assumption of a cool consensus that exists only as an ideal.”<sup>104</sup>

Obviously, these disagreements are not between a handful of people. In the circumstances of politics, we have millions, or perhaps billions, of people, with different perspectives. The challenge is for this vast number of people to work together to achieve a mutually acceptable framework. Thus, in the circumstances of politics, people must compromise or trade-off or vote and so on. We must construct our principles of justice in the face of disagreement about what form they should take. Any attempt to construct a political system will fail unless folk cooperate and compromise.<sup>105</sup>

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<sup>103</sup> *ibid*

<sup>104</sup> *ibid.* p.106.

<sup>105</sup> Waldron’s focus is on liberal politics. Obviously there are other political responses to disagreement; one group could oppress or subjugate another. There were still politics in Nazi Germany and Stalinist Russia. There just weren’t *liberal* politics.

The question is, how will the circumstances of politics play out in a heterogeneous, pluralistic society like ours? What will philosophically, culturally and religiously diverse individuals agree to include in the framework that will guide and constrain them?

I will argue that citizens will agree to construct an anti-perfectionist account of justice that takes the form of a set of constraints. I shall justify restricting political action to the right by arguing that although disagreement is endemic in both spheres, there is a possibility of convergence on a minimal set of principles of justice, even if people happen to disagree. I shall further argue that there is no possibility of such convergence on judgements of human flourishing. This will be the subject of chapter seven.

However, before we get there, I need to narrow my focus. In chapter three I will argue that contextual perfectionism is the most plausible form of perfectionism, by arguing that the two most prominent ahistorical perfectionist accounts – Nussbaum’s overlapping consensus of functions argument and Hurka’s human nature argument – do not work. Then, in chapter four, I will introduce and examine what is said to be the most plausible form of contextual perfectionism – the liberal perfectionism of Joseph Raz. In chapters five and six, I will examine and ultimately reject two attempts to refute Raz, from Jonathan Quong and Brian Barry respectively.

## **12. Why Anti-Perfectionism**

I shall conclude this chapter by briefly discussing why many see anti-perfectionism as an attractive view of political morality. I have discussed much of this above, but it is a good idea to draw it together. Firstly, and perhaps most importantly, anti-perfectionism is said to respect agents as individual people capable of identifying, formulating and attaining their own view about human flourishing. That is, it allows citizens to freely select and pursue their own conceptions of the good, instead of using the state to dictate to individuals what is good for them. If the state did promote a certain conception of the good, it

would be overriding the judgement of its citizens and hence would not treat them as moral agents of equal standing. Anti-perfectionism believes that judgement regarding human flourishing is a distinctively private matter, and should not be the concern of the state. Therefore, the state should not use its infrastructure to embody such judgements. Instead it should simply secure the principles of right, within which citizens can freely select their own (permissible) conceptions of the good. In so doing, the state respects its citizens as free, independent, equal individuals who are responsible for their own lives.

Furthermore, anti-perfectionism can allow its citizens such freedom, whilst still placing restrictions on how they use it. Thus, the anti-perfectionist can still outlaw rape, murder, theft and so on. This is because they contravene the principles of the right. That is, people are prevented from, and punished for, committing rape because this clearly violates a right to personal security, for example. Importantly, though, such action is not justified by an appeal to human flourishing. Instead, it appeals to the principles regulating human interaction which the right embodies.



## 3

## Universal Perfectionism

### 1. Introduction

In the previous chapter I made the distinction between universal or ahistorical perfectionism and contextual perfectionism. Universal perfectionism claims that there is some account of the good that applies cross-culturally such that what constitutes a flourishing life is the same however a person is historically or geographically located. Contextual perfectionism, on the other hand, says that conceptions of the good are particular to certain cultures, and that someone who flourishes in our culture may not do so in another one.

In this chapter I will examine the two paradigm accounts of universal perfectionism – Thomas Hurka’s human nature account <sup>106</sup> and Martha Nussbaum’s functioning approach.<sup>107</sup> I will argue that both depend on formal accounts of the good in order for them to apply cross-culturally. However, it is precisely this formal nature of the good that renders their universal accounts of perfectionism implausible.

### 2. Hurka’s Human Nature Account of Perfectionism

I will begin with Thomas Hurka. Hurka defines the good life in terms of human nature. He says that “certain properties ... constitute human nature or are definitive of humanity” and that the flourishing life “develops these properties to

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<sup>106</sup> See Hurka *Perfectionism* (1993).

<sup>107</sup> See Nussbaum ‘Aristotelian Social Democracy’ (1990), *Woman and Human Development* (2000), *Frontiers of Justice* (2006) and ‘Perfectionist Liberalism and Political Liberalism’ (2011).

a high degree.”<sup>108</sup> The perfectionist tradition, which I briefly mentioned at the beginning of chapter 1, understood perfectionism in this sense. As Hurka mentions, the likes of Aristotle, Marx and Nietzsche hold something like the human nature account.<sup>109</sup> Although they disagree about what constitutes human nature, or what properties humans should develop, they agree that an account of the good lies in human nature. Hurka terms his human nature approach *narrow perfectionism*, and contrasts it with broad perfectionism, which holds that we should develop certain capacities, achieve certain ends etc. where these are not specified by our human nature.<sup>110</sup>

A key question for Hurka is ‘in what kinds of property does [perfectionism] take our nature to exist?’<sup>111</sup> Obviously it cannot be all of them. There are countless human properties, and most of them are trivial, or worse. The secretion of bodily fluids is a human property. It would seem absurd to say that humans who develop this property by sweating and using the toilet often are thereby flourishing. Thus, as Hurka says, a plausible account of perfectionism must pick out a particular subset of human properties that should be developed by

Hurka argues that there are two tests that a plausible account of human nature perfectionism must pass:

1. “We need to specify a concept of human nature that picks out a subset of human properties by using criterion that is intrinsically appealing and true to the perfectionist idea.”<sup>113</sup> “Our nature, as defined, must seem in itself morally significant.”<sup>114</sup>
2. Only properties that seem worth developing in their own right should fall under this concept of nature.

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<sup>108</sup> Hurka (1993: 3).

<sup>109</sup> *ibid.*

<sup>110</sup> *ibid.* p. 4.

<sup>111</sup> *ibid.* p. 9.

<sup>112</sup> *ibid.*

<sup>113</sup> *ibid.* p. 10.

<sup>114</sup> *ibid.* p. 9.

To offer a concept of human nature that gives us properties that on their own seem morally trivial (and hence fails on the second task) is to fall foul of what Hurka calls the “wrong-properties objection.” Thus, we need to come up with both a plausible account of human nature, and a set of nontrivial properties that follow from specifying human nature in this way.

So what is the most promising account of human nature going forward? That is, what account of human nature can give us a set of valuable properties, whilst also being plausible in its own right? Hurka offers, and rejects two views.

First he discusses human nature as offering those properties that are *distinctive* of humans, or possessed only by them.<sup>115</sup> It identifies properties that are unique to humans, and not shared with members of the animal kingdom. At first this might seem an attractive proposition. Humans are uniquely rational, so perfectionism would instruct agents to develop this rationality, through performing complex tasks and so on. But, as Hurka argues, this concept of nature falls to the wrong properties objection. Although it might pick out some valuable properties, it also picks out a number of trivial ones. To use Hurka’s examples, humans are the only beings who start fires, despoil the environment and kill things for fun. It would seem absurd to say that developing these properties would constitute a flourishing life.<sup>116</sup>

However, as well as falling to the wrong-properties objection, the distinctiveness approach also fails to pass the first test specified above. The distinctiveness view relies on facts about nonhuman animals. The claim that rationality is unique to humanity is reliant on facts not just about humans, but also nonhuman animals. We can only stipulate whether some property is distinctive of human beings by making claims about nonhuman animals. But, says Hurka, how can facts about nonhumans affect *our* nature and *our* good. If we discover beings on a far away

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<sup>115</sup> *ibid.* p. 10.

<sup>116</sup> *ibid.* p. 11.

planet who have always been rational, does that mean that rationality has never been good for us?<sup>117</sup>

Having rejected the distinctiveness view, Hurka discusses the essence view. This view equates human nature with those properties that are *essential* to humans. These essential properties are such that they would be possessed by humans in all possible worlds. They are possessed necessarily by human beings. Again, we can look at rationality. Such a view says that rationality is essential to human beings, such that a being who lacked it was not fully human. Thus, perfectionism would say that to flourish is to succeed in pursuits that develop our rationality.<sup>118</sup>

The main advantage over the distinctiveness view is that the human nature as essence approach does not depend upon facts about nonhuman animals. To say that some property is essential to humans appeals only to facts about humans.<sup>119</sup> It also seems to point to the right kind of properties. It seems to pick out properties that are fundamental to us. That “realize what, at bottom we are.”<sup>120</sup> Thus, the human nature as essence view seems to stipulate a plausible account of what human nature is, and thus passes the first test.

However, like the distinctiveness view, the essence view falls to the wrong properties objection. Although it might pick out some attractive properties, it is far too inclusive. Human beings are necessarily occupiers of space. However, again, it would be odd to suggest that this is something we should develop in our account of flourishing.<sup>121</sup>

Thus, both the distinctiveness view and the essence view cannot succeed. Nevertheless, Hurka does think that the essence view has promise because it fulfils the first task above – it gives us an account of human nature that seems

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<sup>117</sup> *ibid.*

<sup>118</sup> *ibid.*

<sup>119</sup> *ibid.*

<sup>120</sup> *ibid.* p. 12.

<sup>121</sup> *ibid.*

morally significant. However, it needs to be bolstered by some other device in order for it not to fall foul of the wrong-properties objection.<sup>122</sup>

Hurka spells out six classes of essential properties for humans, namely:

- a. Those shared by all objects – for example, being red if red. These are the properties essential to a human *qua object*.
- b. Those found only in physical objects – for example, occupying space. These are the properties essential to a human *qua physical object*.
- c. Those found only in living things – for example having living flesh. These are the properties essential to a human *qua living thing*.
- d. Those found only in animals – for example having a body structured for functions of growth, movement and so on. These are the properties essential to a human *qua animal*.
- e. Those found only in humans – for example exercising rationality. These are the properties essential to a human *qua human being*.
- f. Those found only in individual persons – for example having developed from some particular sperm and egg. These are the properties essential to a human *qua individual*.<sup>123</sup>

Hurka then asks, which of these types of essential properties do we want in our concept of nature? Firstly, he rejects the final class, and it is fairly obvious why. Hurka's account is looking for properties that are common to all humanity. Therefore, it cannot include properties that are essential only for individual human beings.<sup>124</sup> Hurka also rejects the second and third classes of essential human properties. Properties shared with numbers and stones can have no moral significance.<sup>125</sup>

However, he says the remaining three classes of property – those essential to humans *qua living things*, *qua animals* and *qua humans* should be included in an

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<sup>122</sup> *ibid.* p. 14.

<sup>123</sup> *ibid.* I will assume, for the sake of argument, that this list is exhaustive.

<sup>124</sup> *ibid.*

<sup>125</sup> *ibid.* p. 15.

account of human nature. The best perfectionism, he claims, develops those properties that are essential to human beings *as living things*. He calls this the “essence-and-life” view. It has an advantage over the essence view alone in that it does not fall to the wrong-properties objection. It rules out those properties that are essential to humans, but seem of no moral significance, such as occupying space.<sup>126</sup> However, it also retains intuitive moral significance of the essence view alone.

### 3. Physicality and Rationality

Thus, Hurka has settled upon the most plausible account of human nature, the essence-and-life view, and has explained how it rules out trivial properties like occupying physical space and so on. But, now we need to look at what properties it rules *in*. What are the properties that are essential to human beings qua living thing, qua animal, and qua human? The intrinsic appeal of the essence-and-life view of human nature is that perfectionism tells us to develop what we essentially are. But until we actually specify what those properties are, it is completely uninformative.

Hurka wants to defend what he calls an Aristotelian theory of human nature. This theory tells us, he says, that “humans share with other animals certain bodily essential properties, but are also essentially rational in both the theoretical and practical senses of “rational.””<sup>127</sup> Applying this theory of human nature to perfectionism, we are told to develop our physical nature, our theoretical rationality and our practical rationality.

Turning to the first, human beings necessarily have bodies, and these bodies necessarily have a determinate structure. No being without a functioning respiratory, nervous, muscular system, etc. can count as a human.<sup>128</sup> These systems each have their own characteristic activity. For example, our respiratory system extracts oxygen from the air. In order to remain alive, each system must

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<sup>126</sup> *ibid.* p. 16.

<sup>127</sup> *ibid.* p. 37.

<sup>128</sup> *ibid.*

function to a minimal degree. In order to achieve physical perfection, it must do so to a sufficient degree. The basic level of physical perfection is a healthy body, where all of our systems function to a reasonable degree.<sup>129</sup>

To achieve higher physical perfection, we must perform rigorous bodily activity. When we exercise, our systems perform their characteristic activity to a higher degree, for example, our respiratory system extracts oxygen at a more rapid rate. Thus, the highest physical perfection is often found in athletes. As Hurka says, “when a human runs 100m in 9.86 seconds ... something physically splendid occurs.” Importantly, this physical good is intrinsic. When Usain Bolt runs 100m in under ten seconds, he achieves many nonphysical goods, a sense of personal achievement, for example. However, the physical feat of running such a race in such a time is, in itself, good. Achieving great athletic feats is of intrinsic perfectionist worth.<sup>130</sup>

As Hurka points out, few of us are able to perform incredible athletic tasks, and thus cannot achieve the *highest* physical perfection.<sup>131</sup> However, this does not cast doubt on including physical perfection in his account of perfectionism. Most of us can preserve our bodily health, and engage in some athletic tasks. I don’t achieve as high a physical good as Lionel Messi by playing seven aside every Sunday night. But I do achieve modest physical perfection.

The remaining two properties essential to humans as living things are theoretical and practical rationality. Hurka claims that humans are essentially rational in both senses. They are rational because they can form and act upon sophisticated beliefs and intentions whose contents “stretch across persons and times and that are arranged in complex hierarchies.”<sup>132</sup> This is what distinguishes us from animals. Animals can have isolated perceptual beliefs, but such beliefs lack explanatory understanding. Likewise, they can have local aims,

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<sup>129</sup> *ibid.* p. 38.

<sup>130</sup> *ibid.* p. 39.

<sup>131</sup> *ibid.*

<sup>132</sup> *ibid.*

but they lack the ability to predict patterns of action that stretch through time and involve other animals.

Perfectionism says that the flourishing life is one that develops theoretical and practical rationality to a reasonable degree. But how does one go about doing so?

The first important thing to note is that Hurka's account is purely formal. It does not say that humans essentially have beliefs about some specific subject matter, or necessarily pursue some end.<sup>133</sup> So, this form of perfectionism cannot tell agents to develop their rationality by doing some particular activity, or forming some particular belief, where this is informed by the value of the *content* of that activity or belief. Instead, it must measure the value of beliefs and actions by appealing to their formal quality – do they develop our theoretical rationality and/or practical rationality? It is this formal nature that determines the intrinsic value of an item of knowledge, form of activity etc.

Thus Hurka's perfectionism instructs us to pursue ends that develop our theoretical and practical rationality. However, these two forms of rationality admit of degrees. Some lives that develop them are better than others. Aristotelian perfectionism favours beliefs and actions that are general, unified and complex.

Generality takes two forms; extent and hierarchical dominance. An item of knowledge is the more valuable the greater its extent.<sup>134</sup> Knowing that there is only one telephone box on Albert Drive, Glasgow is not as valuable as knowing that  $E=MC^2$ . This is because the latter is much more extended than the former. The state of affairs it describes includes far more objects. Similarly, an action is the more valuable the greater its extent. I achieve more if I manage to repair the structure of the Forth Road Bridge than I would if I threw a stone into the river. Again, this is because my achievement is more extended; it affects a great many people and for a considerable time, whereas the throwing of a stone does not.

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<sup>133</sup> *ibid.* p. 114.

<sup>134</sup> I am following Hurka here in slipping between the use of "belief" and "item of knowledge." As he points out on p. 202 n.2, if belief  $p$  turns out to be false, this negates  $p$ 's quality.



Furthermore, a piece of knowledge is the more valuable the greater its hierarchical dominance. In knowing that  $E=MC^2$  I can discover many other truths, which then become subordinate to it in my theory of the world. However, in knowing the number of telephone boxes on Albert Drive I can discover very little. Similarly, an action is more valuable the greater its hierarchical importance. In order to repair the bridge, I must dedicate a large chunk of my time to it, and I must pursue many other ends as subordinate means to it. This is not the case with the throwing of the stone. This is accomplished in little time, and with just a few bodily movements.<sup>135</sup>

In short, a belief or piece of action is extended if “its content stretches across time and objects, including persons.” It is hierarchically dominant if “it has many other [beliefs or actions] subordinate to it in a rational hierarchy, either because it is used to explain them ... or because they are means to it.”<sup>136</sup> Thus, Hurka’s perfectionism instructs agents to develop their rationality by pursuing knowledge, and performing actions, which are more extended and dominant.

Hurka’s perfectionism favours lives that are organised around a single end, or in which large parts have a single end.<sup>137</sup> Such a life is unified in a way that one lived only day-to-day is not. This in itself is a formal claim. The very organization of a unified life gives it value regardless of the value of the ends pursued within it. Obviously, in reality, no lives are fully unified. But, the more unity found within a life the greater level of perfection achieved. The value of a unified life is entailed by generality. A single life---defining end has subordinate to it everything else that a person accomplishes in her life. Thus, a life of spontaneity can be just as unified as a life involving meticulous planning. A unified life also involves considerable extent. A single end or goal will sit at the top, or at least near the top, of an agent’s hierarchy of ends and will extend across time.

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<sup>135</sup> *ibid.* pp. 115---6.

<sup>136</sup> *ibid.* p. 116.

<sup>137</sup> *ibid.* p. 121.

Hurka's account also favours activities that are complex, intricate and challenging.<sup>138</sup> This because such activities stretch our capacities, and demand more rationality. When Lionel Messi plays football, he solves sophisticated tactical problems, such as how much weight to place on a pass or how much bend to put on a free kick. Similarly, philosophers are engaged in challenging projects and, if they succeed, achieve much more than were they to do something else.

Again, this demand for complexity follows from generality. Difficult activities usually involve more hierarchical dominance. In order to score, Lionel Messi must pursue a series of subordinate activities aimed at being well-placed to take a shot on his strongest foot, for example. He must time his run so that he beats the offside trap. He must let the ball run across his body so that he is positioned to strike the ball with his left foot. He must increase his speed in order to out run the defender, and so on. Complex activities also involve extent. What sets players like Lionel Messi apart from the likes of you or I, is his ability to consider the game as a whole. When he plays a pass, his thought is not simply 'I am passing the ball to another member of my team.' Instead he is thinking of how this pass will lead to further stages of play. He has the ability to consider how this pass might lead to a goal being scored a number of stages of play down the line.

As well as dominance and extent, difficult activities also involve precision.<sup>139</sup> When I take a shot, I aim to hit the ball somewhere to the left of the goalkeeper. When Lionel Messi takes a shot, he aims to hit it in the top left hand corner, a couple of inches inside the post, out of the reach of the 'keeper. He has my intentions as well as many more that I cannot muster.

Obviously these three aspects of complexity can come apart. To use Hurka's examples, painting by numbers involves great precision, but lacks extended states or dominance. Politics can be extended but is often not precise etc.<sup>140</sup> The best activities score high on all three. They can be 'higher' activities, such as

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<sup>138</sup> Ibid. p. 123ff.

<sup>139</sup> Ibid. p. 124.

<sup>140</sup> Ibid. p. 125.

chess, but they need not be. Everyday pursuits, such as gardening, score high on generality, unity and complexity.

#### **4. Rational Wrongdoers: Rejecting Hurka**

To sum up, Hurka's perfectionism tells us to develop those properties that are essential to humans qua living things. He identifies these properties as physical prowess, theoretical rationality and practical rationality. Hurka's account is formal; he does not say anything about the substantial content of the ends that best develop the three areas of perfection. However, he can still make judgements about the quality of ends. He says that the best ends, and thus those that develop our human properties to a high degree, are those that are dominant and extended, are part of a unified life, and involve great deals of complexity.

How would Hurka respond to the challenge of Rawls's burdens of judgement, and the circumstances of politics we find ourselves in? At the end of the previous chapter I mentioned the vast dissensus that exists about the good (and justice), and claimed that the task of the political philosopher is to construct a political morality in the light of this disagreement. Although Hurka does not address this challenge, I suspect his response would be: when it comes to politics, it is beside the point whether people converge on any account of the good. The test is whether or not we can come up with a plausible account of human flourishing. If we can, then we have reason to promote it through political institutions, regardless of whether it is subject to a consensus. In politics what matters is what is true, not what people believe to be true. I have come up with a promising account of human flourishing, and we should use the state to promote it.

I shall leave aside the general question of whether truth should trump belief until chapter seven. However, here I want to argue that Hurka does not in fact offer a promising account of human flourishing. I will argue that the formal nature of Hurka's account renders it implausible.

For Hurka, in order to judge whether a life is flourishing, and to what degree, we should not look at the substantive quality of the lives pursued. An individual is flourishing if she develops her physical nature, and her theoretical and practical rationality, whatever ends she seeks in developing them. When we look at her ends, we should ask, are they general, are they part of a unified life, do they involve complexity? If the answer is yes, then she is flourishing, regardless of what those ends are. It is this formal account that permits pluralism. The footballer, chess player, carpenter, teacher, care worker, businessman and so on, are all flourishing. Their pursuits, although vastly different in their substantive content, all develop their physical nature and/or rationality to a high degree.

However, as Hurka himself recognizes<sup>141</sup>, these properties can be developed in pursuit of intuitively bad ends. Imagine the great Machiavellian villains of film and literature, from Iago to Michael Corleone to Stringer Bell. All use great cunning in order to perform bad acts. In *The Godfather II*, Michael Corleone organises and carries out a plan to execute his brother Fredo. This plan involves the use of a great deal of rationality, both theoretical and practical. From the moment in Cuba that Michael discovers that Fredo has betrayed him to the moment when Al Neri shoots Fredo on a fishing boat in Nevada, Michael “form[s] and acts on sophisticated beliefs and intentions, ones whose contents stretch across persons and times and that are arranged in complex hierarchies.”<sup>142</sup>

The “accomplishment” of killing Fredo is greatly extended. It affected many people and for a considerable time. It is also dominant. Michael committed a significant amount of time to the plan, and took a number of subordinate steps to achieve it. Hence, the act of killing Fredo was distinctly general. It was also carried out as part of a unified life. For Michael, honour is paramount. He lives his life largely according to this code of conduct. Michael organized the killing of Fredo because Fredo had betrayed him. The act of killing Fredo also involved great complexity. Michael had to solve sophisticated tactical problems, such as when to carry out the execution, how to shield it from his children, who to

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<sup>141</sup> See *ibid.* pp. 20, 62 and 134.

<sup>142</sup> *ibid.* p. 39.

instruct to carry out the murder and so on. There was also great precision demonstrated by Neri in carrying out the brutal shooting.

Thus, in organising and following through with Fredo's killing, Michael Corleone developed his theoretical and practical rationality. According to Hurka's account of perfectionism, Michael is flourishing. In developing these properties, he is achieving some perfection, despite his actions being intuitively bad. The formal nature of Hurka's perfectionism means that we cannot make any evaluative judgements about individual ends beyond saying that they are general, unified or complex. We cannot say that Michael is not flourishing by having his brother killed. Indeed it seems that we must say that he *is* flourishing.

Hurka does say that the Michael Corleones of this world are wrong, but he does so by focusing on other agents. Hurka says that his perfectionism is "agent neutral."<sup>143</sup> That is, it requires each human to care equally about the perfection of all, rather than merely his own. According to agent neutrality, each individual's duty to develop his own rationality is constrained by an equal duty to promote rationality in others. Thus, if an act does more to set back the perfection of another than it does to advance the agent's then the act is wrong. Thus, Michael Corleone should not kill Fredo, as in doing so he removes Fredo's ability to achieve any perfection. Meanwhile Michael can develop his rationality in other ways; killing Fredo is not Michael's only path to perfection.

However, I do not think this appeal to agent neutrality is enough to save Hurka's account. Firstly, it implies that where there is no affected other, or there is less of a negative effect on her than there is a positive effect on the agent, then what seem like intuitively bad aims are permitted. Imagine someone who exercised great rationality, as well as their physical nature, in the poaching of wild animals. Although the end might not be greatly extended, it might be dominant, requiring meticulous planning and subordinate ends. It might also be part of unified life, or even a dominant end. The traps he sets might also require great ingenuity and

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<sup>143</sup> *ibid.* p. 62.

precision. According to Hurka, such a life is not wrong. In fact, it achieves a great deal of perfection.

This takes me onto my second, more fundamental criticism. Intuitively, when we say that Michael Corleone is wrong in executing Fredo, it is not only because it stops Fredo from flourishing. We also think that developing one's rationality by planning and committing murder is wrong *because it stops Michael flourishing*. A plausible perfectionism does not simply say that the pursuit of intuitively bad options is wrong only because it affects other people's ability to achieve perfection. It also says it is wrong because in doing so, you are not flourishing. Even if we take perfectionism to be agent---neutral, and instruct agents to care equally about the flourishing of all, it seems counter intuitive to claim that the only reason that Michael Corleone's actions are wrong is because it stops others from flourishing. Perfectionism is, after all, about good human lives.

Hurka can't say that Corleone is not flourishing. In fact, he is committed to the view that Corleone actually achieves some perfection, even if killing Fredo is all things considered wrong (due to agent neutrality). This is something he readily admits:

If Aristotelian perfection consists in exercising rationality, and people can exercise rationality while harming others, they can achieve perfection while harming others. More specifically, they can achieve perfection by using complex means to carry out a long-term plan aimed at harming many people.<sup>144</sup>

So not only is Hurka unable to say that Corleone is not flourishing, he must commit himself to saying that he *is*. Again, this is counter-intuitive. It seems absurd to say that Corleone is living a good human life (even if, all things considered, he should not live the life he leads due to its effect on others). It is counter to the perfectionist tradition to say that wrongdoers can flourish. Perfectionism is meant to offer an account of good human lives. If Hurka's

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<sup>144</sup> *ibid.* p. 134.

perfectionism says that the Corleone's of this world live good human lives, then surely it is defective.

In claiming that Corleone is flourishing, Hurka's account must give intrinsic worth to the ends that he pursues. As we've seen, Hurka's account is formal. It tells us to pursue ends which develop our physical nature and rationality. As such, it measures the value of these ends by the degree to which they help us do so.<sup>145</sup> Thus, ends which are, for example, extended, dominant, part of a unified life and complex have great intrinsic worth. As I pointed out above, organising and carry through with the plan to kill Fredo contained all those properties. So, according to Hurka, the act of organising the execution of Fredo has great intrinsic worth. Again this is highly counter-intuitive.

One might respond at this point by asking, why place so much emphasis on intuitions? Hurka's account might not be faithful to the perfectionist tradition, but it is coherent. This response must fail, because Hurka himself appeals so strongly to intuitions in defence of his perfectionism. Hurka says that perfectionism must cohere with our intuitive moral judgements.

It must show, first, that the general perfectionist ideal, that of developing human nature, is attractive when considered by itself as a potential foundation for morality ... second, the defence must show that the ideal has attractive consequences, both at the middle level, where it identifies the properties whose development is intrinsically good, *and at lower levels, where it makes particular claims about which activities are best and right.*"<sup>146</sup>

But, as we have seen, claims about which activities are best can only be formal, allowing for the execution of a family member to be of value. But this is not an "attractive consequence" for any morality. Hurka appeals to intuitions in order to defend his perfectionism, but those very intuitions render his account

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<sup>145</sup> *ibid.* p. 115.

<sup>146</sup> *ibid.* p. 31. My emphasis.

implausible. Even if he has answered the wrong---properties objection, he falls foul of what might be called the “wrong-activities objection.” His account of human nature identifies properties that can be developed in intuitively immoral activities, and thus must say that lives which contain many such activities are flourishing.

As well as not being able to cohere with our intuitive moral judgements, Hurka’s account is not true to the perfectionist tradition of which he takes himself to be a part. As I have said, Hurka’s perfectionism is agent neutral. It tells agents to care equally about the perfection of others as their own. The reason that it is wrong for Michael Corleone to execute Fredo is because in doing so he removes Fredo’s ability to flourish. The reason that Hurka adopts agent neutrality is that he rejects a moralistic view of human nature. Hurka thinks that it is implausible to claim that the rational person is necessarily virtuous.<sup>147</sup> As I have said, Hurka’s account of human nature is purely formal – it says nothing about the substantial content of our ends. Thus, Corleone can develop his human nature through committing wrongdoing. However, if we were to reject moralistic accounts of human nature, and subscribe to an agent-relative account of perfectionism, then we cannot condemn the killing of Fredo. If all one is concerned with is advancing one’s own rationality, and rational folk are not necessarily virtuous, we could not say that the Michael Corleone’s of this world are wrong. Hence, if we are to reject moralism, we must adopt agent-neutrality.

However, in rejecting a moralistic account of human nature, can Hurka really claim to be Aristotelian in any meaningful sense? He says that according to his Aristotelian perfectionism, wrongdoers can achieve perfection.<sup>148</sup> Aristotelian perfectionism tells us that in order to flourish, we must develop our rationality, and this can be achieved through pursuing immoral ends. However, a true Aristotelian would deny this. Aristotle’s perfectionism is not formal. As Rosalind Hursthouse has shown, the practically rational person *is* necessarily virtuous

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<sup>147</sup> *ibid.* p. 19.

<sup>148</sup> *ibid.* p. 134.



according to Aristotle.<sup>149</sup> One cannot be truly rational unless one has other regarding virtues. Michael Corleone is not flourishing. However general, unified or complex his plan to kill Fredo is, this cannot be good for him. This is because to be truly rational, in an Aristotelian sense, one must be virtuous. These other-regarding duties are central to Aristotle's account of human nature. Hence, it is questionable whether Hurka's perfectionism is actually Aristotelian.

In conclusion, Hurka believes that we flourish when we develop our physical nature and our practical and theoretical rationality. However, Hurka rejects a moralistic account of human nature. He does not think we are necessarily virtuous. His account of human nature is purely formal. Hence, in pursuing immoral activities in sufficiently rational ways, individuals can achieve perfection, even if such an activity is wrong all things considered. But this concession seems fatal to Hurka in two important ways. Firstly, it seems to run counter to our intuitions. The idea that Michael Corleone is living a good human life seems utterly implausible. This is a particular problem for Hurka because he defends his account of perfectionism by an appeal to intuitive moral judgements. Secondly, in rejecting a moralistic account of human nature, and subscribing to formalism, Hurka disposes of a central tenet of Aristotelian perfectionism – the claim that rational people are necessarily virtuous. It seems questionable whether a perfectionism stripped of this central element can be truly Aristotelian.

Thus I argue that Hurka's form of universal perfectionism must fail.

## **5. Nussbaum's Account of Cross-Cultural Goods**

What about the other prominent ahistorical account of perfectionism – Nussbaum's function account? Is this a more plausible form of universal perfectionism than Hurka's?

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<sup>149</sup> Hursthouse (2006)

Nussbaum argues for a universal account of flourishing by stipulating a cross-cultural consensus on an abstract list of human goods. She further claims that it is then the job of states across the globe to secure the conditions necessary for the pursuit of such goods for all citizens. Like Hurka, Nussbaum appeals to a formal account of what's good for humans. I will argue that similarly, this formal nature of the good renders Nussbaum's account implausible, albeit for different reasons.

Again, we should return to the problem I posed at the end of the previous chapter. Nussbaum rejects the basic claim of Rawls's account of the burdens of judgement. She denies that the burdens of judgement apply to all areas of the good (let alone the right). Whilst it might be true that there is vast disagreement about substantive judgements about which activities, goals, careers etc. are of value, there still exists a cross cultural consensus on a number of abstract good types. It is thus the job of states worldwide to enable its citizens to pursue substantive tokens falling under these good types.

Nussbaum calls her account of justice the capabilities approach.<sup>150</sup> The central question for the capabilities approach is not "how much does person X have in the way of resources?" or "how satisfied is person X?" Instead it is, "what is person X able to do and to be?"<sup>151</sup> When constructing a political morality we should look at whether a person is capable of pursuing certain goods (or "functions"), not whether or not she is satisfied with what she does, or whether she has a certain level of resources. Someone could be satisfied doing something incredibly mundane, like counting blades of grass.<sup>152</sup> Further, someone could have a lot in the way of resources, without them enabling her to pursue valuable options. I might have a lot of money when there is no food to buy.

Thus, Nussbaum believes that there is a certain group of core abstract goods, and that it is a necessary condition of any account of political morality that it delivers

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<sup>150</sup> Aristotelian Social Democracy' (1990), *Woman and Human Development* (2000), *Frontiers of Justice* (2006) and 'Perfectionist Liberalism and Political Liberalism' (2011).

<sup>151</sup> Nussbaum (2000: 70).

<sup>152</sup> See chapter 5.

to citizens the ability to pursue these goods. This necessary condition is one of a threshold. We must provide citizens a certain basic capability to function in each of the core areas.<sup>153</sup>

Nussbaum's account is perfectionist because these goods are distinctly human goods. For Nussbaum, "certain functions are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life."<sup>154</sup> If a life lacks these goods then it is not truly human. It is not worthy of the dignity of the human being.<sup>155</sup>

The idea that a life without such goods lacks human dignity has broad cross-cultural support, according to Nussbaum. She gives the example of tragic artworks:

Think of a tragic character, assailed by fortune. We react to the spectacle of humanity so assailed in a way very different from the way we react to a storm blowing grains of sand in the wind. For we see a human being as *having worth as an end*, a kind of awe-inspiring something that makes it horrible to see this person beaten down by the currents of chance – and wonderful, at the same time, to witness the way in which chance has not completely eclipsed the humanity of the person ... insofar as we are able to respond to tragic tales from other cultures, we show that this idea of human worth and agency crosses cultural boundaries.<sup>156</sup>

Thus, according to Nussbaum, that a life without certain core goods lacks dignity is intuitively felt, and this feeling is cross-cultural. We all agree that a person who is incapable of pursuing certain goods is not truly human.

It is this broad cultural consensus that makes these goods truly human. Nussbaum argues that these are abstract goods that are endorsed by people who

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<sup>153</sup> Nussbaum (2000: 70)

<sup>154</sup> *ibid.* pp. 71 -72.

<sup>155</sup> *ibid.* p. 72.

<sup>156</sup> *ibid.* p. 72-73.

have vastly different views about what a *complete* good human life would entail.<sup>157</sup> They are goods that all cultures accept. Hence, Nussbaum argues, they are subject to an overlapping consensus, understood in a Rawlsian way.

People may sign on to this conception as the freestanding moral core of a political conception, without accepting any particular metaphysical view of the world, any particular comprehensive ethical or religious view, or even any particular view of the person or of human nature.<sup>158</sup>

Nussbaum denies the basic claim of the burdens of judgement argument. Provided it is sufficiently abstract, shorn of any metaphysical underpinnings, a conception of the good can be endorsed by people with otherwise diverse pursuits. Even though there is vast disagreement about which tokens fall under each abstract type, there is convergence on the good. To use more Rawlsian jargon, an account of human flourishing can be free-standing.

So what are these goods? Nussbaum has altered her list since she first proposed the capabilities approach. The latest is as follows:

1. *Life*. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
2. *Bodily Health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. *Bodily Integrity*. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.

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<sup>157</sup> *ibid.* p. 74.

<sup>158</sup> *ibid.* p. 76

4. *Senses, Imagination, and Thought.* Being able to use the senses, to imagine, think, and reason—and to do these things in a “truly human” way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one’s own choice, religious, literary, musical, and so forth. Being able to use one’s mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.
5. *Emotions.* Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one’s emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. *Practical Reason.* Being able to form a conception of the good and to engage in critical reflection about the planning of one’s life. (This entails protection for the liberty of conscience and religious observance.)
7. *Affiliation.*
  - A. Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
  - B. Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination on the basis

of race, sex, sexual orientation, ethnicity, caste, religion, national origin.

8. *Other Species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.

9. *Play*. Being able to laugh, to play, to enjoy recreational activities.

10. *Control over One's Environment*.

A. *Political*. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.

B. *Material*. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.<sup>159</sup>

Nussbaum claims that all of these abstract good types are subject to a cross-cultural consensus. However, as I have mentioned above, there will be great disagreement about the substantive tokens that embody these goods, even within cultures. A Catholic and a Jewish person agree that religion is a good whilst disagreeing about the correct form it should take. The city banker and the avant-garde artist might have vastly dissimilar careers, but both value the right to seek employment on an equal basis with others. It is the abstract types which individuals converge upon cross-culturally, thus making the list freestanding. However, there is no consensus on which substantive tokens fall under these goods. This is shown by the fact that different cultures subscribe to different

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<sup>159</sup>Nussbaum (2006: 76-78).

belief systems, value different forms of interpersonal relationships, have different forms of governance, and so on.

Nussbaum claims that practical reason is of central importance in her list of abstract goods. This good suffuses the other goods on the list, making them distinctly human. It is for this reason that her account focuses on providing the means necessary for individuals to pursue these goods, rather than providing them with the goods themselves. Individuals should be free to choose to pursue or forego such goods. I may decide to fast, according to my religion. That is fine, according to Nussbaum, just so long as there is food for me to eat if I choose to. Thus, it is the *capability* to achieve these goods that is the ultimate goal of politics.<sup>160</sup>

Like Hurka's human nature account, Nussbaum's capabilities approach relies to a large extent on intuitive moral judgements. She appeals to cross-cultural intuitions about human dignity in order to posit the idea of a truly human life. In turn, her list of goods relies on intuitive support. Each of the abstract goods on the list are said to be intuitively valuable, and subject to a pan-cultural consensus.

This is Nussbaum's universal account of perfectionism. She believes that there is a list of abstract goods which are subject to an overlapping consensus. All individuals, whatever their cultural background, endorse these goods as part of a truly human life. It is then the job of the state to ensure that each and every citizen is capable of achieving them. However, the convergence is on abstract types of good, not substantive tokens.

## **6. No Real Consensus: Rejecting Nussbaum**

Like Hurka, Nussbaum relies on a formal account of the good. She claims that consensus exists on abstract good types. There is no consensus on the

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<sup>160</sup> Nussbaum (2000: 87). Note that a threshold capability should be secured for each abstract good. No amount of economic growth justifies failing to secure a threshold level of bodily integrity. See Nussbaum (2000: 81).

substantive content of the tokens that fall under these types. As in the case of Hurka's perfectionism, I believe that the formal nature of her account renders it implausible.

My reason for rejecting Nussbaum's account of universal perfectionism largely comes from the work of Simon Hope.<sup>161</sup> As we have seen, Nussbaum believes that individuals cross-culturally converge on abstract types. Regardless of the substantive content of our respective lives, both the Inuit and I agree that imagination, play, bodily integrity and so on are valuable. However, we will disagree about the value of the "culturally particular substantive token[s]"<sup>162</sup> that fall under the abstract goods. I might find football valuable whereas he does not. He might find Mushox Fighting valuable, whereas I do not. Although there is convergence on the abstract element of the good, we do not agree about what falls under it. Similarly, whilst a Catholic and Jewish person agree that religion is good, they disagree about which form of life embodies such an abstract element. Thus, Nussbaum claims that there is an overlapping consensus on abstract type but not on substantive token.

But, as Hope points out, in order for Nussbaum's account to work, any culturally particular substantive token must be valuable to the extent that it embodies one of the abstract elements of the human good.<sup>163</sup> It is these abstract goods that are subject to an overlapping consensus. The justification should run from the abstract type to substantive token. Thus, the reason I watch football is because of "play." The reason that a Catholic takes mass is because of "religion." Although the Inuit and I pursue different goods, we do so for the same reason. This is the same with the Catholic and Jewish person. Although their activities and beliefs are vastly different, they pursue them for the very same reason.

However, as Hope points out, this is false. No-one does anything for an abstract type. I do not watch football due to some abstract good "play." I do so because it is a specific game, governed by certain laws, shaped by social norms, and so on. If

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<sup>161</sup> See Hope (2013a) and (2013b).

<sup>162</sup> Hope (2013b: 142)

<sup>163</sup> *ibid.*



I pursued it due to the abstract good, then I'd see value in watching golf. But I don't. This is the same with the Catholic and Jewish person. They pursue their faiths due to their substantive content; they believe that a certain set of religious practices are correct, for example. Again, if a Catholic pursued Catholicism due to the abstract good, then she'd necessarily see value in pursuing other faiths. But she doesn't; "the fact that I see the value in worshipping *this* deity in *this* way constitutes no obvious point in favour of seeing any value in worshipping any other deity in any other way."

When looking at reasons to pursue football or Catholicism, the justificatory work is done by the culturally specific substantive understanding of the good, rather than so abstract type like "play" or "religion." Thus there is no real consensus on the good. The reason that people value certain ends is not because they embody certain abstract types. Instead, it is the substantive, culturally specific content that gives us reason to pursue them.

Thus, Nussbaum's universal account is also doomed to failure. She claims that there is a list of truly human goods that all cultures accept. She says we should enable all citizens to best realise those goods. However, when we actually look at the reasons that people pursue ends in particular cultures we see that they are not doing so due to some abstract type, whatever it might be. Instead, they pursue those ends as culturally-specific substantive tokens that embody those goods. Once we look at what people actually pursue under these abstract categories – particular sports, faiths, relationships, careers etc. – we see that there is in fact no agreement on the human good.

## **7. Conclusion**

It would appear that the two paradigm universal accounts of perfectionism must fail, and for similar reasons. In order to appeal cross-culturally, they had to be fairly formal. However, Hurka's formal account of human nature led to the implausible suggestion that the cunning wrongdoer achieves perfection. Nussbaum, on the other hand, relied on an abstract list of goods that she claimed

represented a pan-cultural consensus. However, when we actually look at why people pursue ends within cultures, we see that they do not do so because they embody one of Nussbaum's abstract goods.

Thus, it seems that the contextual argument for perfectionism is the most plausible. In the next chapter I will clarify exactly what a contextualist account of perfectionism is committed to, before going on to examine arguments against it.

## 4

## Contextual Perfectionism

### 1. Introduction

In the last chapter, I argued that universal perfectionism was untenable as an account of human flourishing. The two most prominent cross-cultural accounts of perfectionism, offered by Thomas Hurka and Martha Nussbaum, were both implausible. For the remainder of my thesis, I shall be focusing on contextual perfectionism. My target in particular will be the social forms argument of Joseph Raz<sup>164</sup> and Steven Wall<sup>165</sup>.

The contextual argument claims that the reasons we have for promoting a certain conception of the good may be embedded in the conventions or social practices of the society in which it is to be promoted.<sup>166</sup> Thus, as Raz and Wall argue, the reason that we should promote autonomy in modern liberal societies is that our social practices are such that in order for us to prosper in society we must be autonomous. Autonomy is a necessary condition for leading the good life within such social forms. By contrast, if we were to live within social forms in which autonomy hindered flourishing then the state would have no reason to promote it.<sup>167</sup> Thus, this form of perfectionism is *contextual*. The reason we have to promote the good is tied to the society or culture within which it is to be promoted. It argues that whilst there is reason for us to promote autonomy in

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<sup>164</sup> Raz *The Morality of Freedom* (1986) - hereafter *MF*. Further discussion of aspects of the contextual argument can be found in 'Facing Up' (1989), *Ethics in the Public Domain* (1994) - hereafter *EPD*, *Engaging Reason* (1999) - hereafter *ER*, *Value, Respect and Attachment* (2001) - hereafter *VRA*, and *The Practice of Value* (2003) - hereafter *PV*.

<sup>165</sup> Wall *Liberalism, Perfectionism and Restraint* (1998).

<sup>166</sup> The phrase "the contextual argument" was first coined by McCabe (2001).

<sup>167</sup> Note that the social forms argument is not an argument for perfectionism per se. It is an argument for a certain kind of perfectionism. I shall explain how we might understand such contextuality later.

our society – one that endorses the idea that we should be free to chart our course through life - this ideal is only valid for people living in our circumstances or circumstances like ours. Governments of societies which are not autonomy-supporting have no reason to promote such free choice. This form of perfectionism reflects the idea that it makes no sense to talk about people from vastly different societies sharing a conception of the good; the mediaeval peasant and the modern western student live in such different circumstances that it is implausible to say that their flourishing consists in pursuing the same goods.

The plan for this chapter is as follows. In the first part I will explain the social forms argument in detail. I shall then distinguish between three forms of contextual perfectionism; a weak variety, a moderate variety and a strong variety. I will demonstrate how Raz and Wall take themselves to hold the moderate form of contextualism. I shall then go on to explain that this is untenable and they must instead embrace the weak variety. I shall conclude by giving a Razian response to the claim that weak contextualism is only contextual in the most trivial of senses. The purpose of this chapter is to clarify exactly what the contextual perfectionism is committed to.

## **2. The Social Forms Argument**

In this section I will outline the social forms argument of Raz and Wall<sup>168</sup>. The argument begins with an account of well-being. Both Raz and Wall's political philosophy is grounded in well-being; how good or successful one's life is from an individual's point of view. Social institutions are justified insofar as they promote valuable lives. Well-being is largely a function of success in valuable goals. A goal is shorthand for something that we care about. It can be a career, a relationship, a pursuit, a leisure activity, and so on. Such goals guide our action, colour our perception of our environment and play a large part in our emotional responses.<sup>169</sup> In order to count as valuable, these goals cannot be mere preferences, needs or desires. Although we usually desire our goals, they must be

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<sup>168</sup> I shall use the term "Razian" to refer to the Raz/Wall argument for contextual perfectionism. In the following I shall highlight where there lie differences between the accounts if appropriate.

<sup>169</sup> Raz *MF* p.290.

valuable independently of this fact.<sup>170</sup> We must think our goals are valuable in order for their pursuit to contribute to our well-being. But this is not enough. The goals themselves must be independently valuable. In saying so, Raz steers a “middle-course between the subjectivist conception of welfare [where all that is required for the pursuit of a goal to contribute to one’s wellbeing is that the agent finds it valuable]... and a strong objective conception of well-being according to which whether a person is content in his situation or not has nothing to do with his well-being”.<sup>171</sup> This can be demonstrated by bringing forth the common example of political philosophy -- the grass-counter. In *A Theory of Justice* John Rawls discusses an individual “whose only pleasure is to count blades of grass in various geometrically shaped areas such as park squares and well-trimmed lawns.”<sup>172</sup> Even if such an individual both cares about and enjoys this pursuit, success in it does not contribute to his well-being according to Raz. This is because the pursuit of grass-counting is not valuable (for Raz). As he argues, “satisfaction of goals based on false reasons does not contribute to one’s well-being.”<sup>173</sup>

Valuable goals are nested within complex hierarchies. Some goals are wider, more comprehensive and permeate all areas of our lives. Thus, a long term relationship with a spouse will dictate many if not most of our derivative goals. Others, however, are more short term or immediate. Well-being concerns success in our more comprehensive goals. An individual who is very successful in pursuing his immediate goals, but rarely succeeds in his more comprehensive goals is not really flourishing. Thus, when making judgements of well-being we look at success or failure of an individual in pursuing his comprehensive, independently valuable, goals.<sup>174</sup>

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<sup>170</sup> It is this objectivity which makes the Razian argument perfectionist. Well-being and flourishing are equivalent. What is objectively good for an individual is what makes him or her flourish. Well-being is not simply success in our goals. It is success in our independently valuable goals. See chapter 1.

<sup>171</sup> Raz *MF* p.308. As Lecce notes, Raz’s conception of autonomy is a “complex dynamic” between choice and intrinsic value. (2008: 107). Our choices must be valuable in order for them to contribute to our flourishing, but we must also *believe* this to be the case.

<sup>172</sup> Rawls (1999: 379).

<sup>173</sup> Raz *MF* p. 302.

<sup>174</sup> *ibid.* pp. 292 -293.

These goals, argue the Razians, are the “fruits of society”.<sup>175</sup> That is, one can only conceive of a goal if it is based on the social forms existing in society. Such social practices are the shared forms of behaviour latent in our culture,<sup>176</sup> as well as our attitudes towards them/perception of them.<sup>177</sup> Also included are shared beliefs, folklore, high culture and shared metaphors,<sup>178</sup> along with the economic conditions of the society.<sup>179</sup> Cultures are “conglomerations of interlocking practices which constitute the range of life options open to one who is socialised in them...only through being socialised in a culture can one tap the options which give life meaning.”<sup>180</sup>

Why can we only pursue goals that are based on social conventions? The Razians give three reasons.<sup>181</sup> Firstly, some goals are brought into existence by the social forms themselves.<sup>182</sup> Thus, for example, one can only play football in a society which recognises football as an activity governed by a certain set of socially constituted rules. Although an individual might have acted in similar ways at a time before the game was invented – she could have kicked a football around a lawn with a group of friends -- she would not have been playing *football* in the sense that it is a complex set of socially recognised practices. Secondly, pursuits that are practiced cross-culturally acquire different significance depending on the society in which they are pursued.<sup>183</sup> Engaging in the same activities will have different significance depending on the social practices and shared beliefs prevalent in the societies involved. The practice of freely choosing one’s spouse is fairly conventional in modern western societies. However, in some non-western societies this would be seen as very uncommon. Thirdly, one can acquire and maintain goals only through constant familiarity with one’s social

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<sup>175</sup> Raz *EPD* p. 133.

<sup>176</sup> Raz *MF* p.308.

<sup>177</sup> *ibid.* pp. 309 -10. I shall use the terms “social forms”, “social practices” and “social conventions” interchangeably.

<sup>178</sup> *ibid.* p.311.

<sup>179</sup> Wall (1998: 165).

<sup>180</sup> Raz *EPD* p. 177.

<sup>181</sup> I shall not be assessing the plausibility of these claims here. McCabe (2001) gives reasons for doubting them.

<sup>182</sup> Wall. (1998: 165)

<sup>183</sup> *ibid.*

forms.<sup>184</sup> The knowledge needed to achieve goals depends on learnt patterns of behaviour. Know-how is transmitted through example and habituation. One is successful in pursuing these goals only by exercising the knowledge derived from exposure to existing social forms.<sup>185</sup>

So, claims the Razian, one can only have a goal if it is based on the social forms. Further, as we've seen, success in one's goals is the key determinant of well-being. Therefore, well-being depends largely on success in socially defined and determined pursuits.

So what are the social forms of the here and now?<sup>186</sup> Wall has six candidates:

1. Geographic mobility – People in modern societies change their place of residence often. Children frequently leave their home town and settle elsewhere. Adults rarely stay in the same location for the entirety of their working life. Accordingly, communities and neighbourhoods are not as permanent as they have been.
2. Technological and economic innovation – Innovations in productive forces are rapid. Entire industries are transformed and replaced. Citizens in such societies must make adjustments to technological change.
3. Familial and social mobility – Family structures have changed from how they were fifty years ago, and rates of divorce and remarriage are higher than they were. This is due to greater levels of choice. Accordingly, people are more likely to marry across class, religious or ethnic lines.
4. Secularization – Modern western societies do not contain a single, authoritative religion enforced by the state.

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<sup>184</sup> Raz *MF* pp. 311-3. Despite the fact that the Razians think there are three reasons here, it could plausibly be said that the first two are really just aspects of this third one. I thank Simon Hope for this point.

<sup>185</sup> McCabe (2001: 498). The Razians allow that folk can experiment within a society. Nothing above suggests that people necessarily conform. But, the distance travelled from the existing practices is precisely what is significant in such a situation. Convention and innovation are measured against a baseline which must always make reference to the existing forms. See *MF* 312-3 and *EPD* p. 42.

<sup>186</sup> One might inquire as to what should be understood as the "here and now." Wall (1998: 167) emphasises that his account should be taken to apply only to "modern western societies," ruling out centralised tyrannies, theocentric societies and so on. He leaves it an open question as to whether his account could be extended to such non---western cultures.

5. Value pluralism – Modern western societies contain a plurality of views about the best way to live one’s life. People in such societies tend to believe that all such views are both valuable and incompatible.
6. A commitment to human rights – Modern western societies profess a commitment to human rights, and make a reasonably sincere effort to protect them. For example, they usually respect freedom of conscience, freedom of association, freedom of movement etc.<sup>187</sup>

If the six candidate social forms above really are prevalent we can see that as well as providing options, the social forms ground reasons for individuals under them to value autonomy. That is, the six forms above are characteristic of an autonomy supporting culture. In modern western society, autonomy holds a privileged position such that, according to the Razians, we must be autonomous in order to flourish in such societies.<sup>188</sup> The principle of autonomy tells us that “the free choice of goals and relations [are] an essential ingredient of individual well-being”.<sup>189</sup> Autonomy is an idea of self-creation; individuals should make their own lives to a sufficient degree. The autonomous agent is part author of his own life. He controls, again to a sufficient degree, his own fate, fashioning it through successive decisions throughout his life.<sup>190</sup> Thus, the principle of autonomy tells us that well-being consists in the successful pursuit of self-chosen valuable goals and relationships.<sup>191</sup> Importantly, however, the autonomous life need not be regimented, united and so on. Autonomous pursuits may be diverse and heterogeneous, and individuals can change their minds often.<sup>192</sup> Furthermore, despite the seemingly grand description of autonomy, the pursuits need not be heroic either. A life largely spent reading science fiction novels is just as autonomous as one spent volunteering, or another dedicated to the study of particle physics, just so long that it is freely chosen.

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<sup>187</sup>Wall (1998: 166-67)

<sup>188</sup> Raz (1986: 391). Wall (1998: 168).

<sup>189</sup> Raz *MF* p. 369.

<sup>190</sup> *ibid.*

<sup>191</sup> *ibid.* p. 370.

<sup>192</sup> *ibid.* p. 371



Importantly, the autonomous life is not one choice amongst several. It is not itself an option. Instead, it is a condition of choice. If he wants to flourish, one cannot but be autonomous in our society.<sup>193</sup> This is because the social forms prevalent hold a personal choice and self-direction to be vital. Hence, in order to prosper in such a society one must be autonomous. It is a necessary (though not sufficient – the goals selected using one’s autonomy must be independently valuable) condition for well-being, and thus flourishing.

Wall gives several examples as to why the social forms make autonomy necessary for a flourishing life. Firstly, technological innovation, along with geographical and social mobility, gives us choices; about where to live and with whom, what job to take, and so on. The idea of flourishing at play demands that we make those choices. Secondly, due to secularization there is no authority to tell us what goals we should pursue. Accordingly, it is necessary for individuals to develop convictions of one’s own if they are to flourish. Thirdly, a commitment to human rights – by protecting them from coercion -- secures individuals room for individual choice.<sup>194</sup> Finally, the conventions in our society dictate that there exists a plurality of options of which we cannot say that one is better than the other, or that they are of equal value. As such, we have reason to pursue each of them. Autonomy tells us to choose between options and decide how to lead our lives without relying on someone else if we wish to flourish.<sup>195</sup> Again, dwelling on the fact that the mediaeval peasant did not live under such social forms, we can say that he had no need to be autonomous.

Hence we have a conception of well-being which combines autonomy and value pluralism. This is how the Razian argument is perfectionist. Flourishing or well-being (which are equivalent to the Razians) is a function of success in the pursuit of valuable options. These options are derived from the social forms of one’s society. Autonomy is a condition of prosperity in modern societies. Hence, states should promote autonomy (and secure a plurality of valuable options) so to better enable citizens to flourish/be capable of flourishing. The social forms

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<sup>193</sup> *ibid.* p. 391.

<sup>194</sup> Wall (1998: 168---69). See also Raz *MF* pp. 369---70.

<sup>195</sup> Wall (1998: 169)

make autonomy a necessary condition for flourishing. Our social conventions bring together autonomy and the good life. Thus, we have perfectionism; autonomy is a condition of flourishing in modern societies, hence governments have reason to secure it for its citizens.

As such, the Razian denies that the burdens of judgement apply to the good. Even in pluralistic societies like ours, there is consensus on the value of autonomy. Autonomy is necessary for flourishing, so we should promote it through our political apparatus.

The social forms argument is a contextual form of perfectionism. It holds that there is reason to think that the good human life is the life of autonomy, and that there is reason to endorse our state's promoting that life. However, there is only a reason to do so in virtue of the way in which our social forms are the forms of a pluralistic modern society. If we did not live under such social forms there would be no reason to promote autonomy. The mediaeval peasant does not need autonomy. This is because he does not live under social forms which make it necessary for flourishing. Accordingly, there would be no reason for the society in which the peasant lives to promote autonomy.

### **3. Three Forms of Contextual Perfectionism**

Thus we have the contextual argument for perfectionism. There is reason to promote autonomy in modern societies because we live in an environment in which it is necessary for human flourishing. However, were we to live under different social forms – which did not embody an autonomy supporting culture – there would be no reason for our governments to promote such a conception of the good.

In this section I want to get clearer about how a perfectionist political morality might be contextual. I shall do so by identifying three different forms of contextuality with regards to promoting the good. The discussion above was not explicit between these forms of contextuality. In so doing, I will outline three

forms of contextual perfectionism – a weak, moderate and strong variety. In the following two sections I will demonstrate how both Raz and Wall take themselves to subscribe to the moderate form of contextualism.

The first form of contextuality with regards to promoting the good can be called *contextualism about reasons*. This position says that the reasons we have to be perfectionist are embedded in the social forms of our society. Thus, in an autonomy supporting environment there is a reason for the state to uphold autonomy, through minimising coercion, providing a variety of options, and so on. However, in a society which cared little for free choice between options there would be no reason for us to act in such a way. This form of perfectionism simply says that our reason to promote the good is embedded in social conventions.

The second form of contextuality I shall call *contextualism about the role of autonomy in flourishing*. It might be claimed that autonomy is necessary for flourishing everywhere. I must be autonomous, at least to some degree, in order to live a good human life. Contextuality about the role of autonomy denies this. It says that autonomy is only necessary for flourishing in certain societies. The mediaeval peasant does not have to be autonomous in order to flourish. This is because autonomy is not a necessary condition for living a good human life in his society. Contextualism about the role of autonomy argues that not only is our reason to promote autonomy tied to our social forms, this is because autonomy might not be necessary for flourishing in societies unlike ours.

The third form of contextuality that I will mention is *contextualism about human flourishing*. One might agree that that autonomy is not necessary for flourishing in all societies, whilst still arguing that the activities, relationships, careers, pursuits etc. that constitute human flourishing are objectively valuable. That is autonomy might be necessary for, say, intimate relationships in one society, and not in other. However, in both societies intimate relationships are part of what it is to flourish. Contextualism about human flourishing denies that the human good is objective in this way. It says, instead, that flourishing itself is particular to social and historical conditions. Not only are the means necessary to achieve

flourishing different according to social forms, what *constitutes* a good human life similarly differs. This form of contextualism says that not only is autonomy necessary for us to flourish, the goods we select using our autonomy are good in virtue of our social forms.

Contextualism about reasons is a minimum requirement for the social forms argument. In order to be counted as contextual it must say that our reasons to promote autonomy must be embedded in our social conventions. However, we might ask to what extent Raz or Wall are committed to the two other claims above. Hence we have three readings of the social forms argument:

Weak contextual perfectionism: Our reasons for promoting autonomy are embedded in our social forms. However, autonomy is necessary for flourishing everywhere, such that if a society is not autonomy---supporting the individuals within it will not flourish to a sufficient degree. Furthermore, what constitutes the good life is not peculiar to social forms.<sup>196</sup>

Moderate contextual perfectionism: Our reasons for promoting autonomy are embedded in our social forms. Furthermore, autonomy is not necessary for flourishing everywhere. There may be some societies where non---autonomous people are able to sufficiently flourish. However, even though our means for flourishing may differ what it means to live a good human life is not peculiar to social forms.

Strong contextual perfectionism: Our reasons for promoting autonomy are embedded in our social forms. Furthermore, autonomy is not necessary for flourishing everywhere. There may be some societies where non---autonomous people are able to flourish. Furthermore, *what it is* to flourish is also dictated by the social forms.

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<sup>196</sup> One might wonder whether this weak form of contextualism is plausible. If autonomy is necessary for flourishing in all societies, why might our reasons to promote it be embedded in our social forms? I will turn to this question later in the chapter.

Are we to understand the Razian social forms argument as a weak, moderate or strong form of contextualism? It is to this problem that I now turn.

#### 4. Raz, Wall and Strong Contextualism

I shall begin by looking at whether Raz or Wall subscribe to the strong form of contextualism. Do they think that human flourishing is contextual such that what counts as a good human life differs from society to society?

Wall does not explicitly consider this question, so it is hard to establish his position. However, I think there is good reason to deny that he thinks that the human good derives from the social forms. Wall claims that the value of autonomy is derived from elsewhere.<sup>197</sup> He says that it derives from its contribution to the fully good life.<sup>198</sup> However, one might ask from where the good life in turn derives its value. If autonomy derives its value from its contribution to human flourishing, from where does human flourishing derive its value? Perhaps the value of human flourishing is explained by reference to the social forms? If this were the case, then we should embrace the strong form of contextualism. Wall appears to reject this. By describing it as an “ultimate end”, Wall is claiming that the good life gets its value from itself, and not from something else.<sup>199</sup> That is, the good life is valuable in itself. Thus autonomy derives its value from the good life, which is itself a source of value. In denying the claim that flourishing derives its value from the social forms, Wall rejects the strong form of contextual perfectionism.

Does Raz think that human flourishing is contextual? In *The Morality of Freedom*, he writes:

Given that the well-being of the agent is in the successful pursuit of valuable goals, and that value depends on social forms, it is of the essence of value that it contributes to the constitution of the agent's personal well-

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<sup>197</sup> Wall (1998: 145)

<sup>198</sup> *ibid.*

<sup>199</sup> *ibid.*

being just as much as it defines moral objectives. The source of value is one for the individual and the community. It is one and the same from the individual and from the moral point of view. Individuals define the contours of their own lives by drawing on the communal pool of values. These will, in well-ordered societies, contribute indiscriminately both to their self-interest and to other aspects of their well-being. They also define the field of moral values. There is but one source for morality and for personal well-being.<sup>200</sup>

It might be read from this that Raz believes that the human good is derived from the social forms of liberal societies. It looks as though he is claiming that the social practices and beliefs of one's society is the source of all value, including conceptions of the good. It would be incorrect to understand Raz in this way. In *Engaging Reason*, he distinguishes between goods which are socially created, and goods which are not socially created, but access to which is culturally conditioned.<sup>201</sup> Raz places autonomy in the latter category.<sup>202</sup> He argues that when the *concept* of autonomy emerged, it enabled us to understand a good that has always existed. That is, autonomy as a value is not new. However, access to it through the new concept is. So, autonomy is not socially created. Instead, our social forms give us access to it. The social forms did not create autonomy. It merely allowed us to become aware of it, and to come to understand and enjoy it.<sup>203</sup> But, if a good can exist independently of any particular society, then it cannot derive its value from social forms. That is, autonomy must derive its value from elsewhere.<sup>204</sup> However, he also draws a distinction between two different sorts of socially created goods.<sup>205</sup> On the one hand there are local goods which we can only enjoy in the societies in which they exist. Raz gives fashions and manners as examples of such goods. However, there are also temporally unbound socially created goods. These goods are created by social practices, but

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<sup>200</sup> Raz. *MF*. Pp. 318---9.

<sup>201</sup> Raz *ER* pp. 146---153.

<sup>202</sup> *ibid.* p. 309.

<sup>203</sup> *ibid.* p. 151.

<sup>204</sup> Autonomy cannot be the source of value as it is a conditional good. That is, according to Raz and Wall, it is only of value in pursuit of worthwhile options. This suggests that the value of autonomy is derived from the goods which it realizes. More on this later.

<sup>205</sup> *ibid.* pp. 147---9.

once they come into existence they are eternal. They do not need the social practices in which they were created to sustain them. They can be enjoyed outside of the cultures in which they were created. The goods which constitute human flourishing – our pursuits, relationships, careers, interests etc. -- largely belong in this temporally unbound socially created category.<sup>206</sup> That is, the goods that contribute to flourishing are not particular to social forms. Although they are created through social forms, such goods exist independently of them. They are of value across cultures and time periods. If this is the case then human flourishing is not particular to the social forms. Accordingly, like Wall, Raz rejects the strong form of contextual perfectionism.

### **5. Raz, Wall and Moderate Contextualism**

I have already claimed that in order to count as a contextual argument at all the social forms argument must subscribe to at least the weak form of contextual perfectionism above. I have also explained that neither Wall nor Raz subscribe to the strong form of contextualism. In this section I will demonstrate how both Wall and Raz propose a moderate form of contextualism. Both appear to claim that autonomy is not necessary for flourishing in all cultures. In the following section I will suggest that the Razian must make the claim that autonomy is transcendent. I will argue that by doing so this moderate position is not tenable, and that the social forms argument must be understood as a weak form of contextual perfectionism. I will then put forward the claim that this position is contextual in only the most minimal or trivial form. I shall conclude by offering a response on behalf of the Razians.

Both Raz and Wall claim that autonomy is not necessary for flourishing in all societies, thus committing themselves to what I have called moderate perfectionism. I shall start with Wall. At one point he seems to suggest that autonomy *is* necessary for flourishing everywhere. In attempting to ascertain the intrinsic value of autonomy, Wall appeals to our intuitions. He gives the example

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<sup>206</sup> I say largely as certain pursuits, such as an appreciation of nature, belong in the non-socially created but culturally conditioned category.

of Person A and Person B. Person A chooses projects that suit his nature and reflect his understanding of what is valuable and worthwhile. He leads a good, morally decent life. Person B finds taking decisions annoying and does not enjoy choosing her pursuits, relationships, and so on. Instead, she has a wise and good friend who takes these decisions for her, which in turn leads Person B to also live a good, morally decent life. Reflecting on this case, Wall asks whether Person A and Person B live equally good lives. He argues:

Most of us strongly think “no”. Even if we think that Person B leads a better life than people who do a worse job of running their own affairs, we think that *Person B lacks something that Person A has*. Person B leads a good life, but she does not lead her own life, whereas Person A leads a good life that is his own. *This makes Person A’s life better*. And this intuition is best explained by the truth of the claim that autonomy is an intrinsic value.<sup>207</sup>

This seems to suggest that Wall regards autonomy as necessary for flourishing universally. However, this would only hold if Person A and Person B lived under different social forms. Wall does not say whether this is the case. However, from a number of other points in his book, we must conclude that he is talking about two individuals within the same society – *our* society. Elsewhere Wall is pretty explicit in claiming that autonomy is not necessary for flourishing in all cultures. For example:

The social forms argument is indexed to modern western societies. Accordingly, even if it is valid, *it cannot establish that autonomy is a necessary component of a fully good life for all people in all societies*.<sup>208</sup>

It cannot be concluded that a fully good life is possible only in a society with autonomy-supporting social forms.<sup>209</sup>

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<sup>207</sup> Wall (1998: 147). Emphasis added.

<sup>208</sup> Wall (1998: 172). Emphasis added.

<sup>209</sup> *ibid.* p. 178.



Hence I shall take him to subscribe to at least the moderate form of contextual perfectionism.

Turning to Raz. In response to the claim that it must be the case that people who lack personal autonomy cannot be completely well off, or have a completely good life, he argues:

I think that there were, and there can be, non-repressive societies, and ones which enable people to spend their lives in worthwhile pursuits, even though their pursuits and the options open to them are not subject to individual choice. Careers may be determined by custom, marriages arranged by parents, child-bearing and child-rearing controlled only by sexual passion and traditions, past-time activities few and traditional, and engagement in them required rather than optional. In such societies, with little mobility, even friends are not chosen. There are few people one ever comes in contact with, they remain there from birth to death, and one just has to get on with them. I do not see that the absence of choice diminishes the value of human relations or the display of excellence in technical skills, physical ability, spirit and enterprise, leadership, scholarship, creativity, or imaginativeness, which can all be encompassed in such lives.<sup>210</sup>

Again, this is pretty explicit. He suggests that a non-autonomous life need can be a flourishing life. Perhaps one can live a fully good life outside of an autonomy-supporting environment.

Raz actually goes further than this. He argues that the transcendent claim – that a life without autonomy cannot be fully good – is unintelligible. He writes:

You cannot just add autonomy, that is, free choice, to the same life. Autonomy is not something we have on top of everything else. It is an aspect of the other values in our lives. The careers, relationships, and

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<sup>210</sup> Raz 'Facing Up' p. 1227.

other pursuits in our societies are partly constituted by the fact that they have to be chosen to be engaged in as they ought to be engaged. The fact that they were freely chosen is part of what makes them into what they are.<sup>211</sup>

The autonomous life is a framework within which we make choices about what to do with our lives, who to enter into relationships with, what to do in our spare time, etc. However, those options are bound up with the fact that they are autonomously chosen. That we choose our jobs, our friends and our commitments freely means that our careers, relationships and pursuits cannot be understood as existing within a non-autonomous environment. We cannot talk about the same life with and without autonomy. The fact that one is autonomous and the other is not entails that they are vastly different lives.

Raz's rejection of autonomy as a necessary condition for flourishing across cultures is twofold. On the one hand he suggests that a non-autonomous life can be fully good. On the other, he claims that it makes no sense to compare such a life with an autonomous one. The alternatives are incommensurate.<sup>212</sup> Thus, as with Wall, Raz subscribes, to the moderate form of contextual perfectionism.

## **6. The Transcendent Value of Autonomy**

I have argued above that both Raz and Wall subscribe to the moderate form of contextual perfectionism. This strand accepts that our reasons for promoting autonomy are embedded in our social forms, rejects the claim that autonomy is necessary for flourishing everywhere, and denies that flourishing itself is tied to the social forms.

In this section I want to suggest that this moderate form of contextual perfectionism is untenable by claiming that in order to refute an objection from a non-liberal, the Razian must stipulate the transcendent value of autonomy. I shall

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<sup>211</sup> *ibid.* p. 1228.

<sup>212</sup> *ibid.*

argue that in doing so they can no longer consistently subscribe to the moderate form of contextualism. That is, if autonomy is such that one cannot live a fully good life without it, then we can no longer say that it is not necessary for flourishing.<sup>213</sup> Thus I will argue that, due to both this and the Razian rejection of the strong strand, they must endorse the weakest form of contextualism.

One objection that might be levelled against the Raz position is that autonomy is not part of the good life. Autonomy actually gets in the way of a truly good life.<sup>214</sup> An advocate of this view claims that the extensive system of rights and liberties that an autonomy supporting environment requires prevents individuals from attaining the true human goods of, for example, community and collective responsibility. He denies that the autonomous life is of value. Take, for example, what has been called the East Asian criticism of liberal societies.<sup>215</sup> One such objection claims that:

East Asian societies wish to pursue such collective goals as social harmony and cohesion, moral consensus, integrity of the family and economic development, and that these involve different kinds of rights and greater restrictions on individual freedoms than is common in liberal societies.<sup>216</sup>

The claim is that liberal societies prevent individuals from attaining key human goods. Thus, such a 'non-liberal' argues that the autonomous life is inferior to one lived in a society in which free choice and self-creation are not seen as valuable. He says that it is all very well that our society is autonomy supporting.

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<sup>213</sup> This is Raz's definition of a transcendent (or what he calls a "universal") good. (1989: 1227). It is this definition of transcendent that I will be operating with in what follows.

<sup>214</sup> This objection should not be confused with the MacIntyrean "anti-liberal" objection introduced (though not endorsed) by McCabe (2001: 513). The anti-liberal does not deny that autonomy is of value. He simply thinks that the social forms of modern liberal capitalism cannot properly support autonomy, because they promote it in isolation from the other values that we need to have in place to flourish. I thank Simon Hope for this point.

<sup>215</sup> See, for example, Bauer and Bell (1999) and Parekh (2000: Chapter 4).

<sup>216</sup> Parekh (2000: 139).

This gives us no reason to favour continuing to uphold its social forms. This is because the goals which the forms create are not valuable.<sup>217</sup>

How could Raz respond to this objection? Does he have to engage in the “messy business”<sup>218</sup> of assessing the comparative worth of an autonomous life and a non-autonomous life? A defender of Raz might answer in the negative. We have already seen above that he claims that it makes no sense to compare the value two lives – one autonomous, one non-autonomous. They are so unlike one another that it is impossible to regard one as superior to the other. Thus, the non-liberal objection does not work. Just as Raz cannot (and does not) say that an autonomous life is superior to a non-autonomous life, the non-liberal cannot say that it is inferior. The two lives are simply incommensurate.

Does Raz have the conceptual equipment to get himself off the hook?<sup>219</sup> I don’t think it does. In *Engaging Reason*, Raz discusses what he calls “mixed-value goods”.<sup>220</sup> Mixed value goods are intrinsic goods which display a variety of distinct values. An example might be the good of watching a live football match. Its goodness consists in its combination of distinct goods; aesthetic goods such as skill on the ball, tactics, flair, and so on, and emotional goods such as excitement, tension, atmosphere, camaraderie, etc. However, the good of watching a live football match is not simply an aggregate of the distinct goods it consists of. As Raz says, the whole is greater than the sum of its parts.<sup>221</sup> The experience of watching a football match is a different form of the good; it is not the mere sum of its parts. Raz argues that what makes for a good experience of watching a live football match consists in these constituent goods present in the right way and in the right proportions.<sup>222</sup> The goodness of the match lies in the way that the different values are combined together. Mixed value goods can be

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<sup>217</sup> The East Asian values challenge could itself be understood as a contextual claim. It could be taken as “autonomy is a necessary means to flourishing for you. It is not for us.” The challenge I have in mind is stronger, along the lines of “we do not think that autonomy is necessary for flourishing, *and we are right.*”

<sup>218</sup> McCabe. (2001: 514).

<sup>219</sup> I develop this response from a remark made by McCabe in *ibid* p. 516.

<sup>220</sup> Raz *ER* pp. 182 – 201.

<sup>221</sup> *ibid.* p. 186.

<sup>222</sup> *ibid.*

compared to a food dish. The individual ingredients might be good (for example, healthy, tasty etc.), but the goodness of the curry consists in how the ingredients are combined together. You wouldn't get the same good by eating each ingredient alone in succession.<sup>223</sup> Further, we don't know what a mixed-value type is until we know what makes for a good token of the type.<sup>224</sup> However, once we have a grasp of the mixed-value type, we can rank different tokens of it. We can say that this football match was better than another because it had better mix of the aesthetic and emotional goods than another. Perhaps whilst the latter had a great atmosphere, the level of skill on show was relatively poor. In the former case both were present to a high degree. Thus it was a better match. This is what Raz calls the inherent standard argument.<sup>225</sup> We can rank goods without some precise scheme.

I would like to argue that individual human lives are mixed value goods. That is, I think that an individual life is an intrinsic good which displays a variety of distinct values. A good life consists in various goods present in different proportions. There are many such constituent goods; the pursuits, activities, relationships etc., of which I spoke of earlier. Each individual life would be a new token of the good – consisting in different goods being present in different proportions. It would not be simply a sum of its parts. However, if we accept that a human life is a mixed value good, then we can rank them using the inherent standard argument. We can say that Jim's life is better than Stephen's as its constituent parts are in a more optimal proportion, and so on.

However, once this is accepted Raz can no longer claim that an autonomous life, with its constituent goods, cannot be judged superior to a non-autonomous one. Using the inherent standard argument, we can rank two different human lives. In which case, Raz can say that the autonomous life consists of a better mix of constituent goods present in the right way and in the right proportions.<sup>226</sup> Although the non-autonomous life might realise some goods – for example, a

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<sup>223</sup> My thanks go to Simon Hope for this helpful analogy.

<sup>224</sup> *ibid.*

<sup>225</sup> *ibid.*

<sup>226</sup> *ibid.*

concern for the common good – taken as a whole, with its attendant goods, it is inferior to an autonomous one. Thus, perhaps Raz does have to engage in the messy business of comparing an autonomous life to a non-autonomous one, and he can come out on top. That is, in order to refute the non-liberal objection, the Razian needs to argue that an autonomy-supporting environment is superior to one which does not support free choice and self-direction. He is able to do this using the inherent standard argument.<sup>227</sup>

However, once this is established, it is unclear whether the Razian can still maintain that autonomy is not necessary for flourishing. Recall that to say that the autonomous life was transcendentally valuable was to say that one cannot live a fully good life without it. But this is exactly what the Razian response to the non-liberal objection is claiming. In order to refute the non-liberal objection, the Razian needs to stipulate that a life lacking autonomy is not fully good. However, in so doing, it looks as though he must maintain that autonomy is necessary for flourishing. If this is the case, then it looks as though moderate contextualism, which says that autonomy is not necessary for flourishing everywhere, is not a tenable position to take. Raz and Wall must, after all, subscribe to the weak form of contextual perfectionism. If autonomy is such that one cannot live a fully good life without it then it is necessary for flourishing. If it is necessary for flourishing then one cannot subscribe to moderate contextualism. In fact, recall the earlier quote from Raz, where he is discussing possible fully flourishing non-autonomous lives. Despite what he is trying to demonstrate, he uses the qualifier “non-repressive societies”<sup>228</sup> which suggests that at least *some* autonomy is necessary to flourish.

## 7. Is Razian Contextualism Trivial?

The non-liberal objection must lead the Razian to drop his rejection of the autonomy as a necessary condition of flourishing. He must now say that

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<sup>227</sup> A Razian might respond by saying that the autonomous life and the non-autonomous life are not different tokens of the same type, but actually different types. I don't think that this is plausible.

<sup>228</sup> Raz 'Facing Up' p. 1227.

autonomy is necessary for flourishing across cultures. Thus he must subscribe to what I have called the weak form of contextual perfectionism, which argues that although autonomy is necessary for flourishing across social forms, the reasons we have to promote it are embedded in the social conventions of modern societies. I will end this chapter by introducing the claim that the weak form of contextual perfectionism is only “contextual” in the most trivial of senses, entailing that strong contextual perfectionism is the only form of contextualism worthy of the name. I shall then offer a Razian response to this criticism, concluding that even if one must drop the contextuality of the role of autonomy in flourishing, he can subscribe to a weak form of contextualism which is contextual in two very real (and non-trivial) senses.

As I have already said, the weak form of contextualism argues that although we can say that autonomy is necessary for flourishing cross-culturally, the reason we have to promote it is embedded in the practices our society. If we did not live under autonomy-supporting social forms then there would be no reason for us to promote it. However, if we stipulate that a life cannot flourish without some degree of autonomy, is this true? That is, would there not be a reason for us to promote autonomy in an environment which did not support it? We might argue that, with regards to perfectionism, reason tracks value. That is, when the perfectionist argues that the state should promote such-and-such a conception of the good, she is doing so for the reason that this is the correct form of human flourishing.<sup>229</sup> Similarly, if we argue that a life without any autonomy cannot be flourishing, then the reason that we instruct our states to promote it is that it is better that one is autonomous than if one is not. But then, we *do* have reason to promote autonomy in societies which do not have autonomy supporting social forms.

Thus, the reason to promote autonomy is not embedded in our social forms. The reason for promoting autonomy in modern societies is that it is necessary for human flourishing *across cultures*. As an autonomous life is necessary for

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<sup>229</sup> In fact, Raz holds this view for all reasons. He argues for the value/reason nexus, which says that the only reason for any action is that it or its consequences have good-making properties. See Chapter 4, ‘On the Guise of the Good’, in *From Normativity to Responsibility* (2011).

flourishing within any set of social practices, then this reason is not contextual. There is just as much of a reason to promote autonomy in societies completely unlike ours. As such, the Razian argument does not really differ from the universal strand put forward by the likes of Hurka. One might respond to this by saying that the reason is still contextual in the sense that there is a coincidence of reasons --- our society happens to support autonomy, which is necessary for human flourishing. I completely agree. However this seems to be only contextual in the most trivial of senses. It certainly is not the sense of contextualism which Raz and Wall desire. They want to be able to say that there might be no reason to promote autonomy in a non-autonomy supporting environment. However, their acceptance of the transcendent value of autonomy, which was necessary in order to defeat the non-liberal objection, renders this impossible. Thus, it seems that the only true contextualist perfectionism is the strong variety, which claims that not only is autonomy necessary for flourishing only in modern societies, the nature of the human good itself derives from their social forms.<sup>230</sup>

Is this correct? Can we not preserve contextualism if we claim that autonomy is necessary for a flourishing life across cultures? That is, can we maintain that our reason for promoting autonomy is contextual such that we might have no reason to do so in a non-autonomy supporting environment, whilst still claiming that a life without autonomy cannot be fully good? This would involve both judging that the mediaeval peasant's life is not flourishing and saying that there is no reason for autonomy to be promoted in his society. I have suggested that if reason tracks value this is impossible. I think the Razian can deny this.

Firstly<sup>231</sup>, note that the value to be promoted is autonomy. With that in mind, perhaps the Razian could say that precisely because the good life is the autonomous life, it cannot be forced onto the non-autonomous. That is, the reason that autonomy should not be promoted in non-autonomy supporting societies is that such interference would actually run counter to the ideal being

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<sup>230</sup> The strong form of contextual perfectionism is not vulnerable to the non-liberal challenge, as one can deny that the goods which are present in non-autonomy supporting societies are actually good for those which display social forms like ours.

<sup>231</sup> My thanks to Rowan Cruft for pressing this point.



promoted. If we were to attempt to promote autonomy in a non-autonomy supporting environment, we would have to drastically alter the social conditions and conventions of the society in question. In doing so, we would be interfering with individuals in ways counter to the ideal of autonomy. That is, stipulating the good life as the autonomous life requires us to be tolerant of other societies which do not embody an autonomy-supporting environment. This is perfectly consistent with viewing the autonomous life as necessary for flourishing. Although the autonomous life is fully good and the non-autonomous life is not, the ideal of autonomy itself prohibits one from promoting it in societies which (erroneously) do not think it necessary for a good life. The only way to promote it would be fundamentally self-defeating. Hence, although the value of autonomy is transcendent, the reason to promote it is not. Here reason still tracks the good. It is simply that there is no value in pursuing autonomy, and hence there is no reason to promote it, in a non-autonomy supporting environment.<sup>232</sup>

Secondly, as I have already pointed out, Raz takes autonomy to be a good such that although its existence does not depend on the social forms, access to it is culturally conditioned. That is, our social forms allow us to have access to the good of autonomy (which is good independently of social practices). However, in the societies that we are discussing, the social forms do not allow access to such a good (as they are non-autonomy supporting environments). As such, individuals who live in such a society don't have access to the good of autonomy. In fact, they do not even possess the concept of it. The good of autonomy is completely unknown. As such, they have no reason to value autonomy; how can one value a good of which they cannot know? Or rather, they have a reason to value autonomy, but we cannot *offer* them one. But, as we cannot promote autonomy non-autonomously (as explained in the previous paragraph) we can only promote it in ways that we can justify to them. But as they do not possess the concept, we cannot do so. Furthermore, if the concept of autonomy does not exist within such a society, it makes no sense to say that there is reason to promote it. To do so would be conceptually incoherent. This is perfectly consistent with

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<sup>232</sup> For an insightful discussion of goods which it would be self-defeating to promote or pursue, see Elster (1983).

saying that autonomy is necessary for flourishing. The people in such a society are lacking something. However, there is still no reason to promote autonomy in this society as individuals within it do not even understand the concept of this good.<sup>233</sup>

Thus, the Razian can respond to the charge of triviality. He can maintain the weak form of contextualism, where reasons are contextual but autonomy's role in the good life is not. The reason for promoting the good is contextual in two senses. Firstly, it would be self-defeating to attempt to promote autonomy in a society whose social forms do not support it. Secondly, it makes no sense to talk of promoting autonomy in a society which does not even possess the necessary concept. Although the moderate form – which both Raz and Wall claim to subscribe to – is untenable for them, this does not mean that they must either opt for the strong form, or drop contextualism altogether.

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<sup>233</sup> One might say that there is a reason to change the social forms such that access to autonomy was guaranteed to these individuals. A Razian would simply respond by pointing back to the first response to triviality.

## 5

## Jonathan Quong on Raz's Autonomy-Based Argument for Liberal Perfectionism

### 1. Introduction

*The Morality of Freedom* is Joseph Raz's thesis on political morality. At the core of Raz's account of political morality is the principle of autonomy. As we saw in the previous chapter, for Raz autonomy is essential for flourishing in modern, liberal societies. Thus, he holds an autonomy-based doctrine of political freedom.

In this chapter I will carefully set out Raz's account of autonomy, showing how it lends support to a modified reading of the harm principle. I shall then focus on two arguments against Raz's account from Jonathan Quong; the argument from contingency, and the manipulation objection. I shall argue that neither of his arguments is successful. I shall then introduce, and ultimately reject, Quong's response to Waldron's asymmetry objection (which I introduced in chapter 2). My aim in this chapter is not to defend the Razian position. Instead, I want to demonstrate why the Quong approach does not work.

### 2. Autonomy

The principle of autonomy tells us that "the free choice of goals and relations [are] an essential ingredient of individual well-being".<sup>234</sup> Put rather heroically, autonomy is an idea of self-creation; individuals should make their own lives.<sup>235</sup>

The autonomous agent is part author of his own life. He "controls his own

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<sup>234</sup> *ibid.* p. 369.

<sup>235</sup> Note that this isn't self-creation from nothing. It is self-creation in light of existing social forms etc. See chapter 4.

destiny”, fashioning it through successive decisions throughout his life.<sup>236</sup> Thus, the principle of autonomy tells us that well-being<sup>237</sup> consists in the successful pursuit of self-chosen goals and relationships.<sup>238</sup> Importantly, however, the autonomous life need not be regimented, united and so on. Autonomous pursuits may be diverse and heterogeneous, and individuals can change their minds often.<sup>239</sup> Furthermore, despite the seemingly grand description of autonomy, the pursuits need not be heroic either. A life dedicated to train spotting can be just as autonomous as one dedicated to helping others, or another dedicated to the study of Shakespeare, just so long as it is freely chosen.

In order to lead an autonomous life, Raz tells us, the conditions of autonomy must be secured. There are three components here: appropriate mental abilities, an adequate range of options and independence (understood as freedom from coercion and manipulation).

Turning to the first, autonomous agents must have the abilities necessary to form intentions of a sufficiently complex kind, and plan their execution. These include minimum rationality, the ability to comprehend means required to realize goals and the mental faculties necessary to plan actions. Thus, in order to live an autonomous life, an agent must actually use these faculties in choosing what life to lead.<sup>240</sup> Raz mentions as examples cognitive capacities, such as reasoning abilities; emotional and physical make-up; health, physical abilities and skills; and character traits such as loyalty.<sup>241</sup>

Turning to the second component of the conditions of autonomy, in order to be autonomous, an agent must not only be given a choice, he must be given a choice between an adequate range of options. There are a number of stipulations that Raz introduces for a range of options to be adequate. First, our option-set must not only include trivialities. To demonstrate why this is so, Raz discusses the

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<sup>236</sup> *ibid.*

<sup>237</sup> Or flourishing. As I have mentioned previously, the two are equivalent for Raz.

<sup>238</sup> *ibid.* p. 370.

<sup>239</sup> *ibid.* p. 371

<sup>240</sup> *ibid.* pp. 372---3

<sup>241</sup> *ibid.* p. 408.

“Man in the Pit.”<sup>242</sup> This individual has fallen down a pit, and will remain there for the rest of his life. He has an abundance of food, so is able to stay alive without suffering, but he can do little:

His choices are confined to whether to eat now or a little later, whether to sleep now or a little later, whether to scratch his left ear or not.<sup>243</sup>

The man in the pit can only choose between drastically trivial options. This, claims Raz, is not autonomy. Thus, in order for our choices to be autonomous, our option-set should include both those with pervasive long-term consequences, and those with little, short-term consequences “and a fair spread between”.<sup>244</sup> In order to live an autonomous life I should be able to choose both who I am to spend the rest of life with, and what I am going to have for breakfast. In this way, our control extends to all aspects of our lives. This requirement helps dispel the heroic air that on first glance seems to surround autonomy. The autonomous life does not only involve the grand decisions in life, such as choosing the career I am to embark on. It also involves the day-to-day, hour-to-hour short-term decisions of little consequence, such as choosing whether to have rice or chips with my Chinese takeaway.

The second stipulation says that it is the variety of our available options, not the number, that matters for our autonomy.<sup>245</sup> If one went out to eat at an Indian restaurant, which served thirty very slight variations of Chicken Madras, but no other dishes, they would not *really* be faced with a choice when ordering their meal. Similarly a choice between one hundred near identical careers is no real choice at all.<sup>246</sup> Thus, in order for our choices to be autonomous, we should be faced with a sufficient variety of options.

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<sup>242</sup> *ibid.* pp.373---4.

<sup>243</sup> *ibid.* p. 374.

<sup>244</sup> *ibid.* p. 374

<sup>245</sup> *ibid.* p. 375.

<sup>246</sup> In ‘Picking and Choosing’ (1977) Ullman-Margalit and Morgenbesser distinguish between the two concepts. When we *choose* between two options, we act in a way which is determined by the differences in our preferences over them. As they argue, “choosing is choosing for a reason, and this presupposes preference” (p. 758). This is not the case when we *pick* between two options. We pick when we are indifferent between the two. This need not be because the options are near

The third stipulation says that our choices should not be dominated by the need to protect one's life. Again Raz demonstrates this by introducing a dramatic example – this time the Hounded Woman.<sup>247</sup> The Hounded Woman is an individual who has (somehow) found herself on small desert island inhabited by a “fierce carnivorous animal”<sup>248</sup> which spends its time hunting her:

Her mental stamina, her intellectual ingenuity, her will power and her physical resources are taxed to their limits by her struggle to remain alive. She never has a chance to do or even to think of anything other than how to escape from the beast.<sup>249</sup>

The Hounded Woman, argues Raz, is not autonomous. The only choice she faces is whether to act in a way that will ensure her survival, or not. So, in order to be autonomous, our option-set should not be dominated by the need to protect ourselves, or those around us. The example of the Hounded Woman might seem fantastical, but I think Raz is highlighting something important. Take Dan. Dan lives way below the poverty line and receives no state benefits. As such, his choices are wholly dictated by the need provide sustenance to himself and his family. He has little opportunity to take the important decisions in life, such as what career to have and what to do in his free time. As such, Dan is not autonomous.

The fourth and final stipulation on the adequacy of options is that there must be a plurality of morally acceptable choices within our option-set.<sup>250</sup> Autonomy is not of value when exercised in pursuit of something morally repugnant. A choice between one acceptable option, and one or more evil options is no choice at all. If Simon is (somehow) faced with a choice between: (1) Cutting off his own hand,

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identical, as in the curry house example. It may be because you believe both options are equally acceptable or useful (p. 775). The second stipulation says that in order to be autonomous we must choose rather than merely pick.

<sup>247</sup> *ibid.* p. 374.

<sup>248</sup> *Ibid.*

<sup>249</sup> *ibid.*

<sup>250</sup> *ibid.* pp. 378 – 381. As we saw in the previous chapter, autonomy presupposes and is presupposed by such value pluralism. We cannot be autonomous without a choice between valuable options. However, there would be no need to be autonomous if there were only one correct way to live one's life.

(2) Setting fire to a school, or (3) Taking a season ticket at Peterborough United, and subsequently chooses the season ticket, he is not autonomous with regards to that choice. His choice is dictated by the need avoid bad options. Thus, there needs to be an adequate number of morally acceptable options in order for the choice to be autonomous.<sup>251</sup>

The third component of the conditions of autonomy is independence. Coercion can restrict autonomy by reducing the number of options available below adequacy. It can also invade autonomy by forcing one not to pursue a certain option whilst leaving others left to choose from. Manipulation does not directly interfere with options. Instead it “perverts the way that [a] person reaches decisions, forms preferences, or adopts goals.”<sup>252</sup> Thus both coercion and manipulation denigrate autonomy. Therefore, in order to secure the conditions of autonomy, the agent must be free from coercion and manipulation. That is, he must be independent. His will must not be subject to that of another.<sup>253</sup>

Thus, the ideal of autonomy requires (i) that agents have the mental abilities necessary to exercise it, (ii) that there be an adequate range of morally acceptable options available to choose from, and (iii) that agents are free from coercion and manipulation. Personal autonomy is the ideal of free and conscious self-creation.<sup>254</sup> In order for this to be realised, the conditions of autonomy must be secured.

In light of this, respect for autonomy places three core moral requirements on us:

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<sup>251</sup> Confusingly, Raz seems to use “acceptable” (*MF* p. 381) and “valuable” (*MF* p.395) interchangeably. It seems apparent that there are many options that are morally acceptable, but not particularly valuable. A life dedicated to some trivial pursuit, such as counting blades of grass (to use the Rawlsian example), can be said to be acceptable, but perhaps not of value. The claim that autonomy is only of value in pursuit of morally acceptable options is controversial. The claim that autonomy is only of value in pursuit of morally valuable options is even more so. I will leave this question to one side. Note also, that in order for it to contribute to his well-being, the individual must also *believe* that the option(s) he selects are valuable. See *MF* p.300. As Lecce notes, Raz’s conception of autonomy is a “complex dynamic” between choice and intrinsic value. (2008: 107). Our choices must be valuable in order for them to contribute to our flourishing, but we must also *believe* this to be the case.

<sup>252</sup> Raz (1986: 377---8)

<sup>253</sup> *ibid.* p378.

<sup>254</sup> *ibid.* p. 390.

1. Refrain from coercion and manipulation.
2. Help create the inner capacities required for an autonomous life.
3. Help create an adequate range of morally acceptable options to choose from.<sup>255</sup>

These duties are aimed at securing the conditions of autonomy. They go beyond just a duty of non-interference.<sup>256</sup> There are two further limits to this autonomy-based doctrine of freedom. Firstly, while autonomy requires the availability of an adequate range of acceptable options, it does not require the presence of any particular acceptable option among them. Secondly, while autonomy is consistent with the presence of bad options, they contribute nothing to its value.<sup>257</sup>

Thus, as a principle of political morality, the autonomy doctrine tells us that governments should construct principles etc. which enable us to fulfil our autonomy-based duties to provide the conditions of autonomy for people who do not have them. The state should (i) refrain from coercing or manipulating its citizens and prevent others from acting in this way; (ii) help create the inner capacities required for an autonomous life; and (iii) help create an adequate range of morally acceptable options to choose from. Political action should be based upon our moral duties to provide others with the conditions necessary to lead an autonomous life. Liberal political principles are grounded in an autonomy-based conception of human flourishing. Hence we have a form of liberal perfectionism.

### **3. Autonomy and the Harm Principle**

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<sup>255</sup> *ibid.* pp. 407-8. Raz himself switches around the order here.

<sup>256</sup> On pp. 408-10, Raz claims that the conditions of autonomy are the same as positive freedom. This is untrue. One component of the conditions of autonomy is the absence of coercion, which is the same as negative liberty. Thus, the conditions of autonomy actually encompass both aspects of liberty.

<sup>257</sup> *ibid.* pp. 410-11



According to Raz, the three autonomy-based duties lead to a modified version of the harm principle. Traditionally, the harm principle tells us that the only grounds for coercive state interference in individual or collective behaviour is the threat of harm to others. Raz's own version is different. He argues that the only justifiable ground for coercion is the prevention of harm to anyone, including the person or people perpetrating the harm.<sup>258</sup> Thus, the Razian harm principle extends to harm to self. It is a paternalistic reading of the harm principle.

How does Raz derive this version of the harm principle from the principle of autonomy? He begins by defining harm thus:

To harm a person is to diminish his prospects, to affect adversely his possibilities...Roughly speaking, one harms another when one's action makes the other person worse off than he was, or is entitled to be, in a way which affects his future well-being.<sup>259</sup>

We harm other people, and ourselves, by setting back interests. Thus, if I were to knock a passer-by to the ground, I would affect his ability to do a number of things, including living in a safe environment, free from physical violence, and so on. According to the harm principle, then, the state is justified in coercing me into leaving my neighbour alone. I would harm him by committing the assault, so the state can, and should, threaten me with fines, prison time, etc. in order to prevent me from doing so. However, as Raz emphasises, we not only harm people by acting in certain ways towards them, as in the example above. Sometimes we harm others by *failing* to do something.<sup>260</sup> I also harm my neighbour if I fail to repay the £1000 he has lent me, and again the state is justified, assuming certain contractual obligations were in place, in forcing me to repay that money.

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<sup>258</sup> *ibid.* pp. 412-413.

<sup>259</sup> *ibid.* p. 414.

<sup>260</sup> *Ibid.* pp. 414-5.

Thus to harm is to set back interests, and this can be done by either acting in certain forbidden ways towards someone, or by failing to act in ways required. In short, we harm when we fail in our duty to others (or ourselves). As Raz has emphasised, the principle of autonomy gives us three clear duties: to refrain from coercion and manipulation; to secure the capacities needed for autonomous choice; and to create an adequate range of options. As such, failing to fulfil such duties causes harm. That is, if we do not secure independence, necessary capabilities and an adequate range of options, we harm individuals. Thus, the state is justified in using coercion in order to secure these conditions:

If the government has a duty to promote the autonomy of people the harm principle allows it to use coercion both in order to stop people from actions which would diminish people's autonomy and in order to force them to take actions which are required to improve people's options and opportunities.<sup>261</sup>

If failing to provide the conditions of autonomy harms its citizens, the state is required not only to prevent others from interfering with an individual's independence and to act in ways that aren't coercive or manipulative. It is also required to secure the capabilities necessary for autonomy and to secure an adequate range of acceptable options from which to choose. Thus, not only should governments uphold a safe environment etc., it should also "redistribute resources...[and]... provide public goods and engage in the provision of other goods on a compulsory basis, provided its laws merely reflect and make concrete autonomy-based duties of its citizens."<sup>262</sup> The harm principle extends beyond simply securing independence. Coercion may be used to provide the material conditions for autonomy. For example, as autonomy is only of value in pursuit of the good, the harm principle requires governments to use (if necessary) coercion in order to secure an adequate range of acceptable options between which to choose.

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<sup>261</sup>Ibid. p. 416.

<sup>262</sup> Ibid. p. 417.

As I have already mentioned, Raz's harm principle differs from the traditional reading by allowing coercive interference where the harm is done to the individual being restricted.

A moral theory which values autonomy highly can justify restricting the autonomy of one person for the sake of the greater autonomy of *others or even of that person in the future*.<sup>263</sup>

Such a paternalist reading allows that the state may coerce an individual both when he poses a threat to other people – for example, if we restrict the movements of a dangerous stalker in order to secure the independence of a victim family – and when we can increase his autonomy at a later date – for example if we tax an individual and use the resources to subsidise valuable options between which he can subsequently choose, thus exercising valuable autonomy. In both of these instances the state would be acting so to prevent harm, either to others or to oneself.

Finally, as Raz emphasises, although coercion is required (through the harm principle) in order to secure the three conditions of autonomy, it cannot be used to discourage repugnant options.<sup>264</sup> Although autonomy is not of value in pursuit of worthless options, their mere presence does not detract from one's autonomy.<sup>265</sup> Thus, so long as the third duty is enforced, and a plurality of acceptable options is secured, there is no need to coercively restrict the availability of worthless ones.<sup>266</sup> This is not for any principled reason, however. Although the presence of bad options does not detract from autonomy, neither does it add to it.<sup>267</sup> The reason that Raz does not allow the use of coercion to discourage bad options is that coercion is blunt and indiscriminate:

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<sup>263</sup> Ibid. p. 419. My emphasis.

<sup>264</sup> Ibid. pp. 418-420.

<sup>265</sup> Ibid. p. 419.

<sup>266</sup> Raz does not seem to entertain the thought that by coercively promoting certain valuable options we necessarily coercively restrict access to alternative worthless ones.

<sup>267</sup> Ibid. pp. 378-381.

There is no practical way of ensuring that the coercion will restrict the victims' choice of repugnant options but will not interfere with their other choices.<sup>268</sup>

The sorts of methods used to deter folk from pursuing bad options – imprisonment, financial penalties, restriction of movement etc. – are unlikely to stop them from doing so without also infringing on their ability to pursue other, more worthwhile options. As Raz himself points out, imprisoning an individual for pursuing a repugnant option, for example, prevents him from almost all other autonomous pursuits.<sup>269</sup>

Hence we have Raz's autonomy-based perfectionist reading of the harm principle. The principle of autonomy – which is necessary for human flourishing -- requires that we secure the three conditions of valuable autonomy; independence, necessary capacities and an adequate range of options. Failure to do this causes harm, thus the harm principle requires that states enforce our duties to provide the three conditions.

#### **4. Quong's First Objection: Contingency**

I shall now go on to present and assess Jonathan Quong's two criticisms of Raz's account – the contingency objection, and the objection from manipulation. In this section I will argue that the contingency objection – which argues that Raz's harm principle is contingent on the wrong sort of factual considerations -- fails for two reasons. Firstly, I argue that either Raz would not or should not find the counter-examples problematic, as they are not counterexamples at all. Secondly, I argue that Quong fails to take sufficiently seriously the role that contingency plays in Raz's political philosophy. In the subsequent section I will argue that Quong is wrong to claim that the harm principle must rule out perfectionist forms of political action.

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<sup>268</sup> Ibid. p. 419

<sup>269</sup> *ibid.* p. 418.

As I highlighted in the previous section, Raz argues that the harm principle cannot justify using coercion in order to prevent the pursuit of bad options. However, this is not because autonomy requires their presence. Instead it is because coercion is indiscriminate; there is no practical way to restrict access to unacceptable options without also interfering with an individual's pursuit of valuable ones. Jonathan Quong does not like this contingency.<sup>270</sup> He seems uncomfortable with basing the harm principle on such an empirical premise. He argues that there would still be something wrong with coercively interfering with an individual so to remove bad options, even if we could do this without thereby interfering with the pursuit of good options. He does so by introducing two counterexamples:

The brain chip: Suppose that technological advances have made it possible to control people's preferences via a chip implanted in the brain. The chips are so precise that the only effect they have is to prevent us from choosing bad options. If we only select good choices, the chip remains inactive. If it senses that we are going to choose badly, it prevents us from doing so.<sup>271</sup>

Albert, Carl and Betty: Albert wishes to get back together with his ex-girlfriend Betty. The relationship was objectively bad for Albert: Betty is mean and manipulative, and Albert is better off without her in his life. Lonely, Albert decides to head to Betty's house in order to rekindle their romance. Carl, a neighbour of Albert's, finds out that he is about to do this and, realising that it is not in Albert's best interest to patch things up with Betty, locks him in his house so that he is unable to see Betty. Albert was not going to do anything else whilst he was locked in the room (apart from see Betty), and remains there until convinced that he should not rekindle their romance.<sup>272</sup>

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<sup>270</sup> Quong (2011: 53-60).

<sup>271</sup> Ibid. p. 55.

<sup>272</sup> Ibid.

In both of the examples above, we are able to prevent the pursuit of the bad without infringing on the pursuit of the good. Thus, according to Quong, the Razian harm principle doesn't apply here – as autonomy does not require the presence of bad options, and there is no value in pursuing them, preventing its pursuit causes no harm. Implanting the brain chips and locking up Albert is permitted on Raz's account. Quong argues that this is counterintuitive; "The examples suggest that there is something wrong with preventing people from choosing badly, even when this can be done without limiting their ability to choose valuable options."<sup>273</sup> This is because, argues Quong, the harm principle should instead be justified by an appeal to the moral status of individuals as free and equal persons.<sup>274</sup> That is, even if we can prevent individuals from pursuing the bad without affecting their ability to select good options, we should not do so as this demeans them and treats them as morally inferior.

How might Raz respond to this criticism? Firstly, he might argue thus: to harm someone is to fail to secure them the conditions of autonomy. One such condition is independence. Independence is contravened through coercion and manipulation, which subjects the will of one person to that of another,<sup>275</sup> and expresses a relation of domination and an attitude of disrespect <sup>276</sup>. The counterexamples above demonstrate a clear case of the condition of independence failing to be fulfilled. In both the brain chip case and the Albert case, the individual is being subject to the will of another, and hence he is not independent. As such, assuming that no long term good would be realised by treating them in such a way (as permitted by the paternalistic aspect of Raz's harm principle), restricting the access to repugnant options in the manners suggested by the counterexamples would not be permitted by the Razian harm principle. By acting in such a way, the condition of independence would not be secured. Thus, the counterexamples are not actually counter examples at all. The Razian harm principle would not permit such situations to occur. In both cases,

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<sup>273</sup> *ibid.*

<sup>274</sup> *ibid* p 56.

<sup>275</sup> Raz (1986: 378)

<sup>276</sup> *ibid.* p. 418.

attempting to prevent the pursuit of bad options means that the duty to secure independence is not discharged.

Unfortunately, this response is not available to Raz. As Quong notes when discussing such a reply, “if autonomous choice has no value when directed at bad options, why is it disrespectful or domineering to prevent people from making such choices?”<sup>277</sup> In fact, Raz says elsewhere that it would be disrespectful to ignore moral considerations in such a way.<sup>278</sup> We do not respect an individual by turning a blind eye when she pursues something worthless. Autonomy is a conditional good. It is valuable insofar as it promotes human flourishing. Thus, there is no reason to protect it when it does not so contribute. As such, Raz can’t appeal to the condition of independence in order to protect the autonomous pursuit of the non-valuable found in the brain chip and Carl and Albert cases.

A second response Raz might give is to simply say that the counterexamples are not troubling. Quong’s argument seeks to show that Raz’s position gives counterintuitive results. He does this by relying on the attractiveness of the moral status view. As we have seen, Raz does not justify his harm principle by an appeal to the status of moral agents. He justifies it by an appeal to the principle of autonomy, and his principle of autonomy argues that it is only of value in pursuit of the good. As such, there is no reason to protect autonomous error, and Raz might not be bothered by the counter examples at all. He extends the harm principle to cover paternalistic action, and if the brain chip or Carl’s padlock are necessary to improve Albert’s autonomy in the long run, then those actions are justified by an appeal to the harm principle. However, if the actions are not required by autonomy – i.e. if they do not improve autonomy in the long run – the principle is silent on the matter. It might not require the absence of bad options, but neither does it require their presence. Quong might find this discomforting, but this is due to the fact that, as he himself admits, he justifies the harm principle by an appeal to different moral concerns. Raz, with his autonomy-based reading of the harm principle, might be untroubled by these

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<sup>277</sup> Quong (2011: 58). Regan (1989: 1084) and Lecce (2008: 130) both make a similar point.

<sup>278</sup> *MF* p. 157.

counterexamples.<sup>279</sup> In order to secure his point, Quong would need to vindicate the moral status view. But he does not do this.<sup>280</sup> Instead, he starts from the conclusion that Raz is wrong.<sup>281</sup>

Furthermore, as Quong himself highlights, Raz does not think that such contingency is a problem.<sup>282</sup> He argues:

It is an advantage of my argument that it does depend on contingent features of our world. The temptation to make abstract a priori principles yield concrete practical policies is responsible for many bad arguments.<sup>283</sup>

Raz would argue that counterexamples such as the brain chip case (but not, as Quong points out<sup>284</sup>, the Albert case) “diverge from anything we have experience of sufficiently to make it impossible for us to say how the change would affect the merits of the issue.”<sup>285</sup> This is enough for Raz to remain agnostic about whether it would be justified to coercively prevent the pursuit of the bad if you could do so without interfering with one’s ability to pursue the good.

It seems that Quong sees this as a bit of a cop-out on Raz’s part. He argues that it is too strong to claim that it is impossible to have sensible normative intuitions about such cases.

We often ask ourselves questions about how we would react if the world were different, sometimes in different ways that are not feasible or ever likely to happen....But asking such questions, and considering our

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<sup>279</sup> Quong mentions this possibility. *ibid* p. 56.

<sup>280</sup> Nor does he do this in chapter three, where he appeals to moral status to argue for the wrongness of paternalism.

<sup>281</sup> In fairness to Quong, he does concede that this objection relies on intuitive reactions, and that it is not meant to provide decisive proof that Raz’s harm principle is flawed. *ibid.* p. 56.

<sup>282</sup> Quong (2011: 56-7).

<sup>283</sup> Raz (1986: 419)

<sup>284</sup> Quong (2011: 57).

<sup>285</sup> Raz (1986: 419)



intuitive reactions to these cases, can help clarify our thoughts, and is a standard part of everyday moral reasoning.<sup>286</sup>

What would Raz say about this? I don't think he would deny Quong's basic point, that thinking about how we would react if the world were different might help clarify our thoughts. His point is different. As he says in a later piece of work<sup>287</sup> his approach to political philosophy is essentially historical or time-bound. Political principles should be constructed to apply to the here and now. *This* is why he remains agnostic about situations where we can remove repugnant options without affecting the pursuit of the good. We can think about these situations, and how we might react in them. But, we cannot draw any political principles from such thought experiments. This is because even if we can think about how we act in these imagined circumstances, they only apply to these circumstances, and not the ones we actually find ourselves in. There is a vast distance between *us* and the circumstances in which brain chips of the requisite sort are features of life. The "we" who hold the intuitions is not the "we" who will ever end up in the brain chip scenario. As Gregory Kavka says with regard to future people affected by a decision about a nuclear programme, we know neither who these people are, nor what they are like.<sup>288</sup> It will not be *us* who find ourselves in such a position. As such, why should conclusions made in such hypothetical circumstances apply to us? Thus, I think Quong is wrong to reject this Razian response. Why should Raz's theory be judged *now* on what it would say in some currently impossible brain chip scenario?<sup>289</sup>

Hence, I do not think that Quong's contingency objection is successful. Firstly, I argue that the Razian would not be troubled by the counterexamples. Secondly, I argue that Raz can maintain that rather than a hindrance, the contingency may

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<sup>286</sup> Quong (2011:57)

<sup>287</sup> Raz (1994: 170-171)

<sup>288</sup> Kavka (1982: 103).

<sup>289</sup> Kamm (1996) appears to think that the more unlike the real world our cases are, the more plausible the principles derived will be. "Real-life cases often do not contain the relevant – or solely the relevant – characteristics to help in our search for principles" (p. 10). I disagree with Kamm for the reasons that I spell out above. The fact that we cannot coercively prevent folk from pursuing bad options without a general invasion of autonomy is hugely relevant in selecting our principles of justice.

actually be a benefit of his account; he can remain agnostic about the counterexamples.

### **5. Quong's Second Objection: Manipulation and the Harm Principle**

In this section I will be discussing Quong's second objection to Raz's autonomy-based liberal perfectionism; that perfectionist political action is incompatible with an autonomy-based harm principle.

As we have seen, Raz has used the three autonomy-based duties to justify a harm principle that allows coercion only to secure independence, the necessary capacities for autonomy and an adequate variety of options. However, as Raz points out<sup>290</sup>, manipulation interferes with autonomy in much the same way as coercion, so is subject to the same condition. Thus the harm principle covers cases of manipulation as well as coercion. Either is justified only to secure the conditions of autonomy.

With this in mind, Quong claims that Raz needs to show that perfectionist policies are not manipulative (because otherwise they would violate independence).<sup>291</sup> Quong focuses solely on subsidisation, but other methods might include incentives, rewards and so on. Quong seeks to show that such perfectionist action is manipulative. He does so by leaning on arguments used by Robert Nozick.<sup>292</sup> He claims that perfectionist subsidies subject the will of citizens to that of the state.<sup>293</sup> This is because the government places citizens in a choice situation that they would not have chosen to place themselves in. They would rather spend the money themselves than have the government take it from them and spend it on, for example, subsidising opera tickets. This is because allowing the government to take it from them would be "irrational"; it simply reduces what you can do with your resources.<sup>294</sup> Thus such action is

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<sup>290</sup> Raz (1986: 420).

<sup>291</sup> Quong (2011: 61)

<sup>292</sup> Nozick (1969).

<sup>293</sup> Quong (2011: 65-6).

<sup>294</sup> *Ibid.* p. 65.

manipulative, and interferes with autonomy. Hence, Quong argues that such perfectionist action is incompatible with the autonomy-based harm principle. Perfectionist subsidies, for example, submit the will of the individual to the state and are manipulative, and thus interfere with autonomy. There appears to be a deep tension between promoting autonomy and securing valuable options through subsidisation.<sup>295</sup>

One might object to Quong's argument by denying that such state action is manipulative. However, I want to argue that even if we allow this, this seems to be a major misreading of Raz's argument. Quong appears to think that Raz's autonomy-based harm principle prohibits all coercive action, and hence should also prohibit all manipulative action, such as subsidies. Raz agrees that manipulation should be subject to the same constraints as coercion.<sup>296</sup> However, the Razian harm principle does not rule out all coercive interference. It only rules out coercive interference that is not aimed at securing the conditions of autonomy. Hence, coercion is justified when it is necessary to enable us to fulfil out duties of autonomy. The same is the case with manipulation. The state is justified in manipulating individuals – in subjecting them to the will of another – if this is necessary to secure the conditions of autonomy. This is precisely what perfectionist subsidies aim to do in Raz's account. The state carries out such action in order to secure a variety of adequate options. To fail to do so would be to harm its citizens. Thus such perfectionist action is not only permitted, but also required by the autonomy-based harm principle. It is necessary to implement such subsidies in order to avoid harm. Far from being incompatible with the Razian harm principle, as Quong claims, such perfectionist action is *required* by it. Raz's harm principle might be far removed from the traditional reading – and I suspect that this is Quong's real concern – but as stipulated it is perfectly compatible with perfectionist political action.

## 6. Quong's Response to the Asymmetry Objection

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<sup>295</sup> Steven Lecce (2008: 122-3) and Mulhall and Swift (1996: 321-2) both press a similar point, albeit in far less detail.

<sup>296</sup> *MF* p. 420.

Thus I think Quong's arguments against Raz's liberal perfectionism fail. To end this chapter, I want to return to the asymmetry objection, which I introduced in chapter two as a way of framing the debate between perfectionism and anti-perfectionism. Recall that this objection surrounded the issue of why it was legitimate to separate the right and the good at the level of politics. It argued that there is just as much disagreement between citizens about issues of justice as there is on conceptions of the good, so it is utterly arbitrary to forbid appealing to perfectionist considerations in constructing political principles on the basis that these principles are more controversial than non-perfectionist principles.

How does Quong deal with this objection? It must be noted that Quong is committed to the Rawlsian political liberal project, so certain avenues -- such as denying that political principles must be acceptable to reasonable citizens -- are not available to him. Thus, Quong must maintain that political liberalism is not internally inconsistent in the way suggested by the asymmetry objection. He must find a way to show that principles of the right, but not the good, are acceptable to reasonable citizens.

He does so by claiming that the sort of disagreement that occurs surrounding issues of justice is different from the sort that occurs surrounding issues of the human good. As such, the asymmetry can be justified.

Quong begins by distinguishing between the two forms of disagreement:

Foundational disagreement: "Disagreements of this type are characterised by the fact that the participants do not share any premises which can serve as a mutually acceptable standard of justification."<sup>297</sup>

Justificatory disagreement: "occurs when participants do share premises that serve as a mutually acceptable standard of justification, but they nevertheless disagree about certain substantive conclusions."<sup>298</sup>

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<sup>297</sup> Quong (2011: 193)

<sup>298</sup> *ibid.*

Disagreements of the first sort occur where two individuals share no common underlying values. That is, such disputes are underpinned by a disagreement about the fundamental values that should guide the issue in question. Thus, when a hedonist and a strict Muslim argue about whether a life of thrill seeking, recreational drug use and casual sex is flourishing, and appeal to their comprehensive doctrines to support and condemn it respectively, they are having a foundational disagreement. There are no shared values underlying the dispute; the hedonist appeals to a view about good human lives that the strict Muslim explicitly rejects. A justificatory disagreement occurs where the two sides agree on the fundamental values that guide the dispute, but disagree about their weight, ranking and so on. Thus, when a strict egalitarian and a proponent of maximin argue about the correct distribution of resources, both are nevertheless committed to the value of fairness which informs their particular distributive position. They are having a justificatory disagreement.

With these definitions in mind, Quong's argument for asymmetry goes as follows:

1. Reasonable disagreements about the good life are not necessarily justificatory and will almost certainly be foundational.
2. Reasonable disagreements about justice *are necessarily justificatory and not foundational*.
3. The liberal principle of legitimacy ("our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principals and ideals acceptable to their common human reason"<sup>299</sup>) is not violated when the state imposes a view that arises out of a justificatory disagreement

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<sup>299</sup> Rawls (2005: 137)

Therefore

4. Claims of justice over which there is reasonable disagreement, if imposed by the state, do not violate the liberal principle of legitimacy in the way that perfectionist claims are likely to do.<sup>300</sup>

Recall the example earlier of the discussion between the hedonist and the strict Muslim. This is a disagreement about the human good. It is also a case of foundational disagreement. Quong argues that disagreements about the good will tend to be like this. In such cases, the two parties disagree at the ultimate level of conviction or principles. They disagree about the “ultimate purpose of human existence”. There is no shared justificatory framework governing their interaction. There is no deeper standard of justification that both accept that could adjudicate between their respective positions. Rather, they disagree about what the standards of justification should be.<sup>301</sup>

This is not the case for disagreements about justice. These, claims Quong, will be necessarily justificatory. When reasonable people disagree about issues of justice, such as in the situation mentioned above, where our two individuals had conflicting ideas about how resources should be distributed amongst citizens, there is a common normative framework that underlies the disagreement. This is the concept of reasonableness itself – a desire to abide by fair terms of cooperation amongst free and equal citizens, an acceptance of the burdens of judgement and a commitment to public justification.<sup>302</sup> That is, in any case where disagreement occurs, both parties will be sincere, will accept reasonable pluralism, and will present their arguments in a free-standing manner (that is, they will subscribe to the use of public reason in the political sphere). However, if the government were to side with one party, and implement a certain distributive pattern, it would still be offering the other party something which she could reasonably be expected to endorse.<sup>303</sup> That is because she is

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<sup>300</sup> *ibid.* p. 204. My emphasis.

<sup>301</sup> *ibid.* pp. 205-6.

<sup>302</sup> *ibid.* p. 207.

<sup>303</sup> *Ibid.* p. 208.

committed to the value appealed to in the dispute. This would be the case with any disagreement about justice, because political proposals appeal to values and principles that all reasonable people can be expected to endorse. In such a way, the principle of legitimacy is not violated even when people disagree about justice. In such disagreements, there is a shared normative framework – reasonableness. All the values appealed to in such debates are mutually acceptable. They simply disagree about their weight or ranking.

According to Quong, when a government decides to implement some principle of justice, all reasonable people would accept it, even if they disagreed with it. But, this would not be the case with principles which appeal to the good. That is because disputes about flourishing embody foundational disagreements. If the government were to side with one party in the dispute about the rightness or wrongness of drug taking, it would be imposing one person's view on another, because there is no framework ensuring that the values employed will be acceptable to other reasonable persons. As such, not all reasonable citizens will accept a state acting on a conception of the good.<sup>304</sup>

Thus the burdens of judgement don't apply equally. In the case of disagreements about justice, there is a shared normative framework that can bear the burdens of judgement. Principles of justice appeal to political values we all endorse, even if we disagree about their weight or ranking. If this argument works, then it might rescue Quong's political liberalism from the asymmetry objection. All reasonable citizens will endorse principles of justice. They will not endorse principles of human flourishing. Therefore, the state can appeal to accounts of justice when constructing political institutions and so on. They cannot appeal to accounts of the human good.

## **6. The Problem of Idealisation: Rejecting Quong**

Ultimately, I think Quong's response fails. Recall that Joseph Raz denies that the burdens of judgement apply to either sphere. He believes that, within modern

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<sup>304</sup> *ibid.* p. 208.

western societies, there is consensus that the good human life must include autonomy. Quong wants to argue that the burdens of judgement apply to the good, but not to the right. That is, he believes that there is consensus on the values that underpin disagreements about justice but not the values that underpin (or perhaps constitute) disagreements about the good. Thus he denies Waldron's claim that it is inconsistent to believe that the burdens of judgement apply to judgements about flourishing but not judgements about justice.

But why think that disagreements about justice will be necessarily justificatory? Why think that for every dispute about justice there will be a common framework of values underlying it? If we look at disagreements about matters of justice between actual people, we see that, at least sometimes, they are not mere disputes about the rankings of values. In real life, disputes about justice are not necessarily justificatory. They are sometimes foundational. Take, for example, the disagreement between social democrats and Nozickian libertarians about the redistribution of wealth. Social democrats believe that the better off should be taxed in order to secure some threshold level of income for the less well off. Nozick famously argued that compulsory taxation, beyond that needed to police the streets and protect the borders, was on a par with forced labour. Such a disagreement is surely foundational. There is no justificatory framework of shared values. Both parties explicitly reject the values that the other is appealing to in presenting their arguments. It is not a dispute about weight or ranking. It is a dispute about the very values themselves. The arguments appealed to are *not* mutually acceptable.

But if disagreements about justice can be foundational, then Quong cannot maintain the asymmetry. A Nozickian libertarian will not accept a state decision to implement a system of wealth redistribution in order to secure a threshold level of resources for all. Such state action would be illegitimate, according to the political liberal.

Quong would respond at this point by pointing out that the individuals that political action should be justifiable to are *not* actual citizens. Instead, they



should be understood as an idealised group of reasonable citizens. That is, principles of justice do not need to be justified to actual citizens in our society, but to a fictional set of citizens who are already committed to “basic liberal norms” such as “the idea of persons as free and equal” or “fairness in the distribution of goods or advantages amongst citizens.”<sup>305</sup> If we were to rely on actual citizens, then our political morality would be hostage to any number of bigots, crackpots and idiots. Hence, we should only make political principles justifiable to people already committed to abstract liberal values. Even if the likes of Nozick do not accept redistributive schemes, if they can be justified to reasonable citizens then they are legitimate.

As I mentioned above, it is the concept of reasonableness that forms the shared normative framework that underlies disputes about justice. By idealising our set of citizens, we ensure that they are reasonable, and thus that any disagreements they have about justice will be justificatory. As Quong says, reasonable disagreements about justice are justificatory by definition.<sup>306</sup> By adopting the idealised conception of the reasonable person, the claim that disagreement about justice is justificatory is inevitable. Hence, Quong secures asymmetry at the outset by constructing the constituency of persons in a certain way.

But why should we construct the constituency of persons in this way?<sup>307</sup> O’Neill points out that rather than bracketing true predicates, idealisation actually involves ascribing *false* ones.<sup>308</sup> In Quong’s case, it defines the relevant set of individuals as people who are already committed to liberal values such as liberty, equality and fairness. As Quong readily admits, this does not reflect the commitments and motivations of actual citizens in actual societies.

But if his account involves constructing citizens in an idealised way, what conclusions can us actual citizens take from Quong’s political liberalism? Quong

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<sup>305</sup> *ibid.* p. 5.

<sup>306</sup> *ibid.* p. 214.

<sup>307</sup> My argument here develops ideas discussed by Onora O’Neill (1996: 39 – 44) and Simon Hope (2010: 138 – 140).

<sup>308</sup> O’Neill (1996: 41)

takes his political liberalism to be more than just an account of which principles of justice would be endorsed by idealised people. His account is also *action-guiding*. He believes that state power, in actual situations, cannot be wielded unless it can be justified to its citizens.<sup>309</sup> But, in order for a theory to be action-guiding, it must start from how the world actually *is*. That is, in order to give us moral reasons to act in such-and-such a way, our theory must be informed by the circumstances in which we are instructed to act. If a moral theory misrepresents how the world is, it can't guide action. But this is precisely what Quong's theory is doing. It is idealising citizens; it defines them as individuals who are already committed to liberal values. This is a misrepresentation. It does not reflect the commitments and motivations of actual citizens in actual societies. What can be justified to reasonable citizens is not the same as what can be justified to *us*. Thus, what conclusions can we draw from Quong's political liberalism? Quong's theory gives reasons to act to people who live in a world where disagreement about justice is necessarily justificatory. But that is not the world we live in. Thus why should we think that, for example, a redistributive scheme of taxation (which actual people have foundational disagreements about) is legitimate? Disagreements about justice between actual citizens are not necessarily justificatory. Sometimes disagreements about justice do go all the way down, and there is no shared commitment to abstract ideals such as fairness. If that is the case then the principle of justice in question could not be endorsed by those in disagreement. Again, why would principles of justice which could be endorsed to reasonable people be applicable to actual people who do not have the same commitments? If we derive principles from situations vastly different to ours then those principles do not apply to us. Any plausible theory of justice must reflect how we as citizens actually *are*, otherwise it cannot apply to us. As Simon Hope notes "principles of justice must be world-guided if they are to be plausibly action-guiding, and this, in turn, requires that certain features of the world are not idealized away."<sup>310</sup> If we formulate principles of justice on the assumption that citizens are already committed to basic liberal values, then the resultant principles will provide little guidance for those actual citizens who are not thus

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<sup>309</sup> *ibid.* pp. 1-2.

<sup>310</sup> Hope (2010: 140)

committed. Therefore, I do not think that Quong can respond to my concerns by simply saying that his constituency of persons rules out foundational disagreement about justice.

## **7. Conclusion**

In this chapter, I have examined Jonathan Quong's response to the liberal perfectionism of Joseph Raz. In the first half of the chapter, I explained why Quong's two objections -- the argument from contingency, and the manipulation objection -- are not successful. In the second half of the chapter, I focused on Quong's response to the asymmetry problem. I argued that his attempt to rehabilitate political liberalism, by arguing that the asymmetry was justified, must fail.

In the next chapter, I will examine and ultimately reject Brian Barry's sceptical account of anti-perfectionism, before offering my own response to the asymmetry problem in chapter seven.

## **Brian Barry's Sceptical Argument For Anti-Perfectionism**

### **1. Introduction**

In the previous chapter I argued that Jonathan Quong's response to the asymmetry problem does not succeed. He does not offer a workable response to Waldron's claim that the burdens of judgement apply just as much to judgements about justice as they do to judgements about flourishing. When we look at actual citizens rather than idealised "reasonable people" conflicts about justice are at least sometimes foundational. That is, in such cases, there is no shared moral framework underlying the debate.

How, then, can one maintain the asymmetry needed to vindicate anti-perfectionism? I think that the answer lies in a form of scepticism about the prospect of perfectionism being vindicated in modern, liberal societies. In the final chapter I will argue that Raz is incorrect to claim that there is consensus on the judgement that the flourishing life must involve autonomy. Furthermore, I will argue that although Waldron is right that disagreements about justice are sometimes just as deep as disagreements about the good, the asymmetry of anti-perfectionism can be justified by looking at principles we can endorse, rather than principles that we do endorse.

However, before I do that I will examine a different kind of sceptical argument for anti-perfectionism, that of Brian Barry. Barry argues that that none of us can be certain that our conception of the good is the correct one, and that, according to the Scanlonian original position that he favours (which I will go on to outline), this entails that anti-perfectionism should be embraced. I will argue that

although Barry's account gestures towards the correct path to anti-perfectionism, it ultimately fails to provide an answer to the problem of asymmetry.

## 2. Barry's Scepticism.

Brian Barry's argument for anti-perfectionism, in *Justice as Impartiality*,<sup>311</sup> proceeds in two steps. Firstly, he argues for scepticism about the good -- that a history of pervasive disagreement regarding human flourishing suggests that no conception of the good can be held to be true with any certainty. Secondly, he argues that this scepticism about human flourishing entails that we should restrict political argument such that it cannot make use of perfectionist claims. This move from scepticism to anti-perfectionism is secured by the Scanlonian reasonable rejectability principle, which I will explain in the next section. In short, he believes that we cannot give compelling arguments for any conception of the good that no-one could reasonably reject. Thus, no conception of the good can be the basis for political institutions etc. Barry argues that the two steps, taken together, show that "no conception of the good can justifiably be held with a degree of certainty that warrants its imposition on those who reject it."<sup>312</sup> In this section I will explain Barry's argument for scepticism. In the following section I will argue why he thinks that this scepticism should lead us to embrace anti-perfectionism.

As I have gestured to above, Barry's argument for scepticism is empirical. He claims, using historical evidence, that the prospect of convergence on the good is non-existent. He argues, via historical example, that there has long existed vast disagreement between individuals and groups about what the human good exists in. History shows us that people differ, sometimes drastically, about what constitutes a flourishing life. Further, he believes that this lack of consensus about the good should lead us to be sceptical about whether any such judgements can be said to be true. That is, if there are a number of different

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<sup>311</sup> Barry (1995)

<sup>312</sup> Barry (1995: 169)

conceptions of the good held by people in society, how do we decide which, if any, is the correct account of human flourishing?

Barry offers the conflicts between Catholics and Protestants in post-Reformation Europe as a historical example of a lack of consensus about the good.<sup>313</sup> Here we had two groups who disagreed vehemently with one another about what constituted a flourishing life. The two forms of Christianity had important differences – Protestants rejected Papal infallibility and the idea of transubstantiation for example – so a life of piety was different depending upon which religion an individual subscribed to.

As evidence for how vehement the disagreement was, Barry points to the fact that neither Catholics nor Protestants had much success in managing to convert members of the other side through rational argument. Catholics, for example, were largely impervious to Protestant criticisms of their faith. In fact, Barry argues, even legal penalties were ineffective in producing a change in one's conception of the good. Expanding the example to cases of religious conflict more generally, Barry argues that history teaches us that where people did convert, it was usually for self-interested reasons. He points to (i) a desire to further oneself socially, economically or politically; and (ii) a desire to associate oneself with a more sophisticated, or more powerful cultures; as two key prudential reasons why people did convert.<sup>314</sup> They rarely, if ever, converted from one religion to another due to compelling reasons given by the religion to which one is converting.

Barry argues that this historical case for scepticism about religious conceptions of the good can be extended *a fortiori* to other, nonreligious conceptions.<sup>315</sup> We should surmise that there has long existed vast disagreement about nonreligious conceptions of the good. He gives the example of his own “ecocentric ethic” – which favours “sacrificing a good deal of human want satisfaction ... in pursuit of

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<sup>313</sup> *ibid.* p. 170.

<sup>314</sup> *ibid.* pp. 170-71.

<sup>315</sup> *ibid.* p.171.

the ecological conception of the good.”<sup>316</sup> This would obviously be a conception of the good that someone who cares little about the environment, favouring great want-satisfaction instead, would not subscribe to. The two conceptions of human flourishing are necessarily in conflict.

As such, Barry would deny Raz’s basic claim that there is a consensus that the flourishing life must contain autonomy. If we look at history, especially recent history, we see that societies contain a multitude of disparate cultural groups. Some of these groups explicitly disavow the value of autonomy. Take, for example, the Amish community in the United States. They do not agree that autonomy is necessary for a flourishing life. In fact, they think that flourishing consists in preparing for heavenly rewards, rather than the free pursuit of options under conditions of freedom. Barry’s argument entails that contextual perfectionism is wrong to suggest that there is a consensus on the value of autonomy, even within societies.

Barry thinks that his case for scepticism is compelling. To quote him at length:

...the sheer weight of the evidence in favour of scepticism seems overwhelming. It is hard not to be impressed by the fact that so many people have devoted so much effort over so many centuries to a matter of the greatest moment with so little success in the way of securing rational conviction amongst those not initially predisposed in favour of their conclusions.<sup>317</sup>

Adapting an example given by Dudley Knowles, the magazine aisle of any newsagent indicates the vast number of diverse pursuits that people enjoy.<sup>318</sup> Along with such pluralism comes a lack of consensus on the good. Although there might be overlapping perfectionist claims amongst some of them, it would seem that there is no prospect of all of us adopting the same conception of human

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<sup>316</sup> *ibid.* In the next section I shall go on to discuss what Barry takes to be reasonable acceptability.

<sup>317</sup> *ibid.*

<sup>318</sup> Knowles (2001: 47)

flourishing, no matter how many reasons are given to us. As Barry says early on in *Justice as Impartiality*, “we must anticipate that the normal state of affairs will be one in which there is no consensus on the nature of the good.”<sup>319</sup>

Barry thinks that this lack of consensus on the good should lead us to be sceptical about whether we can hold any judgement about human flourishing with any degree of certainty. History teaches us that there is vast, intractable disagreement about what constitute objectively good lives. How, then, can we know which of those judgements is correct? If Andy believes that the autonomous life is the flourishing life and Graham believes that the deeply religious life is the flourishing life, and Andy offers arguments about the value of the free choice of options, whilst Graham tells us about the goodness of the pious life, how do we adjudicate between these claims? There is no independent standard to which we can appeal in order to decide which is the true conception of the good.

Thus, the vast amount of disagreement about the good should lead us to doubt whether we can know if any conception of the good is true.

### **3. From Scepticism to Anti-**

However, scepticism alone does not secure anti-perfectionism. As Barry highlights, one could recognise that his or her conception of the good cannot be held with any degree of certainty, whilst still looking to use the state to promote it.<sup>320</sup> An additional premise needs to be added to secure a move from scepticism to the conclusion that we should endorse anti-perfectionism. This is the second step in Barry’s argument.

This premise is provided by Thomas Scanlon’s reasonable rejectability principle. Barry adapts Scanlon’s argument for moral wrongness such that it forms the

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<sup>319</sup> Barry (1995: 27).

<sup>320</sup> *ibid.* p. 172.



basis of an account of justice.<sup>321</sup> That is, for Barry, the Scanlonian original position is a device for selecting which political principles are legitimate and which illegitimate. Scanlon's original test for moral wrongness was as follows:

An act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement.<sup>322</sup>

For Scanlon, an act is wrong if it is incompatible with a set of rules accepted by all reasonable people. Barry adapts the principle so that it is a test for injustice. For Barry, an act is unjust if it is incompatible with laws and institutions which no-one could reasonably reject.

Hence, the people in the "Scanlonian Original Position" according to Barry "are assumed to be motivated by the desire to find terms for living together that could not be reasonably rejected by other people who were similarly motivated."<sup>323</sup> A law or institution is unjust if it could be reasonably rejected by parties who, in addition to their own personal aims, were moved by a desire to find principles that others similarly motivated could also accept.<sup>324</sup> In order for a principle to be invoked in political argument, it must be freely acceptable to everybody. Hence each of us has a veto on all proposed principles for regulating society.<sup>325</sup>

It is only when we combine scepticism with such reasonable rejectability that anti-perfectionism can be secured. According to Barry, we can't give compelling arguments for any conception of the good that no-one could reasonably reject. If our institutions are more favourable to some conception(s) of the good, and less favourable to others, we cannot expect those who stand to lose out to acquiesce

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<sup>321</sup> Here I am relying on Barry's own interpretation of Scanlon's work. Whether or not Barry is faithful to Scanlon's arguments is another matter.

<sup>322</sup> Scanlon (1982: 110)

<sup>323</sup> *ibid.* p. 165.

<sup>324</sup> *ibid.* p. 67.

<sup>325</sup> *ibid.* p. 69.

freely to them.<sup>326</sup> This is because “no conception of the good can be held with a degree of certainty that warrants its imposition on those who reject it.”<sup>327</sup> An individual in the Scanlonian original position will not accept the imposition of a rival conception of the good because no reasons can be offered to her which show that this conception is true and hers false. Any political arrangement that favours some conception of the good over others is hence unjust. Therefore, no conception of the good can be included as a justificatory premise when setting up political institutions etc.<sup>328</sup>

Thus we have Barry’s two---step argument for anti-perfectionism. Firstly, he says that we have good reason to be sceptical that any conception of the good can be vindicated. Secondly, he says that this lack of certainty about human flourishing entails that any claims about the good will not pass the Scanlonian test of reasonable rejectability. No individual will accept the imposition of a rival conception of the good precisely because that rival conception cannot be vindicated. Therefore, any principle that appeals to a conception of the good will be unjust.

#### **4. Why Barry’s Argument Fails**

In this section I will argue that Barry’s argument for anti-perfectionism is unsuccessful. I think that Barry’s argument falls foul of the asymmetry objection, and thus fails to explain why it is permissible to invoke judgements about the right, but it is impermissible to invoke judgements about flourishing, when constructing political institutions.

Turning to the first step in the argument, the argument for scepticism. As we have seen, Barry gives an empirical argument for scepticism about the good, based on the history of pervasive disagreement regarding the correct account of human flourishing. History has taught us that there is vast disagreement about what constitutes a flourishing life. We only need to look at examples like post-

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<sup>326</sup> *ibid.* p. 164.

<sup>327</sup> *ibid.* p. 169.

<sup>328</sup> *ibid.* p. 168.

reformation Europe, to see that consensus on the good has never existed, at least in recent history. According to Barry this disagreement is evidence for scepticism. If a multitude of conflicting conceptions of the good are found within society, how can we know which, if any, are correct?

However, I have already conceded the point made by Waldron that disagreement about justice is just as pervasive as disagreement about the good. If we look at actual people in our society, we see that they disagree not just about what makes for a good human life, they also disagree about how we should treat one another, what rights we have, how we should distribute resources and so on. I argued in the previous chapter that the distinction offered by Quong between justificatory and foundational disagreements does nothing to alleviate this problem. I claimed that plenty of people have foundational disagreements about justice. When the libertarian and the social democrat disagree about whether wealth should be redistributed, there is no shared moral framework underpinning their dispute. They fundamentally disagree about what justice requires. The social democrat believes that we should secure a threshold of income for all citizens through progressive tax policies, whereas the (Nozickian) libertarian believes that all compulsory taxation, beyond that needed to protect borders and ensure the streets are safe, is on a par with forced labour.

Thus if we use disagreement as an argument for scepticism, then justice, as well as the good, is similarly vulnerable. That is, if we disagree about justice just as much as we do about human flourishing, and we are using disagreement as an argument for scepticism, then we have as much reason to be sceptical about the claims of justice as we do about claims of flourishing. If we cannot maintain the asymmetry of disagreement, and disagreement forms the basis of a sceptical argument, we have a similar asymmetry problem about scepticism. How can one be sceptical about claims of human flourishing but not about claims of justice when Barry is using disagreement, which is just as pervasive in both spheres, as an argument for scepticism? In order to maintain the asymmetry in scepticism, whilst disagreement can be seen as evidence for, or a consequence of, scepticism

about the good, it cannot be used as an argument *for it* as it also forms the basis of an argument for scepticism about morality more generally.<sup>329</sup>

But then, if the Waldron point is vindicated, which I think it is, and disagreement about justice is just as pervasive as justice about the good, then why think that individuals in the Scanlonian original position won't also reasonably reject putative principles of justice? If we disagree as much about claims of justice as we do about those of flourishing, and disagreement suggests that such claims cannot be presented in a way that cannot be reasonably rejected by those in the Scanlonian original position, as Barry claims, then it looks as though we will not be able to find principles that are just. Again, claims of justice will be just as vulnerable as claims about the good.

Thus, if it is not unreasonable to reject principles which favour any conception of the good because we cannot know whether or not it is true, then it seems that it is not unreasonable to reject principles which favour any accounts of the right for the same reason. If Waldron is right to say that disagreement about the right is just as prevalent as disagreement about human flourishing, and I have argued that he is, and disagreement is used as an argument for scepticism, we have every reason to be just as sceptical about the truth principles of right as we do principles of justice. If it is not unreasonable to reject political arrangements that favour any conception of human flourishing *because of* the fact that we cannot know it to be true, then it is not unreasonable to reject political arrangements that favour any account of the right, and for the same reason. Further, because reasonable rejectability is the test for whether a law, institution etc. is just, it would appear that any putative piece of political action will be unjust, whether justified by an appeal to human flourishing *or* an appeal to the right.

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<sup>329</sup> Barry suggests that a "strong a priori" (rather than an empirical) argument for scepticism about the good can be given. However, frustratingly, he doesn't say what form it might take. Further, the reason he doesn't offer it is due to "any chain of reasoning of this sort is, however, open to the objection by a dogmatist that it is too speculative to overcome his powerful sense of being privy to the truth." *ibid.* 169.

This difficulty arises for Barry largely because he never explains what is involved in reasonable rejectability. He says that individuals in the Scanlonian original position are motivated to reach agreement, provided others do otherwise, but he does not tell us what constitutes a reasonable rejection. He does, however, say:

How then are we to establish that there is no conception of the good that nobody could reasonably reject? The answer that I wish to defend is that no conception can be held with a degree of certainty that warrants its imposition on those who reject it.

Thus, as I mentioned above, Barry appears to be saying that it is not unreasonable to reject conceptions of the good that cannot be known to be true, *because they cannot be known to be true*. However, if a lack of certainty is the test for reasonable rejectability then it follows that it is not unreasonable to reject any account of the right. This is because, by my argument above, we cannot hold accounts of the right with any degree of certainty either.

So, it appears that Barry's argument cannot overcome the problem of asymmetry. If we cannot justify political institutions by appealing to judgements that we cannot know to be true then we have just as much reason to forbid appeals to accounts of the right as we do to appeals to conceptions of the good.

## **5. Conclusion**

Like Quong, Barry's account fails to overcome the asymmetry objection. He believes that it is illegitimate to appeal to conceptions of the good when selecting political principles because we cannot know that any putative account of flourishing is true. His argument for such scepticism is premised on historical examples of disagreements about valuable lives. However, history also teaches us that there has been a lack of consensus on accounts of the right. If we are faithful to Barry's reasoning, then we should be equally sceptical about the truth of principles of right. However, this would entail that it is also illegitimate to appeal to accounts of the right when selecting political principles. Therefore,

Barry's account suggests that appealing to either sphere of morality would be unjust.

Thus the problem of asymmetry cannot be overcome by taking either Jonathan Quong or Brian Barry's route to anti-perfectionism. In the next chapter, I will offer my own argument for anti-perfectionism. In the first half of the chapter I will argue, contra Raz, that there is a lack of consensus on the good (or the right). I will then argue that despite disagreement being intractable in both spheres, we can construct an anti-perfectionist account of justice by focusing on what we *can*

## Overcoming the Asymmetry Objection

### 1. Introduction

In chapter 3, I argued that universal forms of perfectionism were untenable. Against Hurka, I claimed that a purely formal account of human nature entails that cunning wrongdoers flourish, and that this is both intuitively implausible and unfaithful to the Aristotelian perfectionism that he takes himself to subscribe to. Against Nussbaum, I argued that her list of purported cross-cultural “functions” were too abstract to give us reasons to value them. When we look at the reasons why people pursue certain ends we see that it is the substantive tokens they value rather than act types. I concluded that the most promising form of perfectionism proposed was the historical or contextual autonomy-based account of Joseph Raz and Stephen Wall.

In chapters 4, 5 and 6 I clarified exactly what it was that Razian contextualism is committed to, and introduced – and ultimately rejected – two possible ways an anti-perfectionist might respond. I argued against both the Rawlsian line taken by Jonathan Quong and the sceptical line taken by Bryan Barry. I argued that both were unable to overcome the asymmetry objection.

So how will my argument overcome the problem of asymmetry, and, contra Raz, justify instructing the state to act upon principles of the right whilst prohibiting it from promoting human flourishing? In this chapter I will put forward my own sceptical argument for anti-perfectionism. However, the argument will be of a different sort to Barry’s. Instead of proposing a sceptical position as to whether

claims of human flourishing can be true or false, I will argue that Raz is wrong to suppose that there is consensus on the flourishing life involving autonomy.

Unlike Barry, my argument will not involve the idealised view of citizens of liberal societies that plague his account. I argued that Waldron is correct to claim that the burdens of judgement apply equally to claims of justice and conceptions of the good back in chapter two. Indeed, it was a reliance on an idealised view of the citizen as necessarily committed to certain liberal norms that rendered Quong's anti-perfectionism implausible.

My argument will be that justice should not be constructed from idealised consensus about claims of justice, but instead from genuine pervasive disagreement about value more generally. I will argue that this diverse disagreement entails that we must construct an account of justice that operates as a set of constraints. That is, acceptance of the burdens of judgement means that we must focus on those principles of justice that reflective human beings *can* endorse rather than what they actually do endorse. As such, we will be left with a set of constraints which, whilst few in number, still allow for a wide scope for state action.

I will begin by recalling the circumstances of politics, which I introduced in chapter two. These are the circumstances faced by citizens of modern liberal societies. They embody the desire of members of a community to work together within a shared framework, despite the fact that there is deep and broad disagreement between them about how this framework will be realised. I will argue that the social forms of modern liberal societies do not support perfectionist arguments in public life. That is, I will argue that our social forms do not indicate any consensus the good life as autonomy, as Raz claims.

I will further argue that although I accept that disagreement is also pervasive with regards to principles of justice, as a natural result of the free exercise of reason, it is possible to maintain the asymmetry of allowing political justification to invoke judgements regarding the right but forbidding it from appealing to



conceptions of the good. I shall argue that an account of justice should be constructed as a *response* to disagreement about the good. We need to look for an account of justice that can pass a test of reflective endorsement in the circumstances of politics. I will argue that justice understood as a set of constraints fulfils this requirement. I will further suggest that there is no prospect of any account of the good passing such a test.

## 2. Overview of the Chapter

Recall Waldron's circumstances of politics from chapter two. The circumstances of politics are the combination of two factors; (1) the persistence of deep and broad disagreement about what is to be done and why; and (2) the need for action in concert in the face of this disagreement. It constitutes the "felt need among members of a certain group for a common framework or decision or course of action on some matter, even in the face of disagreement about what that framework, decision or action should be."<sup>330</sup> The question is: how will the circumstances of politics play out in a heterogeneous, pluralistic society like ours? What will philosophically, culturally and religiously diverse individuals agree to include in the framework that will guide and constrain them?

I wish to argue that a free-standing account of justice, understood in a loosely Rawlsian way<sup>331</sup>, will be constructed from the circumstances of politics. That is, the political system agreed to in the circumstances of politics will be such that it does not derive from, presuppose or include justifications based upon, claims of human flourishing. I shall argue that the circumstances of politics make anti-perfectionism inevitable. This is because the vast cultural diversity of modern liberal societies, where disagreement is deep and broad, means that there is no prospect of consensus on perfectionist judgements. The Razian is wrong to suggest that the social forms of modern western societies – geographic and social mobility, technological innovation, secularization, value pluralism and a

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<sup>330</sup> *ibid.* 102.

<sup>331</sup> Rawls (2005). However, as already stated, I do not idealise away disagreement about justice, as Quong, does.

commitment to human rights, to use Wall's examples – give us consensus on the good life as the flourishing life.

Against Raz, our account of justice should be constructed from endemic disagreement that exists in the circumstances of politics. There is no consensus on the good, and our account must pay attention to that. But, if we are to construct a political morality that can apply to us in liberal society, we should reject Quong's idealisation about consensus on matters of justice. If we are to come up with an account of justice that can guide our action, it must describe citizens as they actually are, rather than what they would be in certain ideal circumstances. We must accept the severe disagreement that exists in post-imperial western countries. We must construct our theory of justice out of this disagreement. Justice is not just 'there' in the sense that there is some independent moral theory waiting to be discovered that can be bolted onto any society (more on this later). Justice must be appropriate to circumstances, and in modern, multicultural society, it must function as a way of adjudicating between the deep and pervasive ethical outlooks of the individuals that find themselves within it. It must be free standing. In order for individuals to be able to agree to construct such a theory, it must not appeal to any particular conception of the good.

### **3. Is Disagreement Endemic?**

What was proposed in the previous section is nothing more than a brief outline. I will argue for this by considering and rejecting the denial of the two major premises; that disagreement is pervasive and endemic, and that such disagreement should lead us to reject perfectionism.

Turning to the first. The obvious rebuff from the Razian at this point might be -- why should I take Waldron seriously? It might be the case that *if* there was pervasive disagreement *then* we should reject Razian perfectionism, but what if such disagreement is not as deep and as broad as Waldron claims. The perfectionist might argue that Waldron is simply overstating the level of

disagreement between individuals in the circumstances of politics. On this response Waldron is wrong to suggest that there is vast dissensus concerning ethical outlooks (and ergo conceptions of the good) in modern liberal society, despite its multicultural nature. Instead, there *are* certain claims of flourishing that we can agree on in the circumstances of politics. We all agree that autonomy is a necessary part of a flourishing life in our society. If this is the case, then there is no problem in building such claims into our account of justice. It does not need to be free-standing if there is agreement upon certain aspects of the good.

Thus, the Razian might deny the first aspect of Waldron's circumstances of politics – endemic disagreement. He might say that our social forms *can* vindicate perfectionism. We don't need to idealise in order to claim that people in modern liberal societies agree that flourishing involves autonomy. As we have seen, the Razians claim that there is a vast plurality of options available to us that, whilst we can't pursue all of them within a single life, we recognise as valuable. Further, they say that these are selected under social forms that make free choice a crucial part of the good life. There is consensus within our society, and in the circumstances of politics, that autonomy is necessary for a flourishing life. Hence, we can construct our political system such that it promotes autonomous lives through securing the conditions for autonomous choice.

So, perhaps Waldron is wrong, and there are judgements regarding human flourishing upon which there will be consensus in the circumstances of politics. People in modern western societies agree that the good life must involve autonomy.

#### **4. Securing Disagreement: A Wittgensteinian Argument**

How might one respond to the Razian denial of the first premise of my arguments? I want to argue, by using James Tully's Wittgensteinian argument against modern constitutionalism, that the different cultural perspectives found within modern liberal society mean that disagreement about ethics is inevitable, and thus that consensus on judgements of human flourishing is impossible.

Tully begins by introducing an analogy from René Descartes. When we walk through an old city, the houses and buildings are a hodge-podge of different sizes and styles from different eras. The town hasn't been laid out according to a plan. Rather, it has grown out, across time, into a messy combination of new and old.<sup>332</sup> This analogy with an ancient city, which Descartes originally drew with modern constitutions, also applies to Wittgenstein's philosophy of language, as Tully points out.<sup>333</sup> In fact, Wittgenstein gives an extraordinarily similar example of his own in the *Philosophical Investigations*:

Our language can be seen as an ancient city: a maze of little streets and squares, of old and new houses, and of houses with additions from various periods; and this surrounded by a multitude of new boroughs with straight regular streets and uniform houses.<sup>334</sup>

The point that Wittgenstein is making here is that language, like an old city, has developed in a multitude of forms, through use and practice, "overlapping in many ways in the endless diversity and strife of human activities."<sup>335</sup> As a result, Wittgenstein claims that language is too multiform to be represented in a rule that stipulates the essential conditions for its application in all cases.

A main source of our failure to understand is that we do not *command a clear view* of the use of our words. – Our grammar is lacking in this sort of perspicuity.<sup>336</sup>

Language is a labyrinth of paths. You approach from *one* side and know your way about; you approach the same place from another side and no longer know your way about.<sup>337</sup>

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<sup>332</sup> Tully (1995: 102)

<sup>333</sup> *ibid.* 103.

<sup>334</sup> Wittgenstein (1967: s. 18)

<sup>335</sup> Tully (1995: 104).

<sup>336</sup> Wittgenstein (1967: s. 122). Emphasis in original.

<sup>337</sup> *ibid.* s. 203. Emphasis in original.

Language is aspectival, says Wittgenstein. Our understanding of words and concepts differs depending on our starting point. There is no comprehensive theory that governs the application of language terms in every instance. This “craving for generality,” the attempt to group the meaning of words under a single rule, is a result of four particular “philosophical confusions,” two of which are particularly significant for my purposes.<sup>338</sup>

First is the tendency to look for something shared by all the things that we commonly classify under a general term. Wittgenstein gives the example of the term ‘game.’ He says that we tend to think that there is some property common to all of the pursuits that fall under this term. This, he says, is false. Although there may be, and are, similarities that overlap between certain games, there is no overall property that applies to all uses of the term. He says that, instead, games form a family, the members of which share likenesses, much in the same way that certain members of a genetic family might share a gait or nose structure, whilst there being no characteristic that the whole family are endowed with.

The second philosophical error is the preoccupation with the method of science. This is the tendency to reduce natural phenomena into the smallest possible number of laws and unify the treatment of different topics by using a generalisation. Things that should be treated separately are grouped together. This leads the philosopher into “complete darkness.”<sup>339</sup>

According to Wittgenstein, there is no prospect of subsuming the use of terms found in a language under a comprehensive rule. Instead, we should recognise that our understanding of language is determined by the perspective from which we engage with it, and thus that language is aspectival in the sense that I will not be able to “find my way around” it from another’s perspective.

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<sup>338</sup> Wittgenstein (1972: 17---20).

<sup>339</sup> *ibid.* p. 18.

Instead of following a rule, says Wittgenstein, understanding a term requires practice. Tully uses the example of playing tennis.

The uses of general terms, he [Wittgenstein] concludes are intersubjective 'practices' or 'customs', like tennis or the 'practice' of law. Our understanding of them consists in the 'mastery' of a 'technique' or practical skill 'exhibited' in being proficient players in the particular cases or 'language games' in which they are used.<sup>340</sup>

This grasp exhibited in being "proficient players" of a language game cannot be accounted for in terms of following general rules. The multiplicity of uses of a term is too various to be subsumed within a rule. Instead, to master a term is to acquire the complex abilities to use it correctly. A single, comprehensive theory governing the use of a general term in all situations is "unobtainable".<sup>341</sup> We have different people playing 'language games,' using the same term in a multiplicity of ways.

Tully uses this Wittgensteinian argument to attack modern constitutionalism. He says that the common mistake of modern constitutionalism is that theorists have failed to recognise that their understanding of political terms is but one in a sea of different interpretations. Instead, they think that their definitions should determine the whole, such that the diversity within constitutions is masked or hidden.<sup>342</sup> This failure to notice the multiplicity found in constitutional language has led to what Wittgenstein called "the contemptuous attitude towards the particular case."<sup>343</sup> Our "craving for generality" – the desire to subsume the use of political concepts under the same rule – has led us to ignore the vast diversity that exists in modern constitutions. As Tully points out "[understanding political concepts] ... is not the theoretical activity of abstracting from everyday use and making explicit the context-independent rules for the correct use of [them] in

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<sup>340</sup> Tully (1995: 106). The original Wittgenstein quotes are from (1967: ss. 198-201).

<sup>341</sup> *ibid.* p. 110.

<sup>342</sup> *ibid.* pp. 104-5

<sup>343</sup> Wittgenstein (1972: 18)

every case, for the conditions of possibility for such a metacontextual political theory are not available.”<sup>344</sup>

I want to argue that, as part of the language of constitutionalism, the understanding of terms like “the human good,” “human flourishing,” “a conception of the good” etc. is similarly multiplicitous. The meanings of these terms have developed through use and “practice” such that there is no universal rule governing their application. There are a number of diverse groups in modern, multicultural society, each playing their own language games with “human flourishing.” Our understanding of these concepts is aspectival; the meaning we give to these terms is a result of our own interaction with them amongst others similarly placed. No comprehensive rule can be given that governs the use of “human flourishing” within a society as diverse as ours. Just as with the term ‘game,’ there may be similarities between two different understandings of, for example, “human flourishing.” Both might argue that a flourishing life must include a degree of autonomy. But there is no overall characteristic of flourishing that applies to all cases.

One might respond to the Wittgensteinian claim by arguing that there is some minimal understanding of the human good that governs all uses of the term. One could say that however it is substantively specified, all accounts of human flourishing propose something to live up to. That is, as I mentioned in the first chapter, all conceptions of the human flourishing specify some good that individuals should aim to achieve, however that might be spelled out in different accounts. Thus there might be some very formal definition of human flourishing that can be governed by a universal rule, even if there is no substantial description falling under it. This is the teleological aspect of perfectionism.

Yet this response will not help the perfectionist. Firstly, if it was the responsibility of the state to promote the good under such a formal definition, and there was a multiplicity of ways of spelling this out, then we would be left with a contradiction whenever citizens held inconsistent conceptions of the

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<sup>344</sup> Tully (2002: 544).

good. How could a state promote both an autonomous life and a non-autonomous life?<sup>345</sup> Secondly, if the good was understood in this abstract way, then surely such a perfectionism would be vulnerable to the charge made against Nussbaum in chapter 3; abstract goods are too detached from the thick concepts that surround and give one reason to value and pursue them. That something is worth aiming for gives us no reason to pursue it unless that something can be specified, and once this is done it will be subject to disagreement. Thirdly, and perhaps most importantly, ‘something to live up to’ is not the conception of human flourishing proposed by Razians. They believe that there exists consensus on the value of autonomy.

The Razians understand a flourishing life to be an autonomous life, and this is certainly *not* common to all understandings of human flourishing, even within a single society. One only needs to look at diverse groups within liberal societies, each with their own language games, to see the Wittgensteinian argument play out in reality. There are a number of groups within western society – for example the indigenous peoples of North America and certain religious groups in Europe – for whom autonomy is not a value, as understood in the Razian sense. Individual members of these groups adopt their community’s spirituality, allow their parents to find them a spouse, have no desire to pursue a career and so on.<sup>346</sup> The lives they lead, and the values they pursue, do not involve autonomy. For them, autonomy is not necessary to flourishing. They see community, spirituality and tradition as being integral to the human good.

Thus it is this absence of general rules in language that accounts for the vast disagreement present in modern societies concerning conceptions of the good. Our understanding of terms like “human flourishing” is aspectual. There is a multiplicity of uses for it. There is no comprehensive rule or shared understanding governing the use of this term such that there is something

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<sup>345</sup> Here I assume that where X and Y are inconsistent conceptions of the good, promoting X necessarily discourages Y. I find this an intuitively obvious claim.

<sup>346</sup> Importantly, it is not that these individuals shun the option of following another faith, picking their own spouse and pursuing a career – that would involve using one’s autonomy. It is rather that the reasons to pursue such goods are not even accessible to them. More on this later.



common in all uses of it. This is compounded by the fact that, both “human” and “flourishing” individually are similarly aspectival and ethically thick. People reasoning from different perspectives disagree about what the concepts “human” and “flourishing” mean. When the two concepts go together the complexity is simply heightened.

Modern liberal societies contain a multitude of diverse individuals playing a number of overlapping language games from which they come to understand the terms of morality. Our understanding of these terms comes from the standpoint from which we approach them. We grasp them as individual players in a language game.

Thus, to try to come up with a singular understanding of “human flourishing,” as Raz does, shows a “contemptuous attitude to the particular” and masks the diversity within modern societies. There is no general rule governing the use of perfectionist terms. It is the vast disagreement between individuals in the circumstances of politics that explains this lack of a general rule.

Were we to live in a homogenous society, where there was not a diversity of different perspectives, then we might be able to come up with a general rule governing the application of something like “a conception of the good” such that there were a consensus on what counts as a flourishing life. The social forms of such societies – and there are historical examples of isolated cultures which reflect this – might justify using the state to promote the good. But this is not our society. Our society is incredibly diverse. There are a number of different perspectives from which citizens approach concepts like human flourishing. Thus, there is vast disagreement between citizens of modern liberal society about what flourishing entails. This disagreement is endemic. Raz is mistaken to claim that there is any shared characteristic of various understandings of human flourishing.

Far from giving us consensus on the good, the social forms of modern society – globalisation, mobility, mass communication and so on – have given us a

multiplicity of understandings of human flourishing. Any attempt to claim uniformity or consensus on human flourishing is, at best, idealisation and, at worst, an attempt to assimilate cultural diversity.

Thus the first premise is true. Disagreement about the good is deep and broad. Tully's Wittgensteinian argument provides the philosophical backing for the first aspect of the circumstances of politics; disagreement on ethics, as well as on other matters, is permanent and endemic.

### **5. Rejecting Perfectionism**

So what about the second premise of my argument, that this vast disagreement should lead us to reject perfectionism? Why should the first aspect of the circumstances of politics – disagreement – lead us to accept the second aspect – that we should construct a mutually acceptable political system and thus rejected disputed perfectionist reasoning? I suggested earlier that the correct liberal response to such disagreement is to construct a free standing account of justice that presupposes or draws upon no single conception of the good – precisely because of this disagreement about the correct understanding of human flourishing. How might one go about denying that claim?

One way might be to say that in politics, it is not important what people think, but who is right. It might be true that there is vast disagreement about the human good as the first aspect of the circumstances of politics claims, but not everyone can be correct. Even if people disagree pervasively about the human good, there *is* a correct way of understanding it, and it is this that we should pay attention to. We should set up our political system to reflect what's right, not what people think. Respecting them properly entails treating them with the full range of moral reasons, as Raz says, not ignoring some of them.<sup>347</sup> Indeed, as I argued in chapter 4, Raz appears to believe that autonomy is transcendentally valuable, so he might allow that some people in modern society do fail to see the value in the autonomous life, but claim that they are mistaken, and we should

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<sup>347</sup> Raz (1986: 157)

override their judgement, and attempt to encourage them to live autonomous lives.<sup>348</sup> Thus accepting the first aspect of the circumstances of politics does not necessarily entail accepting the second. We can recognise that disagreement is deep and broad, whilst still insisting that only some people are right, and that thus, political action doesn't have to be mutually acceptable.

Does this response work? Two options are open to us. Firstly, we could take the Brian Barry route, and argue, along epistemological lines, that there are no true claims about human flourishing. The reason that we should go by what people believe over what happens to be true, when it comes to human flourishing, is that we cannot know what constitutes the good life. I argued that Barry's account was inadequate because it used disagreement as evidence for scepticism about the good, and that as disagreement was also pervasive with regards to the right, this would also cast doubt on claims of justice.

Instead, I wish to argue, along political lines, that there is something central to the circumstances of politics in modern multicultural societies that makes consensus rather than truth paramount.

I want to make this argument by returning to Tully. Tully believes that acceptance of the Wittgensteinian account teaches us an important lesson. We must recognise that our understanding of terms like "human flourishing" is just one interlocution amongst others in the intercultural multilogue of post---imperial society. This awareness, and the subsequent dialogues that must take place in the circumstances of politics, nurtures in us an attitude of diversity awareness. It explains why we must listen to members of other cultures and enter the conversation ourselves in order to "find redescriptions acceptable to all which mediate the differences we wish each other to recognise."<sup>349</sup> It is these redescriptions which are embodied in the freestanding account of justice.

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<sup>348</sup> Obviously, as I have mentioned previously, the nature of autonomy itself limits how we could encourage those who aren't autonomous to adopt it as their conception of the good.

<sup>349</sup> Tully (1995: 111)

Thus it is the nature of modern society itself, coupled with Wittgenstein's account of language, that should lead us to pay attention to what people happen to believe, and prize consensus over truth in the circumstances of justice. The "strange multiplicity"<sup>350</sup> of cultural voices that have emerged in post-imperial western society means that any construction of political institutions or practices must take the form of an intercultural multilogue.

This multilogue, says Tully, must be governed by the three conventions of constitutionalism:

1. Mutual recognition – each party should recognise all others as independent and self-governing.<sup>351</sup>
2. Consent -- any constitution or amendment to it rests on the consent of the people, or the representatives of the people, who are touched by it.<sup>352</sup>
3. Continuity – the cultural identities of all, as well as the forms of reasoning which comes with them, should be continuous throughout negotiations and the associations agreed to.<sup>353</sup>

When constructing our account of justice, we must be faithful to these conventions of constitutionalism if we are to take the Wittgensteinian point seriously. Mutual recognition, consent and continuity ensure that any constitution agreed to must take seriously what the different agents, or groups of individuals, believe, regardless of what happens to be true. Wittgenstein's account ensures that no speaker can set the terms of the discussion. To do so would be to assume that her ways should determine the whole.<sup>354</sup> It would be a pernicious attempt to assimilate cultural diversity. Far from giving us consensus on the value of the autonomous life, our social forms constitute an irregular and messy assemblage of views. No one culture does nor should dominate politics.

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<sup>350</sup> *ibid.* p.3.

<sup>351</sup> *ibid.* p. 119.

<sup>352</sup> *ibid.* p.122.

<sup>353</sup> *ibid.* p.125.

<sup>354</sup> *ibid.* p.104.

Why does the first aspect of the circumstances of politics entail the second? Why should disagreement call for mutual acceptability, governed by the three conventions of constitutionalism? Quite simply, due to the need to avoid hostility. As T. M. Scanlon has pointed out, without tolerance of people's views we are condemned to hostility.

Given that there must be disagreements, and that those who disagree must somehow live together, is it not better, if possible, to have these disagreements contained within a framework of mutual respect? The alternative, it seems, is to be always in conflict ... tolerance expresses ... a recognition of others as just as entitled as we are to contribute to the definition of our society.<sup>355</sup>

People in the circumstances of politics have to live together. To deny some people's beliefs by ignoring them when setting up our political institutions alienates them and denies them full membership of the political community.<sup>356</sup> This, says Scanlon, will inevitably lead to conflict. Instead all interconnected members should be "equally entitled to be taken into account in defining what our society is and equally entitled to participate in determining what it will become in the future."<sup>357</sup>

This permanence of conflict can secure the move from disagreement to a rejection of perfectionism. Our account of justice must take as fundamental what diverse citizens think and leave aside what happens to be true – whether or not that can be discovered objectively. This is entailed by the Wittgensteinian argument; by realising that our understanding of the human good is but one amongst many in the circumstances of politics we come to recognise cultural diversity, and accept that our constitutional dialogue must be governed by the conventions of mutual recognition, consent and continuity. This secures a voice for all, in terms continuous with their own cultural standpoint. A failure to do so would result in some people pushing their constitutional mores on others, and

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<sup>355</sup> Scanlon (2003: 193).

<sup>356</sup> *ibid.* pp. 193---4.

<sup>357</sup> *ibid.* p. 190.

inevitably lead to conflict. By not favouring any conception of the good, we are taking all equally into account.

Thus, our account of justice must pass a test of reflective endorsement. It cannot appeal to purported objective truths at the expense of the beliefs and reasoning of certain cultural, religious, ethnic groups. Thus any account of justice we construct must be universalisable. It must offer us principles that can be adopted by all within the scope of justice.

So where does this leave us? So far I have argued that the two aspects of the circumstances of politics hold, and that thus we should reject Raz's perfectionism. Deep disagreement about human flourishing plus the need for political action to be mutually acceptable to all entails that we cannot appeal to conceptions of the good when setting up political institutions and so on. Such reasons for action would not pass the test of reflective endorsement.

However, rejecting perfectionism does not in itself give us anti-perfectionism. If it turns out that action which appeals to judgements about justice also cannot pass the test of reflective endorsement, then we may have to give up on an ethical basis for political systems altogether. I have accepted that disagreement is as endemic with regards to beliefs about justice as well as flourishing, so if reasons premised on conceptions of the good cannot pass muster, then perhaps neither can reasons premised on justice, and political philosophy is doomed for failure. The problem of asymmetry would once more rear its head.

Thus in order to secure the move from a rejection of perfectionism to anti-perfectionism, I must show that at least some principles of justice can pass the test of reflective endorsement.

## **6. Securing Anti-Perfectionism**

We must construct our account of justice without recourse to a conception of the good. But, how are we to do so if, as I have accepted, we also disagree about what the correct principles of justice are?

One way might be to take the purely procedural route of James Tully. Tully sees constitutional decision making as an “open ended dialogue.”<sup>358</sup> The circumstances of politics are permanent in the sense that a continuous dialogue about constitutional matters takes place on an intercultural common ground, where procedures are revisable and can be reformulated at any time. According to Tully, our account of justice consists of just what agents happen to agree upon in the ongoing circumstances of politics. Exactly what form this procedure would take – a direct democracy, a representative democracy and so on – is left open. But, the justification for political action is this ongoing dialogue – the procedure. It might just so happen that instructions to promote some account of flourishing emerge from the decision-making procedure. But this would not entail perfectionism. The justification for promoting conception of the good  $x$  would be that it was agreed upon in a fair decision making procedure. This would be anti-perfectionist reasoning.

However, I want to offer something a bit less formal than a purely procedural account of anti-perfectionism. I shall do so by proposing a constructivist account of justice, as offered by Onora O’Neill in *Towards Justice and Virtue*.

O’Neill’s account of justice hinges on a test of reflective endorsement that, whilst still abstract, is less formal than Tully’s. Like Tully, O’Neill insists that principles of justice should be justifiable to all within its domain. However, instead of premising this on the outcome of a fair procedure, like Tully does, O’Neill argues that in order for a principle to pass the test of reflective endorsement it must be “*followable by all others within the relevant scope*”.<sup>359</sup> The test of reflective endorsement must take the form of universal adoptability.

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<sup>358</sup> Tully (2002: 533)

<sup>359</sup> O’Neill (1995: 55). Emphasis in the original.

O'Neill argues that the test must be doubly modal – “reasons for action *must* be held *capable* of being followed or adopted by others.”<sup>360</sup> The modality is two fold. The first aspect sets requirements: Principles of justice must meet certain standards. The second aspect tells us what those standards are: principles of justice must be followable by others. In order for a principle of justice to pass the test of reflective endorsement, it must be capable of being followed.

In order to meet these requirements, a dictate of justice must be followable in thought and actionable in principle.<sup>361</sup> For something to be followable in thought, it must be intelligible in the sense that, as our audience for political reasoning are diverse, it must be “followable on the basis of minimal assumptions about the characteristics of those for whom it is to be followable.”<sup>362</sup> For something to be actionable in principle, it must be action guiding. It must aim to recommend or prescribe action, to warn against or proscribe action. Principles of justice must be real possibilities for those to whom they apply.<sup>363</sup>

Thus the double modality ensures that for principles to pass the test of reflective endorsement, they must provide reasons that their audience *could* adopt and act upon. They are not reasons that they *will* actually happen to adopt or *would* adopt in some hypothetical scenario. They are rather principles which could be adopted by agents on the basis of minimal assumptions about their characters.

Why think that O'Neill's doubly modal understanding of practical reason is the correct form of a test of reflective endorsement? Well, it avoids the pitfalls of the alternative forms that I gestured to in the previous paragraph.

The first alternative is to appeal to what people actually will adopt and follow. That is, in order to pass the test of reflective endorsement, a principle must happen to be intelligible and actionable by actual people in the domain of justice. Our test of universalizability should be motivational rather than modal. This

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<sup>360</sup> *ibid.* p. 57.

<sup>361</sup> *ibid.* pp. 57-59.

<sup>362</sup> *ibid.* p. 57.

<sup>363</sup> *ibid.*



form is not acceptable for two reasons. Firstly, by justifying principles of justice by an appeal to what people actually happen to believe, we are basing our political system on judgements that cannot be vindicated. What is just would simply be a case of what people agree is just. There would be no independent standard for judging whether what we happen to believe is in fact correct. If such a form of reflective endorsement were to be proposed, and people happened to share the belief that people in the developing world were not worthy of our help, a rejection of cosmopolitan concern would be just. Secondly, as I have already argued, there is no consensus on matters of justice. I have accepted that disagreement about justice is just as endemic as disagreement about the good. If we were to attempt to construct principles of justice using people's actual beliefs, and accordingly the reasons offered for accepting any putative principle were only intelligible to some, there would be no prospect of anything passing the test of reflective endorsement as universalizability.

The second alternative to the doubly modal test of reflective endorsement is hypothetical rather than modal. *If* we were to construct agents in such a manner then they *would* adopt certain principles. Thus, for example, if we were to imagine that those in society share some minimal liberal beliefs about justice then they would endorse principles of justice that secure certain civil liberties, a system of rights, equality of opportunity and so on. Again this form of reflective endorsement is unacceptable, and for reasons I have already given. It involves idealised consensus, which I have already argued will result in unsuitable principles of justice for the real world.

Thus, the doubly modal form of reflective endorsement is the most plausible for selecting our principles of justice. But can any pass such a test. That is, are there any political principles that could be adopted and acted upon by all within the domain of justice? Can we offer reasons for action that can be "fully public" or must any form of reasoning, despite the deficiencies, assume idealised or contingent beliefs as premises.<sup>364</sup>

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<sup>364</sup> Archard et al. (2014: 223)

O'Neill believes that a fairly abstract but action-guiding account of justice can be given using this test of reflective endorsement. Firstly she explains the minimal assumptions or areas of ethical concern that structure agent's activity. She argues that there are others apart from the agent (plurality); that those others are connected to the agent (connection); and that those others have limited but determinate powers (finitude).<sup>365</sup> These assumptions about finitude – about capacities, capabilities and vulnerabilities – are the characteristics that reasons for action must appreciate, but not go beyond, if they are to count as intelligible for agents.

Given these assumptions, what principles pass the doubly modal test of reflective endorsement? The account of justice that O'Neill gives operates as a set of constraints. She believes that individuals in the circumstances of politics would reject a principle of injury. That is, they would not construct any institutions or practices which would lead to either direct or indirect injury.

A principle of injury could not pass the test of reflective endorsement. If it were adopted by all, then some would succeed in acting on it and therefore others would become their victims, and hence unable to act on it.<sup>366</sup> In such a case, attempted universal adoption would, in fact, injure the capacity to act of some thus making it impossible for them to adopt.<sup>367</sup> Therefore a rejection of the principle of injury will be endorsed by all. Further, the rejection of injury reflects the three areas of ethical concern mentioned earlier. It is because we recognise that there are others connected to us, who have vulnerabilities and limited capacities that we reject systematic and gratuitous injury. Finite and interdependent beings need such constraints.

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<sup>365</sup> *ibid.* p. 101.

<sup>366</sup> *ibid.* p.59.

<sup>367</sup> *ibid.* p. 164.

Direct injury involves action such as killing, wounding, maiming, threatening, coercing and so on.<sup>368</sup> The rejection of such action would lead to the construction of legal orders which guarantee certain rights, political orders which limit the power of governments, economic orders which secure a tolerable level of subsistence, social orders which limit subordination and dependence, and information orders which regulate communication.<sup>369</sup>

Indirect injury involves both damaging the social fabric, by undermining relationships or communities, and damaging the natural and man-made environments, which are the material bases of lives and action, thus creating vulnerabilities which facilitate direct injury.<sup>370</sup> Again, institutions and practices will be constructed which limit such indirect injury. Pollution measures will be put in place, streets will be kept clean, private law will ensure that contracts are

Justice as the rejection of injury is an extremely abstract account. It is not a precise set of instructions for coming up with political institutions and practices, but a constraint on what can be included in an account of justice. It needs to be abstract in order to be shared by the diverse individuals who find themselves in the circumstances of politics. In order for it to be followable by all of these people it must not appeal to substantive values embodied in particular cultural standpoints. But it is still intelligible as it does not rely on any of these particular thick concepts. A rejection of injury is something that can be endorsed whatever particular cultural group you belong to.

Justice as the rejection of injury underdetermines the form that political institutions or practices will take. Which particular institutions etc. are selected will vary with context. In some situations it might require a broad range of liberty rights at the expense of material equalities, so may result in a limited

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<sup>368</sup> *ibid.* p. 168.

<sup>369</sup> *ibid.* p. 169. Obviously not *all* injury can be disallowed. As O'Neill herself suggests, coercive policing and penal systems directly injure miscreants. What is rejected is *systematic* and *gratuitous* injury.

<sup>370</sup> *ibid.* pp. 174-7.

welfare system. In others it might be vice versa. But the justification for such institutions will always be the rejection of injury, which will be the measure by which the effectiveness of the different practices is compared. Justice, says O'Neill, is "in the first instance a matter of living lives and of seeking and supporting institutions and policies that reject injury."<sup>371</sup> But although it doesn't specify precisely which political system is the correct one, this account of justice is still action guiding. It provides a blueprint; principles of justice must meet certain standards. They must not allow systematic or gratuitous injury, either directly or indirectly. This account of justice operates as a framework for constructing more determinate principles and building specific political institutions. It provides no regimented instructions, but does place a big constraint on what can be done.<sup>372</sup>

It is the modality of the test of reflective endorsement that justifies the asymmetry that caused such a problem for Rawls, Quong and Barry. The Wittgensteinian argument destroyed convergence on the right (as well as the good), but not the *possibility* of it. So long as principles are offered that *could* be adopted and followed then they pass the test of reflective endorsement, even if, in the event, people don't actually do so. The test is modal not motivational. If the rejection of injury is something all subject to it could accept, then it passes the test of reflective endorsement. The modality of this form of practical reasoning ensures that mutual acceptability is not conditional on an assurance or expectation that all will actually adopt a principle.

However, we cannot speak about perfectionist reasons that others *could* accept in a doubly modal test of reflective endorsement given the Wittgensteinian point. Consensus on the good is not merely non-existent in modern society, it is impossible. Principles of justice, such as the rejection of injury, make minimal, abstract assumptions about agents, reasoning and action – humans are finite, interdependent beings with vulnerabilities and limited capacities, and so on. It is

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<sup>371</sup> *ibid.* p. 179.

<sup>372</sup> It should be noted that, despite the use of the term "constraints," this account of justice does not entail the implementation of a minimal state. In fact, rejecting injury will likely provide a framework in which significant levels of government intervention are necessary.

this abstraction that allows such principles to cut across differing cultural, ethnic and religious groups within modern society. However, perfectionist accounts of agents, reasoning and action necessarily draw on substantive, rich background metaphysical accounts. Whereas the assumptions made by those who propose constructivist principles of justice are abstract and formal, those made by perfectionists are substantive and culturally specific. For example, in order for the principle of autonomy as the good life to be followable in thought and actionable in principle, we would have to make much more substantial assumptions about citizens in modern society – that they value choice, that they are free to pursue their own life plan etc. However, as soon as we do make such an assumption, we resort to an idealised view of human characteristics, and thus forego any claim to universalizability. As I have argued, it is patently clear that not everyone that falls within the domain of justice shares such a view of human beings.

Furthermore, as well as demonstrating that agents value such goods, it must be explained *why*, and this will necessarily invoke a rich metaphysical worldview. So the burden of proof is on the perfectionist not merely to demonstrate that all agents value such a good but also that they all value it for the same reason. Such an account would be far too thick and local to cut across cultural groups. In order to do so, our assumptions about human beings must be minimal and formal. Perfectionist considerations are not. As we saw in chapter three, the prospects of a formal account of perfectionism are not good. As O’Neill says, anti-perfectionist constructivist accounts of justice offer “a reasoned way of thinking about the planning and construction of earthly cities and of lives that are or could be led and shared in them under various conditions *without fantasizing that imaginary foundations are available* or that permanent solutions are possible.<sup>373</sup> O’Neill’s modal account of justice is formal. But such formality is not possible with an account of flourishing. Any attempt to construct perfectionist principles of justice will involve substantive ethical claims that could not pass the test of universalizability.

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<sup>373</sup> *ibid.* p. 211. My emphasis.

Thus the difference between constraints and a conception of the good is that whilst the former can be formal, the latter cannot. Justice as a set of constraints invokes minimal assumptions about human beings – that they are finite, interdependent beings with vulnerabilities and limited capacities. It does not appeal to anything beyond this. However, perfectionist accounts of justice, such as that offered by Raz, must appeal to a richer, more substantive account of the person. They must understand individuals as having a certain nature, or certain motivations, or holding certain values, and so on. Any principle that appealed to perfectionist judgements will fail to pass the test of universalizability.

Two responses might be made by the perfectionist, neither of which is plausible. First they might try to come up with an account of the human good that is formal, not thick, and hence can cut across different cultural groups. Such an account, if successful, would not rely on a heavy-duty metaphysical world view. However, I argued in chapter 3 that such a formal account of perfectionism cannot be given. We either take the Hurka route, and ground flourishing in human nature, allowing wrongdoers to flourish, or we adopt Nussbaum's account of cross-cultural value, and fail to explain why individuals actually pursue ends. Second, they may bite the bullet and accept as true the heavy-duty metaphysics that backs up perfectionist claims. However, this would contravene the second demand of the circumstances of politics; that political action should be mutually acceptable.

As well as an enforceable account of justice, O'Neill believes that the doubly modal test of reflective endorsement will demand required but unenforceable social virtues. She argues that even where no injury occurs, either directly or indirectly, agent's capacities and capabilities for action can be undermined. In the circumstances of politics we will also reject principles of indifference and neglect. Again this is because they could not be universalised without incoherence. If we universalised indifference, nobody could rely on anyone else; personal relationships, joint projects and so on would wither away.<sup>374</sup> As we have seen, we are vulnerable and dependent beings. We need personal

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<sup>374</sup> *ibid.* 194.

relationships and so on if life is to continue successfully.<sup>375</sup> Even in making the most minimal of plans, individuals cannot regard indifference as universalizable.

Again, indifference can be direct, through a lack of concern for others, or it can be indirect, through a lack of concern for the shared social worlds or shared natural and manmade environments. Rejecting indifference would require virtues expressed directly through concern for individuals (care, love, solidarity, rescue), virtues expressed indirectly through concern for shared social worlds (toleration, trust, openness, patience) and virtues expressed indirectly through concern for shared manmade and natural environments (tidiness, respect for nature, eco awareness).

Some required action is not a matter of justice. As O'Neill argues, living by principles of justice is not all that is required in action towards others to whom we are connected.<sup>376</sup> Although only the principles of justice are enforceable by political institutions, we are still required to act in certain virtuous ways.

This is nothing more than a brief sketch of how an account of justice could be constructed in the face of disagreement in both spheres. Obviously, a lot more detail would be needed in order to expand it into a complete account of just institutions. My aim has simply been to show that even in the face of disagreement in both spheres, we can construct an anti-perfectionist account of justice.

## 7. Conclusion

As Bernard Williams points out, politics should not be simply applied ethics.<sup>377</sup> In the circumstances of politics, a free-standing account justice is constructed not discovered, and as a liberal response to the lack of consensus on ethics and other

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<sup>375</sup> As O'Neill stresses, the rejection of indifference is selective. We cannot avoid being indifferent to some, or even most, people. Unlike injury, which should be rejected when it is systematic and gratuitous, indifference should only be rejected when it is systematic. Gratuitous indifference is unavoidable.

<sup>376</sup> *ibid.* 191.

<sup>377</sup> Williams (2005: 77)

matters. It is needed to mediate between people who disagree pervasively about what forms of life are counted as valuable. Such people need to find ways of living together, and hence a political system is warranted. Our constitution should be appropriate to circumstances. It should not be an ideal model to which reality should correspond.<sup>378</sup> Politics should be shaped to accommodate diversity. The reality of this vast disagreement, which we must recognise if we are going to forego idealisation, entails that our theory of justice must be free standing.

Justice should not be about discovering what is objectively correct and bolting that onto the political arena. Instead, it should be constructed from the “gritty realities” of human life.<sup>379</sup> The existence of deep and broad disagreements constrains which bits of normative thinking we can bring in to the political sphere. Politics is about dealing with real people, we should construct standards of justice from available beginnings. Thus, the right has its source in the liberal response to the circumstances of politics. It is possible to maintain the asymmetry of allowing political justification to invoke judgements regarding the right whilst forbidding it from appealing to conceptions of the good by arguing that this response invokes those principles that we could not accept in the circumstances of politics and thus gives us a set of constraints. However, these constraints are not algorithmic. A rejection of injury underdetermines what political system should be put in place.

This is my argument for anti-perfectionism in modern liberal societies. Disagreement about human flourishing is vast and intractable in the post-imperial west. This disagreement should not be idealised away. It places constraints on what can be introduced into the political sphere. Like Quong, I believe that a political account of justice is needed as a response to this disagreement. However, unlike them, I do not idealise away disagreement about

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<sup>378</sup> Tully (1995: 135)

<sup>379</sup> O’Neill (1996: 61)



justice or rely on scepticism about the good.<sup>380</sup> The reason that my account cannot be charged with asymmetry is that I subscribe to what Onora O'Neill calls the doubly modal account of reflective endorsement. Although disagreement about justice is pervasive, this doesn't rule out the possibility of convergence. O'Neill's test of endorsement is premised upon what individuals *could* agree to, even if they happen not to. However, Quong premises his on what individuals *would* agree to in some idealised hypothetical scenario.

Furthermore, convergence on the good is not merely non-existent, it is impossible. Our account of justice must be constructed as a response to disagreement; and this response will be a set of constraints arising from an agreement about what we could not accept. Like Barry, my argument for anti-perfectionism is a sceptical one. But, unlike Barry, it is not one of scepticism about the truth of perfectionist claims. I take no position on that. Instead, my argument is sceptical about there being any prospect of consensus on the good such that perfectionist arguments can emerge from the circumstances of politics. I make this argument by drawing upon Wittgenstein's argument for the indeterminacy of language.

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<sup>380</sup> O'Neill (1997) points out that Rawls slips between modal and motivational language, but that ultimately his account is, like Quong's, motivational and based on idealization about individual's beliefs.

## Bibliography

- Alexander, L and Moore, M. 'Deontological Ethics.' *Stanford Encyclopaedia of Philosophy*. 2007.
- Annas, J. 'Aristotle on Human Nature and Political Virtue.' *The Review of Metaphysics*. 49 (1996): 731-753.
- Archard, D., Deveaux, M., Manson, N. and Weinstock, D. eds., *Reading Onora O'Neill*. Abingdon: Routledge, 2012.
- Arneson, R. 'The Priority of the Right over the Good Rides Again' *Ethics*. 108 (1997): 169-196.
- ....., 'Two Cheers for Capabilities' in Brighouse, H and Robeyns, I eds. *Measuring Justice: Primary Goods and Capabilities*. Cambridge: Cambridge University Press, 2010.
- Barry, Brian. *Justice as Impartiality*. Oxford: Clarendon Press, 1995.
- Bauer, J. R. and Bell, D. A. *The East Asian Challenge to Human Rights*. Cambridge: Cambridge University Press, 1999.
- Berlin, I. *Freedom and its Betrayal: Six Enemies of Liberty*. London: Pimlico, 2003.
- Besson, S. and Tasioulas, J. *The Philosophy of International Law*. Oxford: Oxford University Press, 2010.
- Brighouse, H and Robeyns, I. eds. *Measuring Justice: Primary Goods and Capabilities*. Cambridge: Cambridge University Press, 2010.
- Chan, J. 'Legitimacy, Unanimity and Perfectionism.' *Philosophy and Public Affairs*. 29 (2000): 5-42.
- Colburn, B. *Autonomy and Liberalism*. New York: Routledge, 2010.
- ....., 'Anti Perfectionisms and Autonomy.' *Analysis* 70 (2010): 247-256.
- Coppola, F.F. *The Godfather II* (Motion Picture). Hollywood CA: Paramount Pictures. 1974.
- Crisp, R. 'Well-Being.' *Stanford Encyclopaedia of Philosophy*. 2013.

- Cruft, R., Liao, S. M. and Renzo, M. *Philosophical Foundations of Human Rights*. Oxford: Oxford University Press, 2015.
- Darwall, S. ed. *Equal Freedom: Selected Tanner Lectures in Human Values*. Ann Arbor, MI: University of Michigan Press, 1995.
- Douglass, R. B., Mara, G. M. and Richardson, H.S. eds., *Liberalism and the Good*. New York & London: Routledge, 1990.
- Dworkin, R. 'The Foundations of Liberal Equality' in Darwall, S. ed. *Equal Freedom: Selected Tanner Lectures in Human Values*. Ann Arbor, MI: University of Michigan Press, 1995.
- ..... 'Liberal Community.' *California Law Review*. 77 (1989): 479 – 504.
- Elster, J. *Sour Grapes: Studies in the Subversion of Rationality*. Cambridge: Cambridge University Press, 1983.
- Estlund, D. 'The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth.' *Ethics*. 108 (1998): 252-275.
- Feinberg, J. *Social Philosophy*. Englewood Cliffs, NJ: Prentice Hall, 1973.
- Flikshuh, K. *Kant and Modern Political Philosophy*. Cambridge: Cambridge University Press, 2000.
- Gaus, G. F. and Kukathas, C. *Handbook of Political Theory*. Thousand Oaks, CA: Sage, 2004.
- Gaus, G. F. 'The Diversity of Comprehensive Liberalisms' in Gaus, G. F. and Kukathas, C. *Handbook of Political Theory*. Thousand Oaks, CA: Sage, 2004.
- Griffin, J. *Well-Being: Its Meaning, Measurement and Moral Importance*. Oxford: Oxford University Press, 1986.
- Haksar, V. *Equality, Liberty and Perfectionism*. . Oxford: Oxford University Press, 1979.
- Hope, S. 'The Circumstances of Justice'. *Hume Studies*. 36 (2010): 125-148.
- ..... 'Neo-Aristotelian Social Justice: An Unanswered Question.' *Res Publica*. 19 (2013a): 157-172.
- ..... 'The Basic Goods and the "Lawlike" Use of Reason: Comments on *Human Rights and the Common Good*.' *Jerusalem Review of Legal Studies*. 8 (2013b): 136-146.

- ....., 'Human Rights Without the Human Good? A Reply to Jiwei Ci' in Cruft, R., Liao, S. M. and Renzo, M. *Philosophical Foundations of Human Rights*. Oxford: Oxford University Press, 2015.
- Hurka, T. *Perfectionism*. New York: Oxford University Press, 1993.
- Hursthouse, R. 'After Hume's Justice.' *Proceedings of the Aristotelian Society*. 91 (1990---1991): 229-245.
- ....., 'Practical Reason: A Mundane Account.' *Proceedings of the Aristotelian Society* 106 (2006):283-307.
- Kamm, F. *Morality, Mortality Volume II: Rights, Duties, and Status*. Oxford: Oxford University Press, 2001.
- Kavka, G. 'The Paradox of Future Individuals' *Philosophy and Public Affairs*, 11 (1982): 93-112.
- Korsgaard, C. *Creating the Kingdom of Ends*. Cambridge: Cambridge University Press, 1996.
- ....., 'The Dependence of Value on Humanity' in Raz, J. *The Practice of Value*. Oxford: Oxford University Press, 2003.
- Knowles, D. *Political Philosophy*. Abingdon: Routledge, 2001.
- ....., *Political Obligation: A Critical Introduction*. Abingdon: Routledge, 2010.
- Kymlicka, W. *Liberalism, Community and Culture*. Oxford: Clarendon Press, 1989.
- ....., 'Liberal Individualism and Liberal Neutrality.' *Ethics*. 99 (1989): 883-905.
- Larmore, C.E. *Patterns of Moral Complexity*. Cambridge: Cambridge University Press, 1987.
- Lecce, S. *Against Perfectionism: Defending Liberal Neutrality*. Toronto: University of Toronto Press, 2008.
- MacIntyre, A. *After Virtue*. Notre Dame, Id: University of Notre Dame Press, 1981.
- McCabe, D. 'Joseph Raz and the Contextual Argument for Liberal Perfectionism' *Ethics*. 111 (2001): 493---522.
- McDowell, J. 'Critical Notice: Ethics and the Limits of Philosophy, by Bernard Williams'. *Mind*. (1986): 377-86.
- McKerlie, D. 'Aristotle's Theory of Justice.' *The Southern Journal of Philosophy*. 39 (2001): 119-141.
- Mill, J. *On Liberty*. Oxford: Oxford University Press, 1991.

- Morgenbesser, S, Suppes, P and White, M eds. *Philosophy, Science and Method: Essays in Honor of Ernest Nagel*. New York: St Martin's Press, 1969.
- Mulhall, S and Swift, A. *Liberals and Communitarians*. Second Edition. Malden, MA: Blackwell, 1996.
- Nozick, R. 'Coercion' in Morgenbesser, S, Suppes, P and White, M eds. *Philosophy, Science and Method: Essays in Honor of Ernest Nagel*. New York: St Martin's Press, 1969.
- , *Anarchy State and Utopia*. New York: Basic Books, 1974.
- Nussbaum, M. C. 'Non-Relative Virtues: An Aristotelian Approach.' *Midwest Studies in Philosophy*, 13. (1988).
- , 'Aristotelian Social Democracy.' in Douglass, R. B., Mara, G. M. and Richardson, H.S. eds., *Liberalism and the Good*. New York & London: Routledge, 1990.
- , *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge University Press, 2000.
- , *Frontiers of Justice: Disability, Nationality and Species Membership*. Cambridge MA: The Belknap Press of Harvard University Press, 2006.
- , 'Perfectionist Liberalism and Political Liberalism'. *Philosophy and Public Affairs*. 39 (2011): 3-45.
- O'Neill, O. *Towards Justice and Virtue*. Cambridge: Cambridge University Press, 1996.
- , 'Political Liberalism and Public Reason: A Critical Notice of John Rawls, *Political Liberalism*.' *The Philosophical Review* 106 (1997) 411-428.
- Oakeshott, M. *Rationalism in Politics*. London: Methuen, 1962.
- Parekh, B. *Rethinking Multiculturalism*. Cambridge, MA: Harvard University Press, 2002.
- Pippin, R. 'The Conditions of Value' in Raz, J. *The Practice of Value*. Oxford: Oxford University Press, 2003.
- Quong, J. *Liberalism Without Perfection*. Oxford: Oxford University Press, 2011.
- Rashdall, H. *The Theory of Good and Evil*. 2 vols. London: Oxford University Press, 1907.
- Rawls, J. *A Theory of Justice: Revised Edition*. Cambridge, MA: The Belknap Press of Harvard University Press, 1999.

- ....., *Political Liberalism: Expanded Edition*. New York: Columbia University Press, 2005.
- ....., 'The Idea of Public Reason Revisited' in Rawls, J. *Political Liberalism: Expanded Edition*. New York: Columbia University Press, 2005.
- Raz, J. *The Morality of Freedom*. Oxford: Oxford University Press, 1986.
- ....., 'Facing Up: A Reply.' *Southern Californian Law Review*. 62 (1989): 1153- 1236.
- ....., *Ethics in the Public Domain*. Oxford: Oxford University Press, 1996.
- ....., *Engaging Reason: On the Theory of Value and Action*. Oxford: Oxford University Press, 1999.
- ....., *Value, Respect and Attachment*. Cambridge: Cambridge University Press, 2001.
- ....., *The Practice of Value*. Oxford: Oxford University Press, 2003.
- ....., 'Human Rights Without Foundations' in Besson, S. and Tasioulas, J. *The Philosophy of International Law*. Oxford: Oxford University Press, 2010.
- ....., *From Normativity to Responsibility*. Oxford: Oxford University Press, 2011.
- Regan, D. 'Authority and Value: Reflections on Raz's Morality of Freedom.' *Southern Californian Law Review*. 62 (1989): 995 – 1095.
- Rorty, R. *Contingency, Irony and Solidarity*. Cambridge: Cambridge University Press, 1989.
- Rorty, R. 'The Priority of Democracy to Philosophy'. In Rorty, R. ed. *Objectivity, Relativism and Truth*. Cambridge: Cambridge University Press, 1991.
- Sandel, M. 'Political Liberalism by John Rawls.' *Harvard Law Review*. 107 (1994): 1765 – 1794.
- Sandel, M. *Democracy's Discontent: America in Search of a Public Policy*. Cambridge, MA: The Belknap Press of Harvard University Press, 1996.
- Scanlon, T. M. 'Contractualism and Utilitarianism' in Sen, A. and Williams, B. eds. *Utilitarianism and Beyond*. Cambridge: Cambridge University Press, 1982.
- ....., *The Difficulty of Tolerance: Essays in Political Philosophy*. Cambridge: Cambridge University Press, 2003.
- Sen, A. and Williams, B. eds. *Utilitarianism and Beyond*. Cambridge: Cambridge University Press, 1982.

- Sher, G. *Beyond Neutrality: Perfectionism and Politics*. Cambridge: Cambridge University Press, 1997.
- Swift, A. *Political Philosophy: A Beginners' Guide for Students and Politicians*. Second Edition. Cambridge: Polity, 2006.
- Tully, J. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge: Cambridge University Press, 1995.
- ....., 'Political Philosophy As A Critical Activity.' *Political Theory*. 30 (2002) : 533 – 555.
- Ullmann-Margalit, E. and Morgenbesser, S. 'Picking and Choosing.' *Social Research*. 44 (1997): 757-785.
- Waldron, J. 'Autonomy and Perfectionism in Raz's *The Morality of Freedom*' *Southern Californian Law Review*. 62 (1989): 1097-1152.
- ....., *Law and Disagreement*. Oxford: Oxford University Press, 1999.
- Wall, S. *Liberalism, Perfectionism and Restraint*. Cambridge: Cambridge University Press, 1998.
- ....., 'Perfectionism in Moral and Political Philosophy.' *Stanford Encyclopaedia of Philosophy*. 2007.
- Wenar, L. 'John Rawls.' *Stanford Encyclopaedia of Philosophy*. 2008.
- Williams, B. *Moral Luck*. Cambridge: Cambridge University Press, 1981.
- ....., 'Relativism, History and the Existence of Values' in Raz, J. *The Practice of Value*. Oxford: Oxford University Press, 2003.
- ....., *Ethics and the Limits of Philosophy*. Abingdon: Routledge, 2006.
- ....., *In the Beginning Was the Deed*. Princeton: Princeton University Press, 2005.
- Wittgenstein, L. *Philosophical Investigations*. Tr. Anscombe, G. E. M. Third Edition. Oxford: Blackwell, 1967.
- ....., *The Blue and Brown Books: Preliminary Studies for the 'Philosophical Investigations.'* Oxford: Blackwell, 1972.